



*Fairfax County, VA
2013 Legislative
Program*

Adopted December 4, 2012

2013 Fairfax County Legislative Program

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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.

Unfortunately, it has been 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. In fact, Virginia fell from first to third place in CNBC's annual listing of the best states for business, largely due to declines in state investments for transportation and infrastructure. With dwindling state funding and a commute that is among the worst in the country, Virginia dipped to number 33 in that category, down from 10th a year ago. Without solutions that provide funding to keep pace with the growth of Virginia's economy, the state is at risk of slipping further in economic competitiveness.

The Commonwealth's partnership with localities is a key factor in maintaining that competitiveness. It is clear at this time that state revenues are improving, as evidenced by three 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. Importantly, the state must also eliminate the "local aid to the Commonwealth" that was instituted in FY 2009, whereby localities were required to pay money to the state (\$50 million per year in FY 2009 - FY 2010, increasing to \$60 million per year in FY 2011- FY 2012) to help the state balance its budget. Though the amount was reduced in the 2012-2014 biennium budget (to \$50 million in FY 2013 and \$45 million in FY 2014), these payments should not be required at all at a time when the Commonwealth continues to post budget "surpluses." A recent national report indicates that Virginia has relied on cuts to localities and school divisions to balance its budget to a greater extent than most other states, and that trend must be reversed.

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 – Proposed Joint Position with the Fairfax County School Board

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). *(Regional position.)*

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 comprised 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. In fact, the Boards strongly support restoration of full funding for cost of competing in FY 2013 and FY 2014 (the budget adopted by the 2012 GA reduced this funding, costing Fairfax County more than \$10 million over the biennium).

Unfortunately, these 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, while artificially lowering the state baseline for funding K-12 going forward.

Transportation Funding

Major new revenue sources for transportation must be enacted during the 2013 General Assembly session. Current revenue sources are not generating sufficient funding to meet Virginia's critical highway needs or its statutory share of eligible transit costs.

- The General Assembly must **adopt a long-term solution** to fully address the needs of our transportation operations, maintenance, and construction programs for all modes.
- A transportation solution must include **new dedicated, sustainable, reliable, and permanent multimodal revenues for the state and region**. Further, the state must work with the Federal Government to ensure that it provides sufficient resources to address transportation needs. *(Regional position.)*
- The County seeks **reinstatement of exclusive Northern Virginia revenues of at least \$300 million annually**, as well as 100 percent of its contribution of statewide revenues, to address multi-modal transportation needs.
- The 2013 General Assembly must provide **state assistance to mitigate the significant effects of BRAC** actions at Fort Belvoir.

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- The Board has approved a funding plan for Tysons Corner, which assumes significant funding from Fairfax County and developers. However, it is important that **the state and federal governments recognize the importance of Tysons and provide funding assistance as well.**
- The Commonwealth must **commit additional funding for the Dulles Metrorail extension**, to ensure its success and to reduce future impacts on toll road users.
- Existing Commonwealth General Fund revenue streams are required for other core services, such as education and public safety. These locally provided core services have already experienced significant cuts. **Using the General Fund to assume the state's transportation funding responsibility only increases local budget pressures without providing true transportation solutions. (Regional position.)**

State Perspective: Transportation needs are catastrophic throughout the Commonwealth. The Virginia Department of Transportation has estimated that almost \$1.9 billion is needed annually just for the maintenance and operations of the roads and bridges it maintains and for the third year in a row, secondary road construction has been unfunded. Over \$230 million of additional funding is required for transit projects and eligible operating costs included in the Six Year Program. Efforts to alter statewide transit formulas, which could significantly impact Fairfax County and other jurisdictions throughout the Commonwealth, are currently being proposed by the Administration, as part of its report to the General Assembly, which requested a transit study in 2011 through SJ 297. While there are benefits to considering performance measures, the proposed approach is problematic, as it drastically changes the current transit formula without increasing funding, thereby just reallocating current limited funding among transit agencies. Further, the County finds the proposed peer groups problematic, as they do not take into account the inherent differences between transit agencies. The County is opposed to changes to the transit formula that will reduce the stability of statewide funds and reduce funding to the region, unless the new formula is applied solely to any new revenues added to the Mass Transit Fund. *(Concern over changes to the transit formula without increased funding is a regional position.)*

