



FAIRFAX COUNTY PARK AUTHORITY



M E M O R A N D U M

TO: Chairman and Members
Park Authority Board

VIA: Jai Cole, Executive Director

FROM: Sara Baldwin, Deputy Director/COO

DATE: July 8, 2022

Agenda

**Administration and Board Management Committee
(Committee of the Whole)**

Wednesday, July 13, 2022 – 5:20 pm

Virtual

Chairman: Faisal Khan

Vice Chair: Maggie Godbold

1. Park Authority Policy Review (with presentation) – Information*
2. Legislative Program – 2022 (with presentation) – Information*

*Enclosures



If accommodations and/or alternative formats are needed, please call (703) 324-8563. TTY (703) 803-3354

Committee Agenda Item
July 13, 2022

INFORMATION - 1

Park Authority Policy Review

The Fairfax County Park Authority Policy Manual is reviewed and updated as necessary every five years to ensure that the policies reflect the changing county need. Policies may be revised, added, or deleted upon action of the Park Authority Board. By practice, the Park Authority adopts new policies and updates existing policies as the need arises over time.

The Commission for the Accreditation of Park and Recreation Agencies (CAPRA) process that the agency is currently undergoing for reaccreditation requires that the Policy Manual for the agency be kept-up-to-date and reviewed systematically, at least every five years. As part of the reaccreditation effort, monthly review sessions are scheduled with the Administration, Management and Budget committee from April through November 2022. Objective 200 and Policies 201, 202, 203, 204 and 205 are scheduled for review during the July 13, 2022 meeting.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed revisions to Objective 200 and Policies 201, 202, 203, 204 and 205

STAFF:

Jai Cole, Executive Director
Sara Baldwin, Deputy Director/COO
Aimee Vosper, Deputy Director/CBD
Michael Peter, Director, Business Administration Division
Cindy Walsh, Director, Park Services Division
Laura Grape, Director, Resource Management Division
Kim Eckert, Acting Director, Park Operations Division
Ryan Carmen, Acting Director, Golf Enterprises
Judy Pedersen, Public Information Office
Allison Rankin, Management Analyst



FAIRFAX COUNTY PARK AUTHORITY POLICY MANUAL

Objective 200

Ensure the long-term protection, preservation, and sustainability of natural, cultural park resources in accordance with adopted park standards and adherence with natural and heritage resource management guidelines and Countywide Policy Plan obligations.

Commented [RA1]: No Proposed Changes



FAIRFAX COUNTY PARK AUTHORITY POLICY MANUAL

Policy: 201	Title: Natural Resources
Date Approved: 1/24/2018	Last reviewed: 6/26/2013
Objective: <u>Natural and Cultural Resources</u> Ensure the long-term protection, preservation and sustainability of natural, cultural, and park resources in accordance with adopted park standards and adherence to natural and cultural resource management guidelines, policies, and related plans.	

Purpose: The Natural Resources policy provides the foundation to achieve the natural resource preservation and restoration missions of the Fairfax County Park Authority and requires the incorporation of resources management and protection measures into all Park Authority functions.

Policy Statement: In accordance with its mission and values, the Fairfax County Park Authority works to ensure protection and stewardship of natural resources. Natural resources can also be addressed as natural capital: living organisms, non-living components to include air, water and soil, the ecosystems they make up and the services they provide. The framework for park natural resource protection and management is found in the Parks and Recreation section of the Fairfax County Comprehensive Plan.

- In its role as a primary steward of Fairfax County's natural resources, it shall be the policy of the Fairfax County Park Authority to manage natural resources on parklands and easements in order to provide an integrated network of natural resources, retain representative native species and communities, maintain ecological processes, support established restorations efforts, and protect rare or unusual resources for the greater public good.
- Natural capital in Fairfax County provides ecosystem services which include cleaning air and water, supporting wildlife, and contributing to the quality of life. Natural capital is not self-sustaining and requires regular investment, care, and funding for its restoration and management.
- Natural resource management on parkland shall be guided by an agency-wide natural resource management plan and coordination with other federal, state, and county guiding documents to implement this policy.
- Natural resource management strategies may range along a continuum from protection, in which natural processes are allowed to predominate with little or no human intervention, to intensive management, where overt actions are taken to

Policy 201 Natural Resources (continued)

- manipulate populations of animals or plants, or their habitats, toward a desired level. Management, when practical, shall include restoration and enhancement of degraded natural resources.
- This Natural Resources Policy and the agency Natural Resource Management Plan must be considered in all agency projects and processes including land acquisition, park planning, development, management, maintenance, programming, and interpretation.
- The Park Authority mission and stewardship values emphasize the importance of engaging stakeholders and educating residents and staff. To this end the Park Authority shall partner with other agencies and organizations, enlist volunteers, reinforce stewardship values of residents and staff, and emphasize education in order to fulfill its natural resource protection and management mission.

