



Tysons Corner[★]
VA

Fairfax County, VA



*2012
Legislative
Program*

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2012 Fairfax County Legislative Program

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2012 Fairfax County Legislative Program

Fairfax County and the Commonwealth have long maintained a strong partnership in promoting economic development. The County has created a strong business climate, with a fair and competitive tax structure, excellent schools, an educated workforce, and services and amenities that attract new businesses every year. Both the Commonwealth and the County have benefitted from this partnership, as Fairfax County and Northern Virginia continue to lead the Commonwealth's economic recovery.

Unfortunately, it has increasingly become the practice of the Commonwealth to significantly underfund core services, leaving localities to fill funding gaps with local revenues in order to maintain essential services. This poses a particular threat to economic development efforts, as state funding cuts in recent years, coupled with the impact the recession has had on local revenues, threaten to destroy the very attributes that draw and retain businesses.

It is clear at this time that state revenues are improving, as evidenced by two consecutive years of "surplus." Now is the time for the Commonwealth to begin the process of rebuilding the state's funding partnership with local governments, by providing adequate funding for core services, while avoiding shifting additional state costs and responsibilities onto localities.

Virginia must invest the resources necessary to educate its citizens at all levels, ensure the rule of law, protect its natural resources, provide for the basic needs of the less fortunate and build a sound infrastructure, in order to remain a competitive state and an attractive place for economic development. The critical state-local funding partnership must be restored so that the Commonwealth can emerge from the current fiscal crisis even stronger, as an investment in Virginia will pay dividends for years to come.

Priorities

Funding Core Services

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

It is essential that the state fully meet its Constitutional responsibility to adequately fund K-12 education, including full funding for the biennial re-benchmark of Virginia's Standards of Quality (SOQ).

Critical gaps continue to widen between the SOQ, the funding for those standards, and the actual local costs of providing a high quality education. Fairfax County and other Northern Virginia localities more than meet their responsibilities for K-12 education through large contributions to the State General Fund, strong local effort, and the effect of high local composite indices, which diverts State funding away from this region. Conversely, state funding for K-12 has declined significantly in recent years – in FY 2009, K-12 funding comprised over 35 percent of the state General Fund, but by FY 2012, K-12 will comprise less than 30 percent.

The Boards oppose state budget cuts that disproportionately target or affect Northern Virginia, and support realistic and fully-funded Standards of Quality. The Boards also strongly oppose formula changes which further weaken the partnership between the state and localities, including but not limited to, any reduction in the current 55 percent State share of SOQ costs, capping state funding for support costs and the elimination or reduction of cost of competing funding to Northern Virginia localities. Unfortunately, recent budgets adopted by the General Assembly

exacerbate the stresses on the state-local K-12 partnership, by making permanent, structural cuts that localities expressly sought to avoid. By relying on one-time, temporary actions to at least partially offset these cuts (e.g. reduced VRS rates, federal stimulus funds), these current budgets have understated the overall impact of these structural changes. *(Revises and updates previous education position.)*

2.) Transportation Funding (REGIONAL)

Major new revenue sources for transportation must be enacted during the 2012 General Assembly session. Current revenue sources are not generating sufficient funding to meet Virginia's critical highway needs or its statutory 95 percent share of eligible transit costs.

- The General Assembly must work to adopt a long-term solution to fully address the needs of our transportation operations, maintenance, and construction programs.
- Fairfax County has increased funding locally, but continues to need additional state and regional transportation funding for highway, transit, bicycle and pedestrian improvements.
- A transportation solution must include new dedicated, sustainable, reliable, and permanent multimodal revenues. Further, the state must work with the Federal Government to ensure that it, too, provides sufficient resources to address transportation needs.
- The County seeks reinstatement of exclusive Northern Virginia revenues of at least \$300 million annually, as well as 100 percent of its contribution of additional statewide revenues, to address multi-modal transportation needs.
- The 2012 General Assembly must provide state assistance to mitigate the significant effects of BRAC actions at Fort Belvoir.
- The 2012 General Assembly must become a greater funding partner for Tysons Corner transportation improvements, to help ensure that its contribution to the Commonwealth's economic vitality continues.
- The Commonwealth must commit to at least \$150 million in additional funding for the Dulles Metrorail extension, to ensure its success and to provide relief to the toll road users who are significantly financing the project.
- Existing Commonwealth General Fund revenue streams are required and used for other core services, such as education and public safety. These locally provided core services have already experienced significant cuts and using the General Fund to assume the state's transportation funding responsibility only increases local budget pressures without providing a true transportation solution.

Once a crisis in Northern Virginia, transportation needs are now catastrophic throughout the Commonwealth. The Virginia Department of Transportation estimates that almost \$1.9 billion is needed annually just for the maintenance and operations of the roads and bridges it maintains. Over \$230 million of additional funding is required for the limited transit projects and eligible operating costs included in the Six Year Program. Secondary and urban system construction funds have been eliminated, despite the fact that the secondary roads are a Commonwealth responsibility. The Commonwealth risks serious disinvestment, which only becomes more difficult and expensive to correct as time elapses.