Without action, the Commonwealth risks serious disinvestment, which is evidenced by the Commonwealth's fall from #1 to #3 in CNBC's rankings of "America's Top States for Business." This was largely attributed to Virginia's decline in ranking for Infrastructure and Transportation from #10 to #33. A modern, efficient, multimodal transportation system is essential to the Commonwealth, and is intrinsically tied to continued economic development and the ability to compete in a global economy.

Northern Virginia: In Northern Virginia alone, the TransAction 2040 Long-Range Transportation Plan estimates that the region needs \$950 million per year in additional transportation funding to address its transportation problems, and these needs continue to grow. While the region may occasionally receive more statewide transportation funding than it generates in a given year, this does not always occur, and the funds Northern Virginia is receiving still fall far short of addressing the area's needs. Further, in a recent Fairfax County survey, 82 percent of respondents said that traffic congestion had a moderate, significant, or very significant impact on their daily commute. The respondents also supported keeping funds generated in the County to be spent on projects in the County. In the survey, 85 percent of respondents indicated that they would be supportive of a County-wide effort to find a source of revenue to address transportation needs. Most of the revenue options favored by respondents require General Assembly approval.

BRAC Impacts: Fairfax County continues to be significantly impacted by the 2005 Base Realignment and Closure Commission (BRAC) recommendations. 21,300 personnel from numerous Department of Defense agencies and commands have moved into and adjacent to Fairfax County. The County is facing significant shortfalls in the capacity of current infrastructure to support these additional commuters. While federal funding has been provided for projects along the Fairfax County Parkway and Richmond Highway, overall federal assistance has been insufficient to address the transportation capacity needs for this large influx of personnel into an

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already congested area. This is compounded by cuts in state funding to the County's secondary road program, adversely affecting projects that could address 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: Tysons is a major employment center and generator of public benefit for the County and the Commonwealth. However, for Tysons to remain successful and accommodate predicted growth, it must transform into a sustainable, transit-oriented, and walkable community. Fairfax County is transforming Tysons into an urban center with 100,000 residents and 200,000 jobs. Metrorail through Tysons 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 Board has approved a 40-year, \$3.1 billion funding plan for Tysons, which assumes significant funding from Fairfax County and developers. However, it is important that the state and federal governments recognize the importance of Tysons, and provide funding assistance as well.

Dulles Rail: The Dulles Metrorail project will serve the entire Dulles Corridor, providing a significant benefit to the region and the Commonwealth. It will increase transit options for 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 International Airport, one of the Commonwealth's major economic "power-houses." The Board is concerned that the current agreement, which shifted considerable costs to Fairfax and Loudoun Counties, will have a significant impact, especially related to the agreement that the County take on the added responsibility for the Innovation Center Station, which will serve Fairfax County, Loudoun County, and the Commonwealth's Center for Innovative Technology development. Due to the importance of the project, Fairfax County believes that Virginia must commit to additional funding, to ensure its success and to provide relief to the toll road users are otherwise funding much of the project. Further, the Board supports expanding funding to include soundwall installations along the Dulles Toll Road.