References:

1. Park Authority Natural Resource Management Plan
<https://www.fairfaxcounty.gov/parks/sites/parks/files/assets/documents/naturalcultural/nrmp012914.pdf>
2. Fairfax County Comprehensive Plan
<https://www.fairfaxcounty.gov/planning-zoning/fairfax-county-comprehensive-plan>

Supporting Documents:

1. Park Authority Great Parks Great Communities Comprehensive Park System Plan
<https://www.fairfaxcounty.gov/parks/publications/2010-2020-comprehensive-plan>
2. Fairfax County Environmental Vision
<https://www.fairfaxcounty.gov/environment/environmental-vision>
3. County Tree Action Plan
https://www.fairfaxcounty.gov/publicworks/sites/publicworks/files/assets/documents/treeactionplan_0.pdf
<https://www.fairfaxcounty.gov/publicworks/sites/publicworks/files/assets/documents/treeactionplan.pdf>
3. Fairfax County Deer Management Program
<https://www.fairfaxcounty.gov/wildlife/deer-management-program>

Policy 201 Natural Resources (continuation)

4. Fairfax County Watershed Management Plans
<https://www.fairfaxcounty.gov/publicworks/stormwater/watersheds>



FAIRFAX COUNTY PARK AUTHORITY POLICY MANUAL

Policy 202	Title: Wildlife Conflict Resolution
Date Approved: 1/24/2018	Last reviewed: 6/26/2013
Objective: <u>Natural and Cultural Resources</u> Ensure the long-term protection, preservation and sustainability of natural, cultural, and park resources in accordance with adopted park standards and adherence to natural and cultural resource management guidelines, policies, and related plans.	

Purpose: To promote a balanced approach between humans and wildlife species, establishing a structured framework for resolving conflicts as they arise.

Policy Statement: In its role as the primary steward of Fairfax County's natural resources, it shall be the policy of the Fairfax County Park Authority to **effectively resolve-address** conflicts between wildlife and people, so as to promote peaceful coexistence between residents and these resources.

1. For management purposes, wildlife activity that results in conflicts will be evaluated by the Park Authority for the existence of, or potential for:
 - impact on public health and safety;
 - impact to public infrastructure including park resources, facilities and services;
 - or
 - impact to private property.

The significance of these impacts will determine the type of management action taken, but all actions will follow established impact mitigation procedures.

2. The Park Authority will base wildlife management actions on:
 - applicable laws and regulations,
 - adopted natural resource conservation objectives,
 - approved park plans,
 - accepted ecological principles,
 - proven wildlife management techniques, and
 - appropriate animal welfare concerns.
3. The Park Authority will practice an attitude of acceptance of, and tolerance for, wildlife activity as a part of the county's natural environment, and will foster this attitude among the public through education.

Policy 202 Wildlife Conflict Resolution (continuation)

4. ~~If necessary, At the Park Authority's discretion,~~ the Park Authority ~~will~~ may take reasonable measures on parkland, following established procedures, to mitigate impacts to private property of wildlife activity originating on parkland, but will assume no legal liability for these impacts.
5. When warranted, the Authority will take reasonable measures on parkland, following established procedures, to mitigate impacts to public infrastructure.
6. For each specific type of wildlife activity, the Authority will develop impact mitigation procedures that utilize progressive, stepwise intervention, typically advancing from:
 - Exclusion, including, but not limited to, fences, screens, caps, baffles, and repellents; to
 - Harassment, including, but not limited to, destruction of nests, and homes, and visual and auditory hazing; to
 - Population management, ~~including, but not limited to, birth control, relocation, and humane destruction.~~

Supporting Documents:

1. Park Authority Natural Resource Management Plan
<https://www.fairfaxcounty.gov/parks/sites/parks/files/assets/documents/natural-cultural/nrmp012914.pdf>



FAIRFAX COUNTY PARK AUTHORITY POLICY MANUAL

Policy: 203	Title: Cultural Resources
Date Approved: 1/24/2018	Last reviewed: 6/26/2013
Objective: <u>Natural and Cultural Resources</u> Ensure the long-term protection, preservation, and sustainability of natural, cultural, and park resources in accordance with adopted park standards and adherence to natural and cultural resource management guidelines, policies, and related plans.	

Purpose: Consistent with the Fairfax County Park Authority's cultural resource stewardship mission, the Park Authority shall preserve and protect cultural resources on parkland in accordance with guidelines outlined in the Park Comprehensive Plan (2011), Objective 3.

Policy Statement: In order to carry out its role as the primary steward of Fairfax County's cultural resources, it shall be the policy of the Park Authority to identify, evaluate, document, preserve, and interpret cultural resources located on parkland, as well as on countywide archaeological sites (as discussed in Policy 204), according to federal, state, and local laws and regulations, Park Authority policy and regulations, the Cultural Resource Management Plan, and approved park plans. Cultural resource management will be conducted using current professional standards and guidelines and best practices.

When undertaking any project that results in ground-disturbing activity, the Park Authority shall consider the effects on potentially significant archaeological resources. Such resources shall be documented and, if feasible, protected. If there is no prudent and feasible alternative to disturbing these resources, mitigation measures shall be developed and implemented. Storage of the resulting archaeological artifacts, associated documentation, and reports must comply with federal, state, and American Alliance of Museums (AAM) standards for collections facilities (as discussed in Policy 206). These collections include materials generated by county staff, university programs, and other professional archaeologists, including those from federal and state agencies and archaeological consultants. As well, staff should develop and implement a range of public outreach activities and electronic and printed media to educate county residents and visitors about the history and archaeology of the county as part of the larger stewardship education initiative.