In Northern Virginia alone, the TransAction 2030 Long-Range Transportation Plan estimates that the region needs \$700 million per year in additional transportation funding to address its transportation problems. Since the plan's completion in 2006, these needs have only increased, while major HB 3202 revenue sources have been eliminated. While the region may occasionally receive more transportation funding than it generates through statewide revenue sources in a given year, the funds Northern Virginia is receiving still fall far short of addressing the area's needs.

Fairfax County is also being significantly impacted by the 2005 recommendations of the Base Realignment and Closure Commission (BRAC) recommendations. Over 19,000 personnel from numerous Department of Defense (DOD) agencies and commands are being moved into Fort Belvoir Main Post and Fort Belvoir North Area (formerly EPG) in the County along with the Mark Center site in the City of Alexandria which borders Fairfax County. As a result, Fairfax County is facing significant shortfalls in the capacity of current infrastructure to support the additional military and civilian jobs. While some federal funding is making possible the long-anticipated completion of the Fairfax County Parkway, overall federal assistance has been insufficient to ensure the appropriate increase in transportation capacity needed for such a large influx of personnel into an already congested area. The lack of federal assistance is compounded by cuts in state funding to the County's secondary road program, adversely affecting projects that could improve the BRAC transportation impacts at Fort Belvoir Main Post, Fort Belvoir North Area, and locations in Fairfax County adversely impacted by the Mark Center.

Tysons Corner has become a major employment center and generator of public benefit for the County and the Commonwealth. However, if Tysons is to remain successful and accommodate foreseen growth, it must transform into a more sustainable, transit-oriented, and walkable environment. Fairfax County is working to transform Tysons Corner into an urban center that will be home to 100,000 residents and an employment center to 200,000 jobs. The Metrorail extension through Tysons Corner will provide transit options, but funding from all partners is needed to ensure that pedestrian, bicycle, and transit use are allowed to thrive and roadway congestion is addressed, thereby ensuring the continued economic competitiveness of the area, as well as the Commonwealth.

The 23-mile extension of the existing Metrorail system will serve the entire Dulles Corridor, providing a significant benefit to Fairfax County and Dulles International Airport, as well as the region. This extension will provide increased transit options to residents and employees of one of the most rapidly growing areas and biggest economic generators in the Commonwealth, as well as those traveling to and from Dulles, one of the nation's busiest international airports. Recognizing the importance of this project, the Board supports the principle of shared sacrifice, but is concerned that the proposal under consideration shifts costs to Fairfax and Loudoun Counties and is not well balanced between all partners. The proposed cost shifting will have a significant impact to Fairfax County, especially considering the proposal suggests that the County take on the added responsibility for the Route 28 Station, which will serve Fairfax County, Loudoun County, and the Commonwealth's Center for Innovative Technology development. At this time, the Commonwealth has not committed to contributing funds to Phase II of the project, although a \$150 million contribution is being considered. Due to the importance of the project to Northern Virginia and the Commonwealth, Fairfax County believes that Virginia must commit to additional funding for the Metrorail extension, to ensure its success and to provide relief to the toll road users who are significantly financing the project.

Last session, the General Assembly approved legislation to provide short-term funding for transportation projects. However, this plan relies heavily on existing debt, the creation of a new infrastructure bank and uncertain federal funds. While these efforts are appreciated, congestion in Northern Virginia is reaching a breaking point and the Commonwealth must be a committed funding partner to Northern Virginia. This cannot be accomplished through a reliance on stopgap measures, diversions from the General Fund or shifting state costs to local governments. The Northern Virginia localities continue to provide millions in local funds for transportation each year, but the state must do its part as well, as future generations will pay the price for the current inaction. *(Revises and updates previous transportation funding position.)*

3.) State Budget (REGIONAL)

The Commonwealth should rebalance its resources and responsibilities so that the funding partnership with localities is restored, ensuring the delivery of critically needed services in communities throughout Virginia.

The depth and breadth of state cuts to localities in recent years has severely stressed the state-local funding partnership. State aid to localities decreased by approximately \$1 billion from FY 2009 to FY 2011, and in FY 2009 the state began requiring "local aid to the Commonwealth" -- \$50 million per year in FY 2009 - FY 2010, increasing to \$60 million per year in FY 2011- FY 2012. During the 2011 GA session, locally delivered programs received only approximately 13 percent of additional GF revenues in the state budget.

Though direct aid to localities was 52 percent of the General Fund in FY 2009, it will only account for 45 percent of the General Fund by FY 2012. And K-12, the most critical core service shared by the state and localities, dropped from 35 percent of the General Fund in FY 2009 to less than 30 percent in FY 2012. The allocation of resources is, in fact, a way of prioritizing areas of critical importance for the state. If core services and shared state-local programs are not at the top of that list, the pro-business environment Virginia has become known for will be jeopardized.