Summary: Transportation is fundamentally a state responsibility and the Commonwealth must lead the efforts to provide more revenue for our transportation infrastructure. Current state transportation revenues are vastly insufficient to maintain and build the multimodal infrastructure Virginia needs to remain an active and dynamic participant in a 21st Century economy. Virginia needs real transportation solutions that provide significant increases in transportation funding for all modes from new stable, reliable, permanent, and balanced sources. Fairfax County, along with localities throughout the state, continues to provide millions in local funds for transportation each year, but the state must do its part, otherwise future generations will pay the price for the current inaction. (*Revises and updates previous transportation funding position.*)

3.) State Budget

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

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 since FY 2009. Beginning that year, the Commonwealth began requiring localities to return funds to the state in order to help balance the state's budget – essentially creating a new reverse concept of “local aid to the Commonwealth.” In FY 2009 and FY 2010, the state required localities to “give back” \$50 million in funds each year, increasing to \$60 million per year in FY 2011 and FY 2012. Over the last five years, this has translated into over \$20 million in state funding cuts to Fairfax County. Though the Governor and the General Assembly reduced the cut in Aid to Localities in the 2012-2014 biennium budget (to \$50 million in FY 2013 and \$45 million in FY 2014), the fact is that this state cut should be completely eliminated. If the state has had three years of state budget “surpluses” then there is no longer any need for localities to help the state balance its budget.

Additionally, while direct aid to localities was 52 percent of the General Fund in FY 2009, it only accounts for 45 percent of the General Fund in 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 2013 General Assembly on the following budget items:

- Elimination of the across-the-board statewide cut in aid to localities of \$50 million in FY 2013 and \$45 million in FY 2014, which reduces state funding for local police departments, jails, Comprehensive Services Act for At-risk Youth and libraries. (see also page 8) (*Regional position.*)
- Full restoration of Cost of Competing Adjustment (COCA) funding for K-12 support positions in FY 2014. (*Regional position.*)
- Restoration of funding for HB 599 law enforcement funding, as statutorily required. (see also page 9) (*Regional position.*)
- Restoration of funding for human services programs, which serve the most vulnerable Virginians. (see also the Draft Human Services Issue Paper)

Regrettably, the Commonwealth has continued the trend of relying on fees, accounting maneuvers, debt and other non-GF revenues, rather than ensuring a modern, broad-based, tax and revenue structure for the state's General Fund (GF). More than \$4 billion in federal stimulus funding has largely sustained the GF in recent years. Finally, current state “surpluses” have been generated in part by localities throughout Virginia. A recent national report indicates that only a handful of state governments in recent years cut more funds to local governments and school districts than did Virginia. Though the Commonwealth's budget shortfall was the 20th largest in

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the nation, the state funding cut to localities was third highest among states. Essentially, Virginia has relied on cuts to localities and school divisions to a greater extent than most other states.

A top priority of the 2013 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. *(Position on preservation of local taxing authority is shared by region.)*

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. Further restrictions on local use of eminent domain in addition to the Constitutional amendment recently passed by the General Assembly are unnecessary; Fairfax County has been extremely judicious in its use of condemnation. Moreover, additional legislation in this area should be avoided while courts adjudicate this anticipated change to a long-settled area of law.

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. *(Updates and reaffirms previous position; incorporates statement on eminent domain, which was previously a stand-alone position.)*

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.*)

Support legislation clarifying that third-party power purchase agreements (PPAs) for renewable energy are legal within the established limits for net metering customers of investor-owned utilities. PPAs can facilitate the adoption of renewable energy by homeowners and other energy consumers by reducing the up-front costs of installation, thus assisting in reducing greenhouse gas emissions and other forms of pollution. (*New position.*)

Land Conservation

Support the Governor's goal to preserve 400,000 acres statewide. Under the current Administration, approximately 115,370 acres have been preserved, as of May 15, 2012. 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 2013. 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

Support the elimination of the current \$50 million annual across-the-board funding cut for programs operated by local governments. (*Regional position.*)