Policy 203 Cultural Resources (continued)

References:

1. Park Comprehensive Plan <https://www.fairfaxcounty.gov/planning-zoning/fairfax-county-comprehensive-plan>

Supporting Documentation:

1. Secretary of the Interior's Standards for the Treatment of Historic Properties
<https://www.nps.gov/tps/standards.htm>
2. Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for the Treatment of Cultural Landscapes
<https://www.nps.gov/tPS/standards/four-treatments/landscape-guidelines/index.htm>
3. Virginia Department of Historic Resources Guidelines for Conducting Historic Resources Survey in Virginia
https://www.dhr.virginia.gov/pdf_files/SurveyManual_2017.pdf
4. Cultural Resource Management Plan
<https://www.fairfaxcounty.gov/parks/sites/parks/files/assets/documents/naturalcultural/crmpfinal.pdf>



FAIRFAX COUNTY PARK AUTHORITY POLICY MANUAL

Policy: 204	Title: Countywide Archaeology
Date Approved: 1/24/2018	Last reviewed: 6/26/2013
Objective: <u>Natural and Cultural Resources</u> Ensure the long-term protection, preservation, and sustainability of natural, cultural, and park resources in accordance with adopted park standards and adherence to natural and cultural resource management guidelines, policies, and related plans.	

Purpose: To support the County's and Park Authority's Archaeological needs, in accordance with guidelines outlined in the Fairfax County Heritage Resource Management Plan, the Park Authority's Cultural Resource Management Plan, state and local regulations and following best practices.

Policy Statement: The Archaeology and Collections Branch is responsible for archaeology both on parkland and countywide. The Park Authority took over this countywide responsibility in 1996, when this function was transferred from the Office of Comprehensive Planning to the Park Authority. In this role, it is our policy to:

1. Serve as the countywide representative to ensure compliance with all federal, state, and local laws and ordinances and best practices, which are meant to identify, evaluate, document, and/or preserve archaeological resources as part of the development review process both on parkland and countywide.
2. Protect, conserve, and where feasible, recover threatened archaeological resources not otherwise protected by federal, state, regional, or county laws, guidelines or ordinances through an active partnership with volunteers, friends' groups, students, and avocational and professional archaeologists.
3. Serve as the central repository for all archaeological collections recovered for Fairfax County, including artifacts, supporting documentation, and reports. Storage of these materials must comply with federal, state, and American Alliance of Museums (AAM) standards for collections facilities (as discussed in Policy 206). These collections include materials generated by county staff, university programs, and other professional archaeologists, including those from federal and state agencies and archaeological consultants.

Policy 204 Countywide Archaeology (continued)

4. Develop and implement a range of public outreach activities and electronic and printed media to educate county residents and visitors about the history and archaeology of the county as part of the larger stewardship education initiative.

References:

1. Virginia Department of Historic Resources Guidelines for Conducting Historic Resources Survey in Virginia
https://www.dhr.virginia.gov/pdf_files/SurveyManual_2017.pdf
2. VDHR Collections Management Standards
http://www.dhr.virginia.gov/pdf_files/Collections%20Mgmt%20Standards%2016June2011.pdf, page 162
3. Fairfax County Heritage Resource Management Plan (Fairfax County Board of Supervisors, 1988).
On file with the Fairfax County Department of Planning and Zoning.



FAIRFAX COUNTY PARK AUTHORITY POLICY MANUAL

Policy: 205	Title: Historic Preservation
Date Approved: 1/24/2018	Last reviewed: 4/26/2022
Objective: <u>Natural and Cultural Resources</u> Ensure the long-term protection, preservation, and sustainability of natural, cultural, and park resources in accordance with adopted park standards and adherence to natural and cultural resource management guidelines, policies, and related plans.	

Purpose:

The Park Authority's Historic Preservation Policy is to ensure its mission of appropriate stewardship for Fairfax County's historic resources on parkland.

Policy Statement: The Park Authority shall:

1. Conduct historic preservation studies in accordance with federal, state, and local standards, guidelines and policies, and the Cultural Resource Management Plan.
2. Perform treatment of historic properties following the Secretary of the Interior's Standards for the Treatment of Historic Properties.
3. Establish and administer a resident curator program whereby the Board of Supervisors may enter long-term lease agreements with private entities. The objective is to continue the preservation and maintenance of historic properties on Fairfax County Park Authority parkland in accordance with established treatment standards.

These principles apply to all historic landscapes, buildings, sites, structures, objects, and districts.

The Secretary of the Interior's Standards for the Treatment of Historic Properties states:

There are Standards for four distinct, but interrelated, approaches to the treatment of historic properties--preservation, rehabilitation, restoration, and reconstruction.

- a) Preservation focuses on the maintenance and repair of existing historic materials and retention of the property's form as it has evolved over time. (Protection and stabilization are included in this treatment.)
- b) Rehabilitation acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character.
- c) Restoration depicts a property at a particular time in its history, while removing evidence of other periods.

Policy 205 Historic Preservation (continued)

- d) Reconstruction recreates vanished or non-surviving portions of a property for interpretive purposes.

