



# HERRITY REPORT



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## December 2008 “A Month in Review”

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### **Special Election Set for February 3rd**

At our December Board Meeting Chairman Connolly announced that he would be stepping down on January 2<sup>nd</sup>, 2009 in order to assume his new role as the 11<sup>th</sup> District Congressman on January 3<sup>rd</sup>, 2009.

As a result of Chairman Connolly's resignation the Fairfax Circuit Court has set a date of **February 3<sup>rd</sup>, 2009** for a special election to fill Chairman Connolly's seat. The polls will be open from 6 AM – 7 PM and all voters will vote at their regular polling place.

### **Address the Shortfall Now!**

In October, I proposed that the Board of Supervisors begin taking action to address our fiscal problems by making service cuts immediately. The October motion was defeated 8-

2. In December, a similar motion was proposed and passed unanimously by the board. However, when the time came to actually take action, the reductions put on the table were nominal and did not include service cuts and the Budget Committee opted for process over action.

As a private sector CFO there is an axiom that the longer you wait to make a spending reduction the higher reduction needs to be. For example a \$100 reduction in an ongoing expense made at the beginning of the year results in a \$100 savings for the year. By the middle of the year it will take a \$200 reduction in an ongoing expense to save \$100 for the year as half the year is gone. Likewise by the fourth quarter it takes \$400 in reductions to get \$100K in savings for that year. The point is the sooner you act to reduce the rate of spending the greater the savings.

During the 2010 budget process many service cuts were discussed, a number of which are “no brainers”. The County Executive has indicated he knows many of the reduction he plans to make in July. However we have yet to agree on a process or a list of reductions to make this year. The Budget Committee has opted for process over action. We had the opportunity in October to put in place a public process to look at these “no brainer” reductions for January but the excuse was we hadn’t completed the Line of Business review. It is December, the Lines of Business Reviews are complete and now the excuses are that it is too hard to run a parallel process and that our citizens aren’t “ready” for these reductions.

The County Executive recently announced that our budget shortfall for next year is approaching \$650 million, yet the current Board has done little to actually address the shortfall. By choosing process over action we have missed an opportunity to proactively address our shortfall by reducing our expenditures now as our citizens and businesses are doing.

### **County Needs to Prioritize Our Stream Restoration Projects**

Recently the Potomac Conservancy released its 2008 report on the status of the Potomac River. They concluded that rapid, channel-eroding runoff wreaks havoc on our streams, particularly those in urban areas. For the last eight years Fairfax County has been developing plans to restore our streams for our 33 watersheds and for the last few years, we have set aside a penny of our tax revenue to concentrate on this problem. However, only about one-fifth of the penny tax is going directly toward the implementation of the many projects coming out of these watershed plans. And, the contractor who was hired for \$3 million to develop a ranking system to prioritize these projects has not yet produced one. Of still greater concern is that we have not reviewed our investment policy for stormwater projects since 1998. Nor have we taken a close look at evolving legal and technical challenges to the MS-4 permit and permitting process that will affect our investment plans.

Our staff does, however, have a set of informal criteria they use to determine which investments satisfy the greatest number of public purposes for the same dollar, criteria

that deserve greater public attention. During these dire economic times, **it is critical we spend our dollars on the projects with the most positive impact on the environment.**

At the December 8 Board of Supervisors meeting, I made a motion, which was unanimously approved, to direct County Executive to report on the status the contract to rank projects and also the informal ranking mechanism now in use by staff, how it insures selection of cost-effective and fiscally responsible project implementation, and how it will be incorporated in any ranking system now under development. Staff is scheduled to report this information to the Board at its next Environmental Committee meeting.

### **Providing Pension Benefits for the Spouses of Those Killed in the Line of Duty**

Recently it was brought to my attention that a spouse of a police officer or fire fighter killed in the line of duty ceases to receive retirement benefits from the County if he or she is remarried. I find this policy to be completely unacceptable so at the December 8<sup>th</sup> Board Meeting Supervisor Mike Frey and I asked the County Executive to report back to the Board with the fiscal impact and a proposed new ordinance that would allow retirement benefits to continue to spouses regardless of their marital status for those who lose a loved one in the line of duty. We owe an extreme debt of gratitude to the men and women in uniform who put their lives on the line for us day in and day out. Not providing full benefits to a spouse of someone killed in the line of duty regardless of their marital status certainly does not reflect the way our County values the service of those men and women in uniform. I look forward to having this ordinance changed.

### **More Problems With The Housing Penny — Wedgewood**

As *Herrity Report* readers know, I have been a vocal opponent of the over \$100M purchase of the 672 apartments known as Wedgewood. I opposed the purchase of the Wedgewood property for a number of reasons:

- The purchase represents a misplaced priority
- It grows the County housing bureaucracy
- It made us the largest landlord or among the largest landlords in the county, depending on the numbers one uses
- We used interest-only financing
- This purchase did not add a single unit of affordable housing to the County's housing stock

I also do not support providing subsidies for those whose income is more than \$99,000 per year. This does not mean that I do not support the need for affordable housing — I just opposed building a government housing bureaucracy as the way to address it.