In addition to the two County priorities of K-12 and Transportation, action should be taken at the 2012 General Assembly on the following budget items:

- Restoration of funding for HB 599 law enforcement funding, as statutorily required. (see also page 9)
- Elimination of the \$60 million across-the-board statewide cut in aid to localities, which reduces state funding for local police departments, jails, Comprehensive Services Act for At-risk Youth and libraries. (see also page 8)
- Appropriation of adequate funding to the Water Quality Improvement Fund (WQIF) to ensure full and timely payments for point source upgrade contracts with local governments. (see also page 10)
- Reversion of Line of Duty Act funding responsibility to the state as originally conceived, rather than shifting costs to localities. (see also page 9)
- Restoration of funding for human services programs, which serve the most vulnerable Virginians. (see also the Draft Human Services Issue Paper)
- Restoration of funding for Virginia's dues to the Interstate Commission on the Potomac River Basin (ICPRB). (see also page 10)

Regrettably, the Commonwealth is currently facing a serious structural imbalance in its budget, which must be addressed as the state seeks to get its fiscal house in order. More than \$4 billion in federal stimulus funding has largely sustained the General Fund in the last three years. The current budget also depends on accounting tools, such as accelerating sales tax collections, and the fiscally troubling decision to borrow funds from the Virginia Retirement System. A top priority of the 2012 General Assembly should be to rebalance the state's resources and responsibilities in order to rebuild the state-local funding partnership, ensuring that the Commonwealth can meet its Constitutional, statutory and contractual obligations to fund the essential services that localities deliver. *(Revises and updates previous position.)*

Governance

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

4.) Local Authority

Existing local government authority should be preserved, particularly in such key areas as taxation and land use, where local governments must have sufficient authority to govern effectively. Further, local authority should be enhanced to provide localities more flexibility in the administration of local government, as appropriate community solutions differ significantly from one area of the state to another.

The local tax structure, which has become outdated and over-reliant on property taxes, must be modernized. Local government revenues must be diversified, including the provision of equal taxing authority for counties and cities, without state mandated restrictions on use, or caps on capacity. Where possible, the state should consider updating state and local taxes to reflect changes in the economy or technology; avoid any expansion of revenue-sharing mechanisms controlled by the state; avoid any new state mandates while fully funding and/or reducing current requirements; avoid any diminution of current local taxing authority (including BPOL and machinery and tools taxes) and lessen restrictions currently imposed on local revenues; or lessen current restrictions on the use of state funds now provided to localities for shared responsibilities.

Local land use authority must also be preserved. Local government is the level of government best suited to equitably and effectively deal with these issues, ensuring orderly and balanced growth or redevelopment while providing meaningful and direct public participation and accountability in this critical process.

Each level of government has unique strengths. However, as a Dillon Rule state, local governments in Virginia are significantly restricted in their authority, which impedes the ability of localities to react quickly and efficiently to emerging problems. In many instances, an overemphasis on statewide uniformity does not adequately consider the particular issues experienced in growing and urbanizing localities in Northern Virginia. At a minimum, the state should empower localities to solve their own problems, by providing increased authority or discretion for services that have no compelling priority or impact for the Commonwealth, thus eliminating the need to seek permission for ministerial matters from the General Assembly each year. *(New position; incorporates previous positions on retention of taxation and land use authority.)*

Initiatives/Action Statements

Land Use – Clarification of Governing Body’s Authority to Grant Special Exceptions

Initiate legislation to clarify that, in addition to other uses, special exceptions can also modify the lot width, size, or area of a lot or parcel of land, and the size, area, bulk, or location of a building or structure, in addition to seeking these modifications by variance. Such a clarification would allow the Board more flexibility with land use regulations, and would give landowners greater flexibility as well. When compared to the administrative variance process, reviewing these land use requests through an application for a special exception would also provide an opportunity for greater public comment that is inherent in the process before the Planning Commission and the Board.

Public Safety – Financial Exploitation of Elder or Incapacitated Adults

Initiate/support legislation to make the financial exploitation of an individual suffering from a diminished mental capacity a criminal act, whether the victim is impaired due to advanced age, mental illness, mental retardation, physical illness or disability, or other causes. For example, there has been a fifty percent increase in reported cases of elder fraud between 2008 and 2009. Moreover, this statistic likely does not capture the true extent of the problem, as instances of financial exploitation are often not reported due to victims’ embarrassment, fear of loss of independence, or inability to recognize that they have been victimized. *(The County’s 2011 initiative on this subject was unsuccessful due in part to budgetary concerns with proposed criminal statutes.)*

Public Safety – Pneumatic Guns

Initiate legislation that would authorize a locality to adopt an ordinance that would ban the possession of pneumatic guns on school grounds, with an exemption for persons participating in school-sponsored activities. Pneumatic guns, particularly those fired by pump action or carbon dioxide gas cartridges, are capable of muzzle velocities that can result in skin or ocular penetration. A particular concern of County law enforcement is that modern pneumatic guns often strongly resemble firearms. Given the potential for injury caused by these guns, legislation which would allow localities to ban their possession on school property would provide important protection. The General Assembly has already banned the possession of a long list of weapons on school grounds, thus recognizing that schools should be a “safe zone.”