References:

1. Secretary of the Interior's Standards for the Treatment of Historic Properties
<https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>
2. Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Historic Properties, Cultural Landscapes, and Sustainability
<https://www.nps.gov/tps/standards/four-treatments/landscape-guidelines/index.htm>
3. Cultural Resource Management Plan
<https://www.fairfaxcounty.gov/parks/sites/parks/files/assets/documents/naturalcultural/crmpfinal.pdf>

Supporting Documentation:

1. VDHR Guidelines for Conducting Historic Resources Survey in Virginia
https://www.dhr.virginia.gov/pdf_files/SurveyManual_2017.pdf
2. Virginia Code Ann. § 15.2-2306(A)(4) (2012) and as amended. (37-14-125.):
<https://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2306/>
3. Fairfax County Resident Curator Ordinance
https://www.municode.com/library/va/fairfax_county/codes/code_of_ordinances?nodeId=THCOCOF1976_CH125RECUPROR_ART1GEPR_S125-1-6PROR

FCPA Policy 200s Review

ADMINISTRATION & BOARD MANAGEMENT COMMITTEE

JUNE 8, 2022





Policy Review Process

Policy assigned to lead staff reviewer (complete)

The lead staff reviewer coordinates meetings with appropriate staff to review and recommend changes to the policy (on-going)

The revised Policy is reviewed by FCPA Senior Management Team (on-going)

Policy is reviewed by the Administration and Board Management Committee

Policy Manual is reviewed by the County Attorney

Policy Manual is approved by the Park Authority Board

Agenda

Review Objective 200

Review Policies:

- 201 – Natural Resources
- 202 – Wildlife Conflict Resolution
- 203 – Cultural Resources
- 204 – Countywide Archaeology
- 205 – Historic Preservation

Objective 200



No changes proposed to
Objective 200

Policy 201: Natural Resources



Added restoration to FCPA's natural resource missions



Added language committing to support established restoration efforts on parkland



Included the Fairfax County Park Authority Needs Assessment and County Tree Action Plan in Supporting Documents

Policy 202: Wildlife Conflict Resolution



Indicates that FCPA will “address” wildlife complaints but does not guarantee “resolution”



Provides FCPA flexibility on responding to wildlife complaints on adjacent private property



Removed specific language on population management techniques

Policy 203: Cultural Resources



Ensured that the text clearly defined the goals of the policy.



Added the word “document” to the first sentence of the Policy Statement.



References: Ensured that links were up-to-date.

Policy 204: Countywide Archaeology



Reviewed text to ensure it addresses all current issues.



No changes were required.



References: Ensured that links were up-to-date.

Policy 205: Historic Preservation



No edits or additions to policy language



References: links were checked for accuracy and functionality

Next Meeting

Administration and Board Management Policy Review – July 27, 2022

- 206 – Museum and Archaeological Collections
- 207 – Live Animal Collections Management
- 208 – Protection of Lands and Facilities
- 209 – Disposal of Land or Facilities
- 210 – Easements
- 211 – Stormwater Management

- 200 – Overarching Mitigation Policy (NEW)



Board Agenda Item
7/13/2022

INFORMATION – 2

Legislative Program – 2022

Staff will provide a legislative update on the status of the 2022 General Assembly Legislative activities and discuss preparations for 2023.

ENCLOSED DOCUMENTS:

Attachment 1: Legislative Items Passed for 2022

STAFF:

Jai Cole, Executive Director

Aimee L. Vosper, Deputy Director/CBD

FCPA
2022 Legislative Session
Items Passed

Attachment 1

FCPA Supported - Positive Impact	
HB140	Historical African American cemeteries. Changes the date of establishment that qualifies historical African American cemeteries for appropriated funds to care for such cemeteries from prior to January 1, 1900, to prior to January 1, 1948, and provides that the total number of graves
HB141	Virginia Black, Indigenous, and People of Color Historic Preservation Fund established. Establishes the Virginia Black, Indigenous, and People of Color Historic Preservation Fund for the purpose of awarding grants to eligible state-recognized and federally recognized Indian tribes, private nonprofit organizations, and localities for the eligible costs of acquiring land or
HB206	Small renewable energy projects; impact on natural resources. Requires, as a condition for a permit by rule for a small energy project, that if the Department of Environmental Quality determines that there will be a significant adverse impact on wildlife, historic resources, prime agricultural soils, or forest lands, the applicant must also submit a mitigation plan with a 45-day public comment period. The bill specifies that a disturbance of (i) more than 10 acres of prime agricultural soils, (ii) more than 50 acres of contiguous forest lands, or (iii) forest lands enrolled in
HB314	Dissemination of consumer information about noxious weeds and invasive plants. Requires the Commissioner of Agriculture and Consumer Services to develop, by January 1, 2023, a brochure for use by retail establishments that sell plants that explains the value of native plants and the
HB443	Park Authorities, authority to operate, etc., electric vehicle charging stations. Park authorities; electric vehicle charging stations. Gives park authorities created by a locality the authority to locate, operate, regulate the use of, and install signage relating to electric vehicle (EV) charging stations on property under its jurisdiction. The bill adds park authorities to the list of entities for which provision of electricity for EV charging is exempt from the definition of retail sale of
SB537	Trees; replacement and conservation during development process, powers of local government. Powers of local government; trees during development process; replacement and conservation. Prevents the prohibition or the unreasonable limitation of silvicultural activities related to the replacement of trees during the development process and the conservation of trees during the land development process in certain localities. The bill specifies provisions related to the replacement of trees during the development process in localities and allows that any locality may adopt an ordinance providing for the planting and replacement of trees during the development process. Further, the bill specifies provisions related to the conservation of trees during the development process in localities and allows that any locality may adopt an ordinance providing for the conservation of trees during the land development process. The bill directs specified stakeholders and parties to meet at least twice prior to the 2023 Session of the General Assembly to consider specified topics. The bill directs the participants to report their