As covered in the Washington Post on December 2, 2008, the County has now evicted a number of long-time tenants of the Wedgewood apartments.

From the Washington Post article: *“One of the holdouts is Donna Cogswell, 45, who has lived at Wedgewood since 2002. She said that her four-member household has an annual income of about \$95,000, which is under the limit, but that its assets probably make it ineligible. After Cogswell failed to respond to the county's requests for details about her finances, an eviction warning appeared on her door.”*

*“Since purchasing the property last year, the county has been insensitive to the needs of residents there, Cogswell said yesterday. The management company taped frightening notices containing the word “eviction” to the door, asked for stacks of paperwork and kicked out residents who have lived there for decades, she said.*

*“I was pretty adamant that I didn't want to live in Fairfax County after what was happening here at Wedgewood. It's sickening,” Cogswell said.”*

[http://www.washingtonpost.com/wpdyn/content/article/2008/12/01/AR2008120102949\\_pf.html](http://www.washingtonpost.com/wpdyn/content/article/2008/12/01/AR2008120102949_pf.html)

The tenants have expressed fear about not meeting the eligibility requirements and their ability to find similarly priced homes in the area. Additionally, at my last visit to Wedgewood, they had a 10% vacancy rate.

As *Herrity Report* readers know I have supported a number of initiatives which will increase affordable housing in the County. Our neighboring jurisdiction, Arlington County, which has no housing authority and owns no rental units, has found successful ways to address the problem. They currently use proffers and leverage non-profits. I fully support using these approaches. This past year I asked the County Executive to consider how we can encourage and facilitate the efforts of our businesses and public entities to address the shortfall in affordable housing for their own employees. By doing this, we can leverage the private sector to provide workforce housing and relieve the burden upon our taxpayers. I also have asked that the County to investigate providing tax relief for non-profit organizations who provide affordable housing. And, finally, I support our current policy of providing a 20% density bonus for developers who provide affordable housing.

It's time for a new approach. One where the focus is on the individual need, not the supply of rental housing units. Local government does has a role to play and I am committed to finding the best way to serve those truly in need.

### **Getting our Fair Share of Federal Stimulus Funding for Local Infrastructure Projects**

On December 8<sup>th</sup> the Board of Supervisors sent a letter to Governor Kaine and our local Congressional delegation with a list of “shovel-ready” projects for the next federal stimulus package for infrastructure projects in Fairfax County. Fairfax County is well-poised to receive funding due to the many “shovel-ready” projects currently sitting on the shelf waiting for funding. As the new administration takes over and more details emerge

about the next stimulus package, I will continue to work with our delegation as we vigorously pursue our share of funding for infrastructure projects.

### **Bringing the Washington Redskins Hall of Fame to Fairfax County**

On Monday, December 8, I brought a matter before the Board of Supervisors regarding building a Washington Redskin Hall of Fame in Fairfax County.

It had recently been made public that the Loudoun County Board of Supervisors failed to reach an agreement with the Washington Redskins to build a Hall of Fame in Loudoun County. Because of this action by Loudoun not to pursue a partnership, Virginia Beach was at least one jurisdiction that actively pursued such an arrangement with the Redskin organization.

The Washington Redskins have a huge national and even global fan base and any kind of partnership with the Redskins might be advantageous to a jurisdiction like Fairfax County for the economic development and tourism tax dollars that it would bring in. FXVA was formed in partnership with the Board of Supervisors to promote tourism related to ventures using funds generated by the hospitality industry.

I have discussed the prospect of bringing the Hall of Fame to Fairfax County with the President and CEO of FXVA and some of the FXVA Board members. Their initial reaction was they felt having the Hall of Fame in Fairfax County might have a positive impact on the tourism industry and the tax dollars they generate in Fairfax County. It is an attraction that could be done in conjunction with the private sector.

I asked that the Board express its desire to have FXVA investigate the feasibility and benefits of attracting the Redskins Hall of Fame to Fairfax County using dollars generated by the tourism industry and to direct the County Executive to provide reasonable support for this effort.

Since my board matter, which was unanimously approved, the Loudon County Board of Supervisors has agreed to revisit this issue in the coming weeks. I will monitor this issue and keep you apprised of both the Loudon County Board's pending decision as well as Fairfax County's pursuit of this matter.

### **The Residences at the Government Center**

At the December 8, 2008 Board meeting, the Board of Supervisors approved the comprehensive agreement for the development, construction and operation of "The Residences at the Government Center" with JPI Development Services, L.P. This project will supposedly provide affordable, workforce housing for our county's workforce. The project consists of approximately 270 apartment units — 39 studio apartments, 123 one-bedroom apartments, 93 two-bedroom apartments and 15 three-bedroom apartments.

I voted against this project primarily because it went against the commitments made to the public and surrounding communities and only 35% of the units the County is subsidizing are actually more affordable than the surrounding area. This means the County is actually subsidizing a developer to compete with the private sector for 65% of the units. The private sector units are actually more affordable. The next step for this project is the land use process for the Planning Commission and then the Board of Supervisors.

### ***Broken Promises to the County***

As I have stated in the past, promises were made to public and the surrounding community that this project would be for County government employees only and that this Board has consistently billed this project as housing for firefighters, policemen and teachers. I can think of no better solution for our County employees who work in our Government Center complex or offices throughout the County than to have affordable housing right next door to where they work. This makes sense. Our county employees are our most important and valuable asset and providing them with dedicated affordable housing will assist us in retaining our employees and go a long way in recruiting them once the employment market returns to normal.

### ***Lessons from the Past***

Our housing authority staff says that these units will mostly be occupied by County government employees because JPI has promised to heavily market to County government employees. I was reminded by one of our citizens that a promise to market to County government employees should give us little confidence that these units will be mostly occupied by our employees. In the early 1980s, the Redevelopment and Housing Authority promised that the newly-proposed 100 plus units of Newington Forest would be always predominantly occupied by County government staff. Within a few short years the private management firm running the project had to be sued and/or served with all sorts of violation notices by the Newington Forest Civic Association for any number of covenants, housing administration and financially-related infractions. History shows that very few County employees are in affordable housing units that are not dedicated to County employees.

### ***Subsidizing Competition with the Private Sector***

My office did a quick survey of rental units available at or below the “affordable” rates the Residences would be charging. In very short order we found more units at better rates than 65% of the units that will be offered at the Residences. Thus, the marketplace is already providing “affordable” homes for those families who would occupy over 65% of the units at the Residences at the Government Center. I do not believe that we can, as a County, be credible in facilitating and subsidizing construction of apartments whose “affordable” rents are above what the market is offering at various income levels. We are now subsidizing a developer to compete with the private sector. This is bad government. We need to make sure we do not repeat the mistakes we have made in the past as exemplified by the Newington Forest story I mentioned earlier. Secondly, if we going to provide affordable housing for our workforce, then we need to make sure that the housing is going directly to those who need it the most and that we are not competing with the private sector.

## **Revitalizing Springfield Mall**

The Board of Supervisors recently approved an amendment to our Comprehensive Plan that laid the framework for the redevelopment of the Springfield Mall. A subsequent application to rezone the 80 acres of land within the Lee District will allow the development of a mixed-use town center encompassing retail, residential, office and hotel uses on the Springfield Mall property. The redevelopment will transform the character of the area into a mixed-use, walkable, and distinct place near a transit center that will hopefully lead to revitalization of main Springfield. I commend Supervisor Jeff McKay and his staff for working closely with the owners on this application to bring this project a step closer to reality. The plan is a multi-phase, multi-use, multi-year project that will take between 10 and 15 years to complete, but the owner hopes to commence Phase 1 of the Town Center, including a planned hotel and new retail and restaurant offerings in mid-2009 if it is approved by the Board of Supervisors on February 23.

Many of our constituents remember when Springfield Mall was a safe, clean place to shop and work. As a youth growing up in Springfield I spent a lot of time in Springfield Mall. However, the Mall has earned a bad reputation over the past few years with regard to safety. Most recently a woman was killed in a car crash after being abducted at gunpoint in the parking garage. This past summer a man was beaten and robbed in the parking lot by four teenagers.

The new owners have begun a significant upgrade to the Mall's interior and the move toward a better Springfield Mall is well underway. I fully support the efforts of the new owners and Supervisor McKay to make Springfield Mall a better place to live, work, and play.

## **Supporting Fairgrade**

Over the last month, I have met with the leaders of Fairgrade, a countywide effort to change the Fairfax County Public Schools (FCPS) grading scale. According to Fairgrade, the most common GPA scale in the United States and comparable school districts to FCPS is the 10-point grading scale. But in Fairfax County, FCPS grades are based on a 6-point scale, not a 10-point scale. This means in Fairfax County a student must earn a 94 to get an "A" whereas in school districts that use the 10-point scale a student must only earn a 90 to get an "A". During our initial meetings I was skeptical because I am not one that favors lowering standards.

However after carefully reading the school systems study and conversations with administration personnel I am convinced the concerns have merit and are adversely impacting out students during the admissions and merit scholarships process. Accordingly I support Fairgrade's efforts to level the playing the field.

## **Winery Proposed in the Clifton Area of the Springfield District**

As you may have read in the newspapers, two Fairfax County landowners are proposing to establish a farm winery on their 36-acre farm off of Yates Ford Road in the Clifton area of the Springfield District. The County's Zoning Administrator has determined that the proposed winery is not "a permitted, special permit or special exception use" in the zoning district in which the property is located. Paradise Springs Winery has applied for an appeal of this decision and the case is pending before the Board of Zoning Appeals.

I believe a winery is keeping within the tradition and heritage of the area and it will help keep this land agricultural. However, due primarily to state law there are some concerns with the impact the winery could have on the Clifton area and the Occoquan Watershed. I have been working with the owners, the Occoquan Watershed Coalition