Public Safety – Protests at Funerals

Initiate legislation to impose reasonable restrictions on the location and timing of demonstrations at funerals or memorial services. Virginia Code §18.2-415 currently provides that a person who disrupts any funeral or memorial service is guilty of disorderly conduct, which is a Class 1 misdemeanor, if the disruption prevents or interferes with the orderly conduct of the funeral or memorial service. However, current Virginia law does not address restrictions on the location or timing of protests or demonstrations. Several states have enacted statutes setting out such restrictions, and the Supreme Court has held that demonstrations may be subject to reasonable time, place, or manner restrictions, as long as such restrictions are content-neutral.

Position Statements

Environment

Global Climate Change

Support efforts to reduce greenhouse gas (GHG) emissions through conservation, use of renewable fuels, regulations, and market-based or other incentives. As a signatory to the Cool Counties initiative, support the reduction of GHG emissions to 80 percent below current levels by 2050, which translates to an average annual reduction of 2 percent per year. As an avenue toward pursuing this goal, support implementation of strategies to reduce GHG emissions set forth in the Virginia Energy Plan, including: a 10 percent reduction in energy consumption by 2022; establishment and expansion of energy research and development programs; funding of renewable-energy grant programs; and incentives to assist the development and growth of energy-businesses and technologies. Support opportunities for consumers to purchase renewable energy.

Support legislation which would provide state income tax incentives for businesses or residents to defray a portion of the cost of new construction or improvements which save energy and mitigate adverse environmental impacts. *(Updates and reaffirms previous positions.)*

Land Conservation

Support the Governor's goal to preserve 400,000 acres statewide. Additionally, continue to support prioritizing the Virginia Land Preservation Tax Credit to encourage the preservation of land for public use. In addition to other benefits, the preservation of open space contributes to watershed protection, an important issue as the state works to reduce nutrient pollution in the Chesapeake Bay. *(Updates and reaffirms previous position.)*

Reducing Environmental Contamination from Plastic and Paper Bags

Support legislation or other efforts which would encourage the use of reusable shopping bags, consistent with the County's waste reduction goals and environmental stewardship efforts. As in previous sessions, it is anticipated that legislation to ban plastic bags or impose a fee for their use may be introduced again in 2012. Such legislation would need to be examined by the County for efficacy, cost, and ease of administration. *(Updates and reaffirms previous position.)*

Funding

Aid to Localities (REGIONAL)

Support the elimination of the current \$60 million annual across-the-board funding cut for programs operated by local governments.

The 2009 General Assembly began requiring localities to return funds to the state to help the state deal with its revenue shortfall – essentially requiring “local aid to the Commonwealth.” This across-the-board cut to all localities was set at \$50 million per year in FY 2009 and FY 2010, and has been increased to \$60 million per year in FY 2011 and FY 2012. The state prescribes to localities which programs may be cut to meet this requirement, reducing state funding for local police departments, jails, Comprehensive Services Act for At-Risk Youth and libraries. In FY 2011 and FY 2012, Northern Virginia's portion of this funding reduction is approximately \$10

million per year, and Fairfax County's portion is approximately \$4.5 million per year, and is in addition to numerous other state budget cuts to local programs. In light of recent state budget surpluses and the improvement of the state's revenues, the Commonwealth should eliminate this funding reduction to local government programs. *(New position.)*

Public Safety/Courts Funding

Public safety is a core service for the Commonwealth, as it is for localities. Protecting the Commonwealth's residents and ensuring the successful operation of all aspects of the justice system requires appropriate state funding for this state-local partnership, including law enforcement, the courts, and jails/corrections. Continued and substantial state cuts in recent years, in addition to the underfunding that already exists, have placed an increased burden on localities to fund these state responsibilities. To that end, Fairfax County supports adequate funding for the following:

- **HB 599** – **The Commonwealth should restore and increase funding for HB 599 commensurate with increasing state revenues, as required by statute.** This critical funding, provided to localities with police departments, must be maintained. Approximately 65 percent of all Virginians currently depend on local police departments for public safety services. This program strives to equalize state funding between cities, counties, and towns with police departments and localities in which the sheriff provides law enforcement. *(Reaffirms longstanding Board position.)*
- **Line of Duty** – **The 2012 GA should return this funding responsibility to the state.** The Virginia Line of Duty program provides benefits for state and local public safety officers or their beneficiaries due to death or disability resulting from the performance of duties. The program also provides health insurance coverage for the officer, spouse and any dependent children. This program was designed as a state funded program to provide such benefits; however, the 2010 GA shifted a portion of these costs to localities, just as local governments had warned would happen when this program was created. Though the 2011 GA delayed for one year (until June 30, 2012) the irrevocable decision localities have to make regarding participation in the VRS trust fund, local governments were required to start paying for these benefits July 1, 2011. The 2012 GA should reverse this cost shift to local governments. At a minimum, if local governments are required to pay these benefits, local governments should have the authority to establish and administer these benefits. *(New position.)*
- **Excess Court Fees** – **The Commonwealth should reverse the diversion of local funding to the state.** The 2008-2010 biennium budget changed the state share of excess court fees (paid to local courts for administrative expenses associated with home sales, home refinancings, wills, and other matters) from one-third to two-thirds – a funding loss that disproportionately affected higher cost Northern Virginia localities. This change was continued in the 2010-2012 biennium budget. *(Updates and reaffirms previous position.)*
- **Jails** – **The Commonwealth should adequately compensate localities at a level which is commensurate with the State's responsibility for local jail operations.** Local governments in Virginia have historically borne a disproportionate burden of supporting jail confinement costs, as a result of significant underfunding by the Commonwealth. The 2010-2012 biennium budget exacerbates these concerns by reducing the per diem paid for local responsible inmates and state inmates in local or regional jails, and by reclassifying certain offenders, potentially increasing the number of inmates in local and regional jails reimbursed at a lower state rate. *(Updates and reaffirms previous position.)*
- **Courts** – **The Commonwealth should adequately fund Virginia's courts, to ensure a well-functioning judicial branch.** The underfunding of Virginia's court system places additional burdens on localities. From low pay for magistrates and court support staff to the current freeze on judicial vacancies, the courts are feeling the effects of repeated