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HB727	Historical African American cemeteries; disbursement of funds; qualified organization. Expands the definition of a qualified organization that may receive funds for maintenance of a historical African American cemetery to include any locality whose purpose for applying for funding from the Department of Historic Resources is to maintain a neglected historical African American cemetery, or a portion thereof, that is located within its jurisdictional bounds. The bill also creates an exemption by allowing localities that are eligible for funding for the maintenance and care of historical African American cemeteries to apply to the Director of the Department for a grant to perform extraordinary maintenance, renovation, repair, or reconstruction on any such cemeteries and graves without first having received initial funding for the maintenance and care of those cemeteries and graves. Current law requires a qualified organization to apply for any such grant only after it has received initial funding for the maintenance and care of a historical African American cemetery. This bill is identical to SB 23.
HB961	Cemeteries; registration; publication prior to sale. Expands provisions that allow localities to adopt an ordinance setting forth a register of identified cemeteries, graveyards, or other places of burial located on private property not belonging to any memorial or monumental association by providing that such localities shall publish a notice prior to the public sale of any publicly owned property that contains a known cemetery, graveyard, or other place of burial, or as soon thereafter as possible. The notice shall specify that a cemetery is present on the property. If the property falls under an exception provided for significant historic and archeological sites that would be jeopardized by public disclosure of their location, then no such notice is required.
SB23	Historical African American cemeteries; disbursement of funds; qualified organization. Expands the definition of a qualified organization that may receive funds for maintenance of a historical African American cemetery to include any locality whose purpose for applying for funding from the Department of Historic Resources is to maintain a neglected historical African American cemetery, or a portion thereof, that is located within its jurisdictional bounds. The bill also creates an exemption by allowing localities that are eligible for funding for the maintenance and care of historical African American cemeteries to apply to the Director of the Department for a grant to perform extraordinary maintenance, renovation, repair, or reconstruction on any such cemeteries and graves without first having received initial funding for the maintenance and care of those cemeteries and graves. Current law requires a qualified organization to apply for any such grant only after it has received initial funding for the maintenance and care of a historical African American cemetery. This bill incorporates SB 76 and is identical to HB 727.
SB31	Virginia Land Conservation Foundation and Fund. Allows the Virginia Land Conservation Fund to make grants to state-recognized and federally recognized Virginia Indian Tribes and requires that at least one nonlegislative citizen member of the Virginia Land Conservation Foundation Board of Trustees be a member of a state-recognized or federally recognized Virginia Indian Tribe.
SB141	Department of Wildlife Resources; boat ramp fees. Removes the authorization for the Department of Wildlife Resources to charge a fee for the use of facilities that it manages but does not own and for the use of boat ramps that it owns or manages. This bill is identical to HB 463.

FCPA
2022 Legislative Session
Items Passed

SB151	Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans; expiration. Extends from July 1, 2022, to July 1, 2024, the expiration of the Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans. The bill also provides for the nonlegislative citizen members of the Commission to continue to serve for the duration of the extension. This bill is identical to HB 139.
SB158	Virginia Black, Indigenous, and People of Color Historic Preservation Fund established. Establishes the Virginia Black, Indigenous, and People of Color Historic Preservation Fund for the purpose of awarding grants to eligible state-recognized and federally recognized Indian tribes, private nonprofit organizations, and localities for the eligible costs of acquiring land or permanent protective interest therein, and of undertaking preservation activities on such land, that is of cultural or historic significance to Black, indigenous, or people of color communities. The bill provides that land or interests acquired with grant funds shall grant the Board of Historic Resources or other holder a perpetual preservation interest in the property. This bill is identical to HB 141.
SB537	Powers of local government; trees during development process; replacement and conservation. Prevents the prohibition or the unreasonable limitation of silvicultural activities related to the replacement of trees during the development process and the conservation of trees during the land development process in certain localities. The bill specifies provisions related to the replacement of trees during the development process in localities and allows that any locality may adopt an ordinance providing for the planting and replacement of trees during the development process. Further, the bill specifies provisions related to the conservation of trees during the development process in localities and allows that any locality may adopt an ordinance providing for the conservation of trees during the land development process. The bill directs specified stakeholders and parties to meet at least twice prior to the 2023 Session of the General Assembly to consider specified topics. The bill directs the participants to report their recommendations to the Chairmen of the House Committee on Counties, Cities and Towns and the Senate Committee on Agriculture, Conservation and Natural Resources by December 1, 2022. The provisions of the bill related to the conservation of trees during the development process do not become effective unless reenacted by the 2023 Session of the General Assembly
FCPA Recommended Additional Study	
SB286	Historic Districts, required disclosure for buyer to beware; buyer due diligence; historic districts. Adds a survey of the property to the list of materials that a purchaser of the property can review as part of exercising whatever due diligence the particular purchaser deems necessary with respect to a historic district designated by the locality.