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

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across-the-board cut to all localities was set at \$50 million per year in FY 2009 and FY 2010, and was increased to \$60 million per year in FY 2011 and FY 2012. After several years of state budget “surpluses,” the 2012-2014 biennium budget finally reduced this cut to \$50 million in FY 2013 and \$45 million in FY 2014. 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 addition to numerous other state budget cuts, the reduction in Aid to Localities has resulted in over \$20 million in state funding cuts to Fairfax County between FY 2009 and FY 2013. 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. (*Updates and reaffirms previous 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 reversing this trend through adequate state 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.** (*Regional position.*) 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. If state funding had increased with state revenues, as is required, Fairfax County would have received approximately \$10 million in additional funding over the past three years. (*Reaffirms longstanding Board position.*)
- **Line of Duty – The 2013 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. Funding for this state program was partially shifted to localities by the 2010 GA, and the 2013 GA should reverse this cost shift back to the state. (*Updates and reaffirms previous position.*)
- **Local Fines and Fees – The Commonwealth should reverse the diversion of local funding to the state.** (*Regional position.*) The 2008-2010 biennium budget changed the state share of excess court fees (paid to local courts for administrative expenses associated with home sales, refinancings and wills) from one-third to two-thirds – a funding loss that disproportionately affected higher cost Northern Virginia localities and continues today. Additionally, the 2012-2014 biennium budget requires the deposit into the Literary Fund of half of all fines and fees collected at the local level for enforcement of local ordinances that are in excess of 50 percent of the total local and state collections for that locality. Though Fairfax County is not affected by this new requirement at the 50 percent threshold, it is a bad precedent for allowing the state to divert local funds in the future. (*Updates and reaffirms previous position, and adds new position on local fines and fees.*)
- **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. (*Updates and reaffirms previous position.*)

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- **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, and the courts continue to feel the effects of repeated state underfunding. *(Updates and reaffirms previous position.)*
- **Juvenile Justice – The Commonwealth should provide adequate funding through the Virginia Juvenile Community Crime Control Act (VJCCCA).** In the last ten years, funding for these programs, which are designed to maintain youth in community based programs, facilitate re-entry and prevent recidivism, has been reduced by over 67 percent. *(Updates and reaffirms previous County position.)*

Water Quality Funding

Support budget action at the 2013 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, and the restoration of funding for that 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). The state has made progress in providing funding in recent years, including deposits to the WQIF of surplus funds in each of the last three years. However, current funding falls short of the \$100 million needed for mandated stormwater improvements, by up to \$18 million. Additionally, there is a projected need of approximately \$300 million over the next several years for wastewater treatment plant upgrades in the Chesapeake Bay watershed, to meet federal Chesapeake Bay requirements. 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. While the 2012 GA maintained the Commonwealth’s membership in the ICPRB, it did not maintain funding for the state’s annual dues payment. Fairfax County continues to strongly support continuing Virginia’s membership (with accompanying dues payments) in this critical organization. Loss of that membership could result if the state does not resume paying the required dues, which would seriously undermine its ability to perform vital scientific tasks that support key Northern Virginia water supply and management efforts. *(Updates and reaffirms previous 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. The effects of recently-enacted voter ID legislation should be examined for potential harmful consequences before further legislation in this area is introduced. 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. *(Updates and reaffirms previous position.)*

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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. *(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

Administration of Epinephrine in Schools

Support legislation to clarify a statute enacted last year regarding the stocking and administration of epinephrine in local schools to provide that County-employed school health clinic aides are authorized to participate in the operation of the program in local school divisions. In addition, support adequate and ongoing state funding for the cost of the mandate. *(New position.)*

Alternative On-Site Sewage Systems

Support legislation that would restore local government's authority to regulate the operation and maintenance of alternative onsite sewage systems (AOSS) within the locality. Oppose legislation that would further restrict local government authority to regulate the installation of such systems, including but not limited to authority to establish minimum setback distances and installation depths and prohibit such systems within or near wetlands and other environmentally sensitive areas unless such systems are approved by the Virginia Department of Health for use in the particular circumstances and conditions in which the proposed system is to be operating. Support legislation that would provide localities with additional tools to abate or remedy violations of laws regarding the operation and/or maintenance of such systems. 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. *(Updates previous position to reflect proposals currently under consideration by the Virginia Housing Commission and a work group of stakeholders.)*

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 900 confirmed cases reported to the Centers for Disease Control and Prevention in 2010. *(Updates and reaffirms previous position.)*