underfunding. The state must provide the resources necessary for a high quality, efficient court system. *(Updates and reaffirms previous position.)*

- **Juvenile Justice – The Commonwealth should provide adequate funding through the Virginia Juvenile Community Crime Control Act (VJCCCA).** These programs are designed to: prevent juvenile offenders from further penetrating the justice system; maintain youth in community based programs, rather than in state corrections centers; facilitate re-entry and prevent recidivism; and help troubled youth return to a more productive life and better future. By the FY 2012 budget, state funding for VJCCCA will have been reduced by over 67 percent since FY 2002. *(Updates and reaffirms previous County position.)*

Water Quality Funding

Support budget action at the 2012 General Assembly to ensure adequate state appropriations to the Water Quality Improvement Fund to make full and timely payments under point source upgrade contracts with local governments; also support the continuation of Virginia’s membership in the Interstate Commission on the Potomac River Basin (ICPRB).

Fairfax County and local governments throughout Virginia face mounting costs for water quality improvements for sewage treatment plants, urban stormwater, combined sewer overflows (CSOs) and sanitary sewer overflows (SSOs). With more than \$36 million in annual budget “surplus” funds deposited in the Water Quality Improvement Fund (WQIF) in FY 2011, only \$100,000 was allocated to assist localities in paying for mandated stormwater improvements, though the actual need is more than \$100 million. At the same time, more than \$27 million was allocated to reducing agricultural runoff. The state must partner with localities in order to meet these federal mandates to ensure the success of this effort.

The scientific information provided by the ICPRB is critical to regional water quality and supply planning. Support restoration of funding for the state’s annual dues payment, and oppose any statutory change to withdraw the state from the ICPRB, which would seriously undermine its ability to perform vital scientific tasks that support key Northern Virginia water supply and management efforts. *(New position.)*

General Laws

Elections

Support legislation to promote participation in elections, including allowing any registered voter to vote absentee without requiring that the voter state a reason (“no-excuse” absentee voting), and providing for extended polling hours statewide to allow voters additional time to reach polling places. Legislation intended to enhance security regarding elections must be carefully analyzed to ensure that it strikes a balance between ensuring the integrity of elections while not discouraging the exercise of the franchise. Monitor consideration of an option for local governments to extend polling hours in the case of an emergency. Support greater state financial support for election administration. *(Revises previous position to address legislation expected to recur in future GA sessions.)*

Sexual Orientation

Support legislation to permit the County, as an urban county executive form of government, to prohibit discrimination in the areas of housing, real estate transactions, employment, public accommodations, credit, and education on the basis of sexual orientation. Fairfax County has already taken actions pursuant to existing State enabling legislation in the preceding areas on the

basis of race, color, religion, sex, pregnancy, childbirth, and disability. *(Reaffirms previous position.)*

Videoconferencing of Advisory Boards

Support legislation to establish a limited exception to provisions of the Virginia Freedom of Information Act that would permit certain local citizen boards, authorities, and commissions to conduct meetings via videoconferencing, which would serve several goals, including (1) increasing volunteerism, especially among senior citizens, (2) reducing time commitments and long commutes on congested roads that now serve as impediments to those persons who serve on advisory panels, and (3) conserving fuel and lowering greenhouse gas emissions. Such a proposal could be crafted to apply only to entities that meet in an advisory capacity and are not required by statute. *(Updates and reaffirms previous position; a study by the Joint Commission on Technology and Science is currently examining the issue of electronic meetings. Allowing electronic meetings by public bodies under certain circumstances was a recommendation of the Governor's Commission on Government Reform and Restructuring in 2010.)*

Health

Alternative On-Site Sewage Systems

Support legislation that would restore local government's right to regulate the use of alternative onsite sewage systems (AOSS) within the locality, including but not limited to the right to establish minimum setback distances and installation depths, and to prohibit the installation of such systems within or in close proximity to wetlands and other environmentally sensitive areas. Support legislation that would require sellers of residential property to disclose to prospective purchasers that an AOSS is on the property and that the system will have to be operated and maintained in accordance with applicable standards and requirements. *(Reaffirms previous position.)*

Lyme Disease

Support funding initiatives that will advance research, surveillance, reporting, diagnostics, and treatment for Lyme disease, as recommended by the Lyme Disease Task Force convened last year by the Governor and the Secretary of Health and Human Resources. Cases of Lyme disease have been on the rise in Virginia, with over 800 cases reported to the Centers for Disease Control and Prevention in 2008. *(Updates and reaffirms previous position.)*

Human Services

Medicaid

1.) Oppose actions that shift Medicaid costs to localities, through service funding reductions or erosion of the social safety net.