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HB615	Sale of cemeteries owned by a locality; notice to descendants. Provides that no cemetery owned by a county or city shall be sold to a private owner unless the county or city has made a good faith effort to ensure, prior to sale, that the ownership of such cemetery is vested in the estate of the last owner of record or that permission for the sale has been granted by the family members or descendants of such owner. The bill describes a good faith effort as an attempt by the county or city to contact all known family members and descendants of the last owner of record no less than three separate times by phone, mail, or visiting the last known address of record for such family members or descendants. The bill requires a county or city to keep written records of each attempt to contact a family member or descendant.
No Significant Impact to FCPA	
HB06	American Revolution 250 Commission; membership. Adds five legislative members to the American Revolution 250 Commission. This bill is identical to SB 22.
HB65	Live nutria. Provides that the existing prohibition against possession, sale, or liberation of nutria does not apply to employees of the Department of Wildlife Resources or certain federal agencies, or any persons involved in research or management activities with such agencies.
HB120	Special hunting and fishing license for certain disabled veterans. Authorizes resident veterans who have a service-connected disability of at least 30 percent to receive from the Department of Wildlife Resources, at no cost or a reduced cost depending on the veteran's disability rating, a lifetime license to hunt and freshwater fish. Current law authorizes the provision of such license at no cost to a veteran who is totally and permanently disabled and at half-cost to a veteran who is 70 percent disabled.
HB199	Land preservation program. Allows a locality, by ordinance, to provide that a parcel of real property shall not be removed from the land use program for delinquent taxes if such taxes are paid no later than December 31 of the year in which the taxes became delinquent. The bill further provides that no parcel of real property shall be removed from the land use program for delinquent taxes if (i) such taxes become delinquent during a state of emergency declared by the Governor, (ii) the treasurer determines that the emergency has caused hardship for the taxpayer, and (iii) the taxes are paid no later than 90 days after the original deadline.
HB463	Department of Wildlife Resources; boat ramp fees. Removes the authorization for the Department of Wildlife Resources to charge a fee for the use of facilities that it manages but does not own and for the use of boat ramps that it owns or manages. This bill is identical to SB 141.
HB482	Commonwealth Transportation Board; performance standards for review of certain plans. Directs the Department of Transportation to adopt performance standards for the review and approval of subdivision and commercial development plans by January 1, 2025. The bill requires the Department to submit a report on such standards to the Chairman of the Commonwealth Transportation Board and to make such standards available for public view on the Department's website, updated quarterly

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Items Passed

HB648	Comprehensive plan; substantial accord; parks. Clarifies provisions related to whether certain public facilities are substantially in accord with the adopted comprehensive plan by adding parks to the types of public uses that may, with certain types of land use applications, be excepted from the requirement for submittal to and approval by the planning commission or the governing body for the purpose of determining substantial accord.
HB669	Public pools; regulations. Directs the Commissioner of Health to convene a work group to study whether swimming pools and other water recreational facilities for public use or use in conjunction with a tourist facility or health spa should be regulated by the Department of Health and requires the work group to report its findings and recommendations to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2023
HB831	Fertilizer; digestate. Clarifies that a regulated product, for the purposes of fertilizer law, includes digestate. Digestate is defined in the bill as a biologically stable material derived from the process of anaerobic digestion. The bill also includes digestate in fertilizer labeling requirements. This bill is identical to SB 248.
HB850	Lyme disease; signage; instructional resources and materials. Requires the Department of Conservation and Recreation to develop and post in each state park and interstate park signage addressing the appropriate steps a visitor can take to prevent tick bites, how to identify Lyme disease, and where to seek treatment. The bill requires the Department to install such signage first in those areas in the Commonwealth that have been identified as most susceptible to Lyme disease and to complete the installation of such signage in all state parks and interstate parks by January 1, 2028. The bill also requires the Secretary of Education, in collaboration with the Secretary of Health and Human Resources and the Secretary of Natural Resources, to develop instructional resources and materials to assist school boards and local and regional public libraries in establishing an education and awareness program to protect children from Lyme disease and other tick-borne infections. The bill provides that such instructional resources and materials (i) shall be appropriate for individuals of school age; (ii) shall provide information on the identification of ticks, recommended procedures for safe tick removal, and best practices to provide protection from ticks; (iii) may include video productions, pamphlets, and demonstration programs to illustrate the sizes of various ticks, including sizes before and after each variety has become engorged, to assist with the identification of a tick and the reaction on the skin that may result from a tick bite; and (iv) shall be made available to school boards and local and regional public libraries upon request at no charge.
HB911	Local credits for approved local volunteer activities. Enables localities, by ordinance, to provide a credit against taxes and fees imposed by the locality to an individual who provides approved volunteer services in the locality. As defined in the bill, "approved volunteer services" includes (i) volunteer first responders or (ii) individuals who perform volunteer services to a nonprofit organization or to the locality, if such services are approved by the locality. The bill specifies that the credit shall not be applied against any property taxes or payments in lieu of property taxes. The bill gives localities discretion to determine which taxes or fees are permissible uses of the credit and which services qualify for the credit.