Human Services

Early Intervention Services for Infants and Toddlers with Disabilities/Part C

Support sustainable funding and infrastructure for Part C Early Intervention, which is an entitlement program that provides services for Virginia's infants and toddlers. In order to address immediate concerns, support increasing funding for Early Intervention services by \$8.5 million statewide in FY 2013, and support a continued increase in funding of approximately that magnitude in FY 2014 and beyond, if necessary based on continued enrollment growth. (*Regional position.*)

The Commonwealth of Virginia has long contracted with the Fairfax-Falls Church Community Services Board (CSB) to provide Early Intervention therapeutic services for infants and toddlers with developmental delays in areas such as speech, eating, learning and movement. The CSB, which is the Local Lead Agency for Fairfax County as part of the state's compliance with the federal Individuals with Disabilities Education Act (IDEA) Part C grant, provides services through the Infant Toddler Connection (ITC) program. ITC is funded through a combination of federal, state, local and insurance sources.

As the benefits of early intervention have become more widely known throughout the nation, enrollment in this program has grown from about eight percent per year to 38 percent in the last two years. The Fairfax-Falls Church CSB has gone from serving 789 children on average each month in FY 2010 to serving 1155 children on average per month by FY 2012. This type of explosive growth vastly exceeds committed state funding, not just in Fairfax County but throughout Virginia. In the last two years, some of this funding shortfall has been filled by one-time federal funds and some stopgap funding from the Commonwealth, but the Fairfax County ITC program is still facing at least a \$1 million shortfall for FY 2013. Additionally, this shortfall assumes only a minimal increase in children to be served, contrary to recent trends, which could increase the size of the funding gap.

Current state funding levels are simply not sufficient to keep pace with enrollment growth. Fairfax County already provides \$2.8 million in local funds to this vital program, which comprises one-third of the ITC budget. If additional state funding is not committed, the shortfall could require the placement of newly eligible families on a waiting list beginning in February 2013. The Fairfax-Falls Church CSB would also likely assess the feasibility of continuing as the local lead agency for this program if adequate state funding is not provided. (*New position.*)

Funding – Northern Virginia Training Center (NVTC)

Support additional state funding for community placements for individuals leaving the Northern Virginia Training Center, and increased Medicaid waiver rates to support those placements, to ensure the Commonwealth fulfills its responsibility to implement the federal settlement agreement. (*Regional position.*)

As a result of a settlement agreement negotiated with the U. S. Department of Justice, the Commonwealth will be closing four of the state's training centers, which provide residential treatment for individuals with intellectual and developmental disabilities, including the Northern Virginia Training Center. Consequently, the 150 individuals currently receiving services at NVTC will need to be transitioned to the community by June 30, 2015, in order to receive community based services.

Unfortunately, existing community based service capacity is not sufficient to serve these individuals at present; therefore, additional capacity must be created. It is estimated that in FY 2013, approximately \$7.7 million in state start-up funding is needed in Northern Virginia to expand community based residential placements and day support services, including the

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creation of 14 new community Intermediate Care Facilities (ICF) and 20 Intellectual Disabilities waiver homes.

In addition to creating this expanded capacity, it is estimated that state funding of approximately \$10.1 million per year, above the current ID Medicaid Waiver rates and beginning in FY 2013, will be needed to operate these services. Fairfax County has long supported increasing Medicaid waiver rates for all recipients, which allow Medicaid reimbursement for services provided in the home and community for people with intellectual and developmental disabilities, among others. However, meeting the unique conditions of those transitioning from NVTC requires both increasing and restructuring some existing waiver rates, and should be an essential component of any state solution. Waiver rates are currently well below the cost of providing necessary services, and do not provide sufficient flexibility to meet the needs of the NVTC population. Support changes to waivers that would:

- Increase waiver rates to compensate for higher congregate rates for group homes serving four or fewer;
- Establish higher rates to address the needs of individuals with high, complex and intense needs for support, including employment and day services;
- Increase reimbursement rates to enable the hiring of professional nurses;
- Enhance or reconfigure waiver services to fully reimburse nursing and behavioral supports;
- Adjust billing units of service to streamline and assist providers in achieving adequate quality, and;
- Include appropriate levels of funding to create community residential arrangement and infrastructure.