Funding for the Virginia Medicaid program, which currently provides health care services for people in particular categories (low income children and parents, pregnant women, older adults, persons with disabilities), is shared between the federal government and the states. However, states are permitted to set their own income and asset eligibility criteria within federal guidelines. Virginia's current eligibility requirements are so strict that although it is the 12th largest state in terms of population, it is 48th in per capita Medicaid spending. Virginia also offers few "optional" services under Medicaid. As a result, Virginia's Medicaid program now provides little beyond what federal law requires.

Potential federal changes to Medicaid could have profound effects on the social safety net. However, irrespective of federal funding cuts or reductions in federal requirements, it is essential that the Commonwealth continue current service levels. The Commonwealth should:

- Seek innovative methods of achieving cost containment through greater efficiencies, more targeted service delivery, and the use of technology to reduce Medicaid fraud, but avoid the implementation of traditional, outmoded and inflexible managed care that could reduce costs by reducing access to critical health services;
- Avoid actions that effectively shift costs to localities, including weakening the social safety net by reducing funding for services or providing fewer services.

2.) Support improvements in the state Medicaid program that increase access to services, particularly preventative services, resulting in lower overall health care costs.

The 2010 federal health care reform law contains new directives for states and employers in providing health care coverage; particularly significant for states is the expansion of the Medicaid program, which was designed as a strategy to reduce the overall number of uninsured citizens. Due in part to Virginia's restrictive eligibility, the Commonwealth has already expressed concerns about the increased cost of this service expansion in future years, but as Virginia begins the implementation of this new law, the state must be mindful of the potential effect on localities. With regard to services where local governments are currently involved in assuring access to care, the Commonwealth should:

- Work with local governments to provide appropriate flexibility and/or resources that may be necessary to effectively respond to the new federal law (for example, regional projects that integrate and coordinate mental health services, substance use disorder services, and primary care medical services for individuals with severe behavioral health conditions);
- Provide a smooth transition for those newly eligible for Medicaid services and ensure that their needs are met;
- Ensure that critical needs continue to be met for those receiving services for mental illness and substance use disorders as the new health insurance exchanges go into effect in 2014.

Due to the shortage of private providers, poor reimbursement rates, and the challenges providers face in coordinating care for individuals, ensuring success will require close cooperation between the Commonwealth and local governments, as localities are frequently the service providers for both the current Medicaid population and those uninsured Virginians who may qualify for Medicaid under reform. *(Adds a funding position to oppose federal funding cuts being passed through to localities. Revises previous health care reform position to address current federal and state fiscal conditions.)*

Comprehensive Services Act (CSA) (REGIONAL)

Support continued state responsibility for funding mandated CSA foster care and special education services on a sum-sufficient basis, and support continuation of the current CSA local match rate structure, which incentivizes serving children in the least restrictive community and family-based settings. Also, support the current structure which requires that service decisions are made at the local level and are provided based on the needs of the child, and oppose any changes to the current CSA program that would shift costs to local governments or disrupt the responsibilities and authorities as assigned by the Comprehensive Services Act.

The Comprehensive Services Act is a 1993 Virginia law that provided for the pooling of eight specific funding streams used to purchase services for high-risk youth, and requires a local funding match. The purpose of CSA is to provide high quality, child centered, family focused, cost effective, community-based services to high-risk youth and their families. Children receiving

certain special education and foster care services are the only groups considered mandated for service. Because there is "sum sufficient" language attached to these two categories of service, this means that for these youth, whatever the cost, funding must be provided by state and local government. Fairfax County strongly opposes any efforts to cap state funding or eliminate the sum sufficient requirement, as the Commonwealth must not renege on its funding commitment to CSA.