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HB1112	Virginia Marine Resources Commission; saltwater fishing licenses. Requires the Virginia Marine Resources Commission to provide an option to purchase a multiyear recreational saltwater fishing license
HB1225	Energy performance-based contracts; roof replacement. Allows procurement of a roof replacement as part of a larger energy conservation or operational efficiency measure if such replacement is either necessary for the installation of such measure or if the contracting entity determines that the replacement of more than 20 percent of the roof is necessary to install such measure. The bill requires such procurement to be publicly noticed on the Department of General Services' central electronic procurement website. Such procurement shall be designed by a licensed architect or professional engineer. Current law prohibits the inclusion of a roof replacement project as part of an energy performance-based contract. This bill is identical to SB 13.
HB1308	Sales and use tax; entitlement to revenues from tourism projects. Entitles a major tourism project, defined in the bill, to the revenues generated by a two percent state sales and use tax on transactions taking place on its premises, to be used for debt service on gap financing for the project. The entitlement is subject to review and approval by the MEI Project Approval Commission. As defined in the bill, gap financing includes a developer's primary debt financing, as well as any refinancing thereof, if the entitlements to tax revenues are pledged as collateral for such primary debt financing. The bill provides that, to qualify for the revenues, the project must meet a deficiency identified in a local tourism plan approved by the Virginia Tourism Authority and the private developer and the locality in which the project is located must each contribute funds equal to the two percent sales and use tax contribution, which are also to be used for the gap financing payment. Current law allows certain tourism projects to qualify for revenues generated by a one percent state sales and use tax or a 1.5 percent state sales and use tax. The bill provides that a major tourism project is eligible for the increased revenues if it involves a new private capital investment of at least \$500 million; will result in the creation of at least 500 net new jobs; and supports increased hotel occupancy, an increase in out-of-state visitors, and other factors of significant fiscal and economic impact. The bill contains technical amendments.
SB13	Energy performance-based contracts; roof replacement. Allows procurement of a roof replacement as part of a larger energy conservation or operational efficiency measure if such replacement is either necessary for the installation of such measure or if the contracting entity determines that the replacement of more than 20 percent of the roof is necessary to install such measure. The bill requires such procurement to be publicly noticed on the Department of General Services' central electronic procurement website. Such procurement shall be designed by a licensed architect or professional engineer. Current law prohibits the inclusion of a roof replacement project as part of an energy performance-based contract. This bill is identical to HB 1225.

FCPA
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Items Passed

SB183	<p>Cemetery Board; appointment of receiver upon revocation or surrender of license to operate cemetery in Virginia. Requires the Cemetery Board to petition a court of record having equity jurisdiction over the licensee or any of the funds held by him if the Board has reason to believe that (i) the licensee is not able to adequately protect the interest of the person involved; (ii) the licensee has had his license suspended, revoked, or surrendered; and (iii) the conduct of the licensee or the operation of the cemetery threatens the interests of the public. Current law allows, but does not require, the Board to file such petition upon a showing of at least one of the three requirements. If a receiver is appointed, the bill provides that the expenses of such receivership and a reasonable fee, as determined by the court, shall be paid from the assets of the cemetery compan</p>
SB193	<p>Child day programs; licensure; accredited private schools. Adds to the list of child day programs not required to be licensed by the Superintendent of Public Instruction to operate in the Commonwealth programs offered by accredited private schools that are in good standing with the Virginia Council for Private Education and operate for no more than four hours per day. The bill provides that, to be exempt from licensure, such accredited private school programs must be staffed by the accredited private school's employees and attended by children who are at least five years of age and are enrolled in the school. The bill requires such programs to be subject to safety and supervisory standards established by the Virginia Council for Private Education</p>
SB286	<p>Required disclosure for buyer to beware; buyer due diligence; historic districts. Adds a survey of the property to the list of materials that a purchaser of the property can review as part of exercising whatever due diligence the particular purchaser deems necessary with respect to a historic district designated by the locality.</p>
SB362	<p>Bicycles and certain other vehicles; riding two abreast. Prohibits persons riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, or motorized skateboards or scooters two abreast from impeding the normal and reasonable movement of traffic and requires such persons to move into a single-file formation as quickly as is practicable when being overtaken from the rear by a faster-moving vehicle.</p>
SB477	<p>Historical African American cemeteries. Changes the date of establishment that qualifies historical African American cemeteries for appropriated funds to care for such cemeteries from prior to January 1, 1900, to prior to January 1, 1948, and provides that the total number of graves in a qualifying cemetery shall be the number of markers of African Americans who were interred in such cemetery prior to January 1, 1948. Under current law, the total number of graves is the number of markers of African Americans who lived at any time between January 1, 1800, and January 1, 1900. This bill is identical to HB 140.</p>
Adverse Impact to FCPA	