Successfully implementing the Department of Justice settlement is the Commonwealth's responsibility and obligation, and sufficient state funding for the NVTC population is an essential component of that effort. (*New position.*)

Medicaid Eligibility and Access to Care

Support increasing Medicaid eligibility in Virginia to 133 percent of the federal poverty level, as envisioned by the federal health care reform law, ensuring critical health coverage for some of the most vulnerable Virginians.

Virginia's Medicaid program provides access to health care services for people in particular categories (low income children and parents, pregnant women, older adults, and persons with disabilities). Costs are shared between the federal government and the states, and 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 11th largest state in terms of population and 7th in per capita personal income, Virginia ranked 43rd in Medicaid enrollment as a proportion of the state's population and 47th in per capita Medicaid spending.

The national recession has placed additional pressures on Medicaid, resulting in more Americans being eligible for this essential program, and the Commonwealth now faces a critical decision, as it decides whether or not to pursue the Medicaid expansion included in the federal health care reform law, along with the sizable federal funding provided for those newly eligible enrollees. It is estimated that the expansion would provide coverage to as many as 430,000 Virginians, including 25,000-30,000 individuals in Fairfax County. Newly eligible individuals would include low income adults (individuals earning less than \$15,302 per year or families earning less than \$31,155 per year), low income children who lose Medicaid when they turn 19, and adults with disabilities not eligible for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI).

It is clear at this time that the cost to the Commonwealth will be minimal in the first few years, while the savings in indigent and uncompensated care could be significant. Additionally,

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increasing less expensive preventative care and reducing more expensive emergency care could improve the overall health of residents of the Commonwealth, while slowing the growth in insurance premiums and reducing the “hidden tax” currently borne by all Virginians. As a result, Fairfax County supports increasing Medicaid eligibility in Virginia to 133 percent of the federal poverty level, as envisioned in the federal health care reform law, ensuring critical health coverage for some of the most vulnerable Virginians.

Oppose actions that shift Medicaid costs to localities, such as through Medicaid service funding reductions, changes to eligibility that shrink access, or other rule changes that erode the social safety net.

Irrespective of Virginia's decision on the Medicaid expansion, or of any other federal funding cuts or reductions in federal requirements which may be considered in the next Congress, it is essential that the Commonwealth avoid taking actions that effectively shift costs to localities. Due to the increasingly critical shortage of private providers, poor reimbursement rates, and other factors that play a role in an overall increase in Medicaid program costs, ensuring success with any cost containment strategies will require close cooperation between the Commonwealth and local governments, as localities are frequently the service providers for the Medicaid population. Fairfax County supports cost containment measures that utilize innovation, increase efficiency and targeted service delivery, and use of technology to reduce Medicaid fraud, in order to ensure the best allocation of resources without reducing services or access to care. *(Revises and reaffirms previous position.)*

Land Use

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.)*

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; in particular, the County supports increasing accessibility and visitability through incentives, voluntary standards for accessible housing and educational outreach to businesses, building officials, advocacy groups and the Commonwealth, as recommended in the recently published study on accessibility by the Departments of Housing and Community Development and Rehabilitative Services. 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.)*

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.)*

Financial Exploitation of 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 and 2012 initiatives on this subject were unsuccessful due in part to budgetary concerns with proposed criminal statutes.)*

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.)*

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." *(Reaffirms previous position, which was previously included as an initiative. The County's 2012 bill on this subject passed the Senate, but failed in a House subcommittee.)*

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.)*

Transportation

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. (*Reaffirms previous position.*)

FAIRFAX COUNTY

2013 Budget Fact Sheet

State General Fund

Less than 45% of the state General Fund (GF) provides aid to localities in FY 2014 (down from 52% in FY 2009).