In recent years, the state changed the local match rate structure, in order to incentivize the provision of community based services, which are less expensive and more beneficial to the children and families participating in CSA. Since that time, overall costs for CSA have declined, illustrating the success that the state can achieve by working cooperatively with local governments. It is essential that this state and local partnership be maintained – changes to CSA law, policy or implementation guidelines should not favor one side of the partnership over the other, but instead should focus on solutions that acknowledge the critical roles played by both levels of government. *(Substantially revises previous position to address regulatory and other issues under discussion.)*

Land Use

Eminent Domain

Oppose any proposal to restrict the use of eminent domain beyond what is currently provided in the Virginia Constitution and in statute. Virginia law currently prohibits the exercise of eminent domain for the purpose of transferring property to a private entity, such as the situation which triggered the U.S. Supreme Court's *Kelo* decision. The Constitutional amendment which passed in 2011 goes beyond existing statute by requiring compensation to property owners for "lost profits" or "lost access." This requirement would significantly increase the cost of public improvements and would severely limit the County's ability to undertake projects important for community safety and quality of life. *(New position; Board has historically opposed efforts to curtail its eminent domain authority.)*

Proffers

Existing local authority to accept cash and in-kind proffers from developers to assist localities in providing the capital facilities and infrastructure needed to serve new development must be retained without restrictions. Any proposal for replacing such proffer commitments with development impact fees must be at the option of each locality. *(Reaffirms previous position, which was included in land use authority priority.)*

Public Safety

Accessibility

Support ensuring the inclusion of people with disabilities throughout the Commonwealth by increasing accessibility.

Fairfax County supports access for people with disabilities and older adults in public and private facilities. While significant progress has been made toward ensuring the equality and inclusion of people with disabilities in the 20 years since the passage of the Americans with Disabilities Act (ADA), continued advancement is needed. Improved accessibility in public buildings, housing, transportation and employment benefits all Virginians, by allowing people with disabilities to remain active, contributing members of their communities, while retaining their independence and proximity to family and friends. *(Updates and reaffirms previous position; a study by the*

Departments of Housing and Community Development and Rehabilitative Services of this issue is underway and is due to the GA by the 2013 Session.)

Computer Trespass

Support legislation to update current laws related to computer trespass in order to capture new technologies not covered by existing Code language. *(Previously a Board initiative; bill was carried over per Senate policy on proposed criminal statutes with fiscal impacts. Included as position statement until state fiscal situation improves.)*

Dangerous Weapons in Public Facilities

Support legislation to allow local governments to prohibit the possession of dangerous weapons in or on any facility or property owned or leased by the locality, with certain exceptions, including any person who has been issued a permit to carry a concealed handgun. Violation of such an ordinance would be punishable as a misdemeanor. It is particularly important that the County have such authority for any facility or property owned or leased by the County serving large populations of youth under the age of 18. Current law permits private property owners to decide whether or not to permit dangerous weapons on their property. *(Reaffirms previous position.)*

Ignition Interlock Devices

Support legislation that would require all persons convicted of Driving While Intoxicated to use an ignition interlock device as a condition to driving for a minimum period of six months. Current law requires the use of such a device for second and subsequent offenses of DWI and for offenses where the offender's blood alcohol content was at least 0.15 percent. *(Reaffirms previous position.)*

Pedestrian Safety

Support revisions to Virginia's existing pedestrian legislation to clarify the responsibilities of drivers and pedestrians in order to reduce the number of pedestrian injuries and fatalities that occur each year. In particular, support legislation that would require motorists to stop for pedestrians in crosswalks at unsignalized intersections on roads where the speed is 35 mph or less and at unsignalized crosswalks in front of schools. This issue is of special importance for pedestrians with physical or sensory disabilities, who are at particular risk of injury when crossing streets. *(Reaffirms previous position.)*

Teen Driving

Support legislation to make the following infractions primary offenses for drivers under the age of 18: violation of the ban on use of wireless communication devices while operating a motor vehicle; violation of curfew; violation of limits on underage passengers; and violation of the seat belt law. These acts are currently secondary offenses, which require observations of a primary offense for a law enforcement officer to initiate enforcement action. *(Reaffirms previous position.)*

Taxation

Communications Tax

Support legislation to reclassify the communications sales and use tax as a local, not a state, tax if such legislation is necessary to protect these revenues from diversion by the state. The 2010 General Assembly included language in the 2010-2012 biennium budget that appropriates the communications tax as if it were a state revenue. However, these local taxes are only collected by the state, and are not state General Fund revenues, and were placed in a special trust fund to avoid this exact scenario. The decision by the GA and Governor to appropriate these local dollars, coupled with budget language to use a portion of these funds on services managed by

the Department for the Deaf and Hard-of-Hearing, is an alarming turn of events for local governments and breaches the agreement carefully reached between localities and the Commonwealth in 2007. *(Revises previous position.)*

Transportation

Overweight Vehicle Fees

Support legislation to change the state permitting fee structure for overweight vehicles to more equitably reflect the estimated pavement and bridge damage costs attributed to those vehicles. *(Reaffirms previous position.)*

Secondary Road Devolution

Oppose any legislation that would require the transfer of secondary road construction and maintenance responsibilities to counties, especially if these efforts are not accompanied with corresponding revenue enhancements. While there are insufficient resources to adequately meet the maintenance and improvement needs of secondary roads within the Commonwealth, the solution to this problem is not to simply transfer these responsibilities to local government that have neither the resources nor the expertise to fulfill them. Further, oppose any legislative or regulatory moratorium on the transfer of newly constructed secondary roads to VDOT for the purposes of ongoing maintenance. *(Revises and reaffirms previous position.)*

2012 GA Budget Fact Sheet

State General Fund

45% of the state General Fund (GF) provides aid to localities in FY 2012 (down from 52% in FY 2009).