FCPA
2022 Legislative Session
Items Passed

HB1328	Early childhood care and education entities; administration of epinephrine. Requires the Board of Education to amend its regulations to require each early childhood care and education entity to implement policies for the possession and administration of epinephrine in every such entity to be administered by any nurse at the entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine to any child believed to be having an anaphylactic reaction. The bill mandates that such policies shall require that at least one school nurse, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine has the means to access at all times during regular facility hours any such appropriate weight-based dosage of epinephrine that is stored in a locked or otherwise generally inaccessible container or area. This bill shall be known as Elijah's Law. This bill is identical to SB 737.
SB08	Hunting on Sundays. Permits hunting on Sunday on public or private land, so long as it takes place more than 200 yards from a place of worship
SB737	Early childhood care and education entities; administration of epinephrine. Requires the Board of Education to amend its regulations to require each early childhood care and education entity to implement policies for the possession and administration of epinephrine in every such entity to be administered by any nurse at the entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine to any child believed to be having an anaphylactic reaction. The bill mandates that such policies shall require that at least one school nurse, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine has the means to access at all times during regular facility hours any such appropriate weight-based dosage of epinephrine that is stored in a locked or otherwise generally inaccessible container or area. This bill shall be known as Elijah's Law. This bill is identical to HB 1328.

2022 Legislative Update

Park Authority Board

July 13, 2022

Legislation Process:

Review and Passing of Bills - 2022 Session Review

- ▶ County Legislative Team (CLT) travels to the Virginia General Assembly and lobbies for Fairfax County.
- ▶ CLT informs FCPA legislative review team of proposed bills.
- ▶ FCPA reviews proposed bills and potential impacts and provides feedback to CLT.
- ▶ CLT lobbies for or against bills based on the legislative agenda and input from FCPA.
- ▶ Virginia General Assembly passes bills.
- ▶ Governor of Virginia passes or vetoes bills.

2022 Board of Supervisors Principles/Priorities

K-12 Education

- ▶ Principle: Public education funding in the Commonwealth is enshrined in the Virginia Constitution as a joint responsibility of both state and local governments, so it is essential that the state fully and appropriately meet its Constitutional responsibility to adequately fund K-12 education. Unfortunately, the Commonwealth continues to allow the gap between state funding and the actual costs of providing a high-quality education, particularly in high cost-of-living jurisdictions like Fairfax County, to expand. This growing imbalance was highlighted in particularly stark terms in 2021.

Regional Transportation Funding

- ▶ Principle: The Commonwealth must fully restore funding to the Northern Virginia Transportation Authority (NVTVA) in an amount equal to what was diverted, to ensure that transportation projects continue to advance in Northern Virginia after decades of state underfunding

Transportation Funding

- ▶ Principle: The Commonwealth should build upon the successful enactment of significant transportation revenues by the 2013 and 2020 GAs to ensure sufficient funding for transportation needs.

2022 Board of Supervisors Principles/Priorities

Local Authority

- ▶ Principle: Existing local government authority should be preserved, particularly in such key areas as taxation, land use, and the protection of public health, safety, and welfare, 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. Finally, local government representatives should be included on all commissions or bodies established by the state for the purpose of changing or reviewing local revenue authority or governance

State Budget

- ▶ Principle: 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 adequate state funding to successfully provide those services, and reciprocal accountability for successes and failures, ensuring both the state and localities accept responsibility commensurate with their respective roles.

FCPA Summary of Bills Reviewed

2022 General Assembly Session

- ▶ 2022 GA considered 3,143 bills and resolutions
- ▶ 126 bills were referred for FCPA review at least once
 - ▶ 39 ultimately enacted
- ▶ Most new laws take effect July 1, 2022
- ▶ Staff will review all bills that may have an impact on FCPA or the County

County Initiative

- ▶ HB 443 - Park Authorities Electric Vehicle Charging Stations
 - ▶ Recommend to support; Gives park authorities created by a locality the authority to locate, operate, regulate the use of, and install signage relating to electric vehicle (EV) charging stations on property under its jurisdiction. The bill adds park authorities to the list of entities for which provision of electricity for EV charging is exempt from the definition of retail sale of electricity. The bill adds park authorities to the list of entities that the State Corporation Commission cannot regulate or prescribe the rates, charges, and fees for retail EV charging service.

2023 Legislation Process:

Development of Bills- Summer 2022

- ▶ County Legislative Team (CLT) sends out call for legislative items.
- ▶ Board Members and county staff identify and propose legislative items.
- ▶ CLT vets legislative items and schedules those that make it onto the County's Legislative Committee Agenda.
- ▶ County's Legislative Committee hears the item(s) and consensus is formed to move or not move an item onto the county's legislative agenda.
- ▶ County's Legislative Agenda goes to Richmond.

Call for Legislative Items

We want your input!

- ▶ Any ideas for the CLT to consider for the 2023 VA General Assembly?
 - ▶ Submit ideas to Aimee Vosper by July 7th

Thank you!

- ▶ Link to 2022 GA Fairfax County Adopted Legislative Program: [2022-ga-final-report.pdf \(fairfaxcounty.gov\)](#)