30% of the GF will provide funding for K-12 in FY 2013 (down from 35% in FY 2009).

GF revenues continue to grow in FY 2013 and FY 2014.

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

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

State Budget Cuts

Virginia ranks 8th nationwide in per capita personal income, but 49th in state and local revenue as a percentage of personal income, making Virginia wealthy, low tax state.

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

State GF appropriation to localities (including K-12) decreased by \$1 billion between FY 2009 and FY 2011, and, for FY 2013, remain nearly \$500 million below the FY 2009 level.

In 2009, GA began requiring localities to return funds to state to help close state budget shortfall – essentially requiring “local aid to the Commonwealth.” The 2012-2014 biennium budget reduced the cut to \$50 million in FY 2013 and \$45 million in FY 2014 (down from \$50-60 million per year), but it represents over \$20 million in state cuts to the County since FY 2009.

Virginia ranks 35th nationwide in state per pupil funding.

K-12 funding statewide was cut \$841 million in FY 2011 from the FY 2009 level, and remains below the FY 2009 level in FY 2013 and FY 2014.

The 2010 GA adopted permanent, structural cuts to K-12 totaling over \$325 million statewide 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 it costs FCPS over \$13,000 per pupil. Virginia localities now spend \$3 billion more per year than required to match state K-12 funding.

Fairfax County/Regional 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 \$36 million since FY 2009.

Nearly 69% of the FCPS budget funded by F. Co. (the average district receives about half from its local government).

FCPS receives less than 22.3% share of funding from the state (the average funding share is 48%, due to the local composite index).

85.8% of the FCPS budget is for direct costs associated with providing instructional programs.

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

FAIRFAX COUNTY

2013 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 through FY 2013). It is projected to remain at zero through at least FY 2018.

Only 69 percent of all roads in Fairfax County have pavement in Fair or Better Condition. This is 12 percent lower than the statewide average of 81 percent; and far short of VDOT's target of 82 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.

Transit agencies provide approximately 90,000 daily passenger trips in Northern Virginia, and the TTI has found that the Washington, D.C. region's past investments in transit saved \$726 million annually in reduced fuel use and delay in traffic.

Northern Virginia needs at least an additional \$900 million per year, above existing revenue streams, to address its transportation problems (TransAction 2040 – completed in 2012).

The Current Situation

- In FY2012, approximately \$450 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 prevented revenues from keeping pace with costs. It has long been projected that by 2017, Virginia would run out of state construction funds, thereby no longer being able to match federal funds. However, Commonwealth Transportation Board members have recently said that, as of now, no more funds or bonding authority are available for construction. Additional revenue sources must be provided to stop the maintenance crossover and ensure that Virginia has a non-federal construction program and can match federal funds.
- The repercussions of transportation underfunding are already beginning to be felt, as evidenced by the recent CNBC Rankings "America's Top States for Business." In the study, which was released on July 13, 2012, the Commonwealth's overall ranking in state competitiveness dropped from #1 to #3, and its ranking for Infrastructure and Transportation dropped from #10 to #33.
- This summer, local elected officials from throughout the Urban Crescent, which encompasses localities from Northern Virginia through the Richmond region to Hampton Roads, met to discuss the necessity for additional funding to address transportation infrastructure needs throughout our state. The consensus at the meeting was that Virginia's transportation system is significantly underfunded and the situation continues to deteriorate. Following the meeting, 38 local elected officials from throughout the Crescent sent a letter to State leaders asserting that Virginia needs real transportation solutions that provide significant increases in state transportation funding for all modes from new stable, reliable, permanent, and balanced source(s).
- 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.

Sample project costs:

- Traffic Signal Upgrade: \$300,000
- Major Interchange: \$70 million
- Major Intersection Improvement: \$110 million
- Road Widening Project: \$45 million
- Multi-modal Transit Center: \$40 million
- Metrorail Car: \$2 million
- Transit Bus: \$485,000