Less than 30% of the GF will provide funding for K-12 in FY 2012 (down from 35% in FY 2009).

GF revenues in FY 2011 finally rose above the FY 2006 level, but remain below the FY 2007 level.

GF tax changes over the last 10 years have neutralized 2004 tax increase:

- 2004 tax reforms raised about \$1.6 billion per biennium in new revenue
- Since 1999, more than \$1.6 billion per biennium in state tax cuts and GF revenue reductions.

State Budget Cuts

State GF appropriation to localities (including K-12) decreased by \$1 billion between FY 2009 and FY 2011.

Of \$615 million in additional biennial GF revenues allocated by the 2011 GA, only about 13 percent went to locally-delivered programs.

In 2009, GA began requiring localities to return funds to state to help close state budget shortfall – essentially requiring “local aid to the Commonwealth.” This across-the-board cut to all localities was \$50 million per year in FY 2009 and FY 2010, and increased to \$60 million per year in FY 2011 and FY 2012 (Fairfax County’s portion is approximately \$4.5 million per year).

K-12 funding statewide was cut \$841 million in FY 2011 from the FY 2009 level.

The 2010 GA adopted permanent, structural cuts to K-12 totaling over \$325 million per year, in addition to the \$376 million per year cut to K-12 support positions made the previous session.

State K-12 spending per pupil has fallen from approximately \$5,274 in FY 2009 to approximately \$4,519 in FY 2011, while Virginia localities already spend \$3 billion more per year than required to match state K-12 funding.

State cost of K-12 rebenchmarking for 2010-2012 biennium is likely to be very small (preliminary estimate is approximately \$150 million per year), due to a lack of teacher raises and ongoing, significant structural cuts.

Fairfax County Impacts

NOVA comprises 28% of the state population, generates 43% of state individual income tax revenues, receives 21% of state GF appropriations.

State funding to Fairfax County (not FCPS) cut over \$30 million since FY 2009.

71.2% of the FCPS budget funded by F. Co. (the average district receives about half from its local government).

FCPS receives 20.9% share of funding from the state (the average funding share is 48%, due to the local composite index).

85.7% of the FCPS budget is for direct costs associated with providing instructional programs.

**Data is drawn from Fiscal Analytics and Fairfax County resources.*

2012 GA Transportation Fact Sheet

Transportation Needs

Fairfax County's Secondary Road Program has declined from \$29 million (FY 2004) to \$240,000 (FY 2010) to *literally zero* (FY 2011 and FY 2012).

Only 60 percent of all roads in Fairfax County have pavement in Fair or Better Condition. This is a 2 percent decrease from 2010, 18 percent lower than the statewide average of 78 percent; and far short of VDOT's target of 82 percent.

Only 72 percent of the lane miles in Fairfax County have a Fair or Better Ride Quality - 1 percent lower than last year; 17 percent lower than the statewide average of 89 percent, and below VDOT's target of 85 percent.

According to the Texas Transportation Institute (TTI), the amount of delays endured by the average commuter in the Northern Virginia and the Washington Capitol Region in 2010 was 74 hours, more than double the national average and enough to rank the region as the worst among the nation's 439 urban areas.

Northern Virginia needs at least an additional \$700 million per year, above existing revenue streams, to address its transportation problems (TransAction 2030 – completed in 2006 and currently being updated).

Over \$230 million of additional funding is required to meet the Commonwealth's 95 percent share of eligible transit operating and capital costs, as allowed by the Code of Virginia.

27,166 lane miles of secondary roads throughout the Commonwealth are in poor condition (34% of the secondary system)

The Current Situation

- Last session, the General Assembly approved legislation to provide short-term funding for transportation projects. However, this plan relies heavily on existing debt, the creation of a new infrastructure bank and uncertain federal funds.
- Congestion in Northern Virginia is reaching a breaking point and the Commonwealth must be a committed funding partner to Northern Virginia. This cannot be accomplished through a reliance on stopgap measures, diversions from the General Fund or shifting state costs to local governments.
- In FY2011, over \$500 million was transferred from the Highway Construction Fund to the Highway Maintenance and Operations Fund to keep up with the needs of the Commonwealth's highway system, which continues to age and degrade. Additionally, vehicles' improved fuel efficiency and the lack of indexing or increasing the Commonwealth's motor fuels tax have ensured that revenues have not kept pace with the cost of asphalt and fuel. Additional revenue sources must be provided to stop this crossover and ensure that Virginia continues to have a non-federal construction program and can match federal funds.
- The Northern Virginia localities continue to provide millions in local funds for transportation each year, but the state must do its part as well, as future generations will pay the price for the current inaction.
- A transportation solution must include new dedicated, sustainable, reliable, and permanent multimodal revenues.

Sample project costs:

- Traffic Signal Upgrade: \$300,000
- Major Interchange: \$80 million
- Major Intersection Improvement: \$120 million
- Road Widening Project: \$46 million
- Multi-modal Transit Center: \$40 million
- Metrorail Car: \$3 million
- Transit Bus: \$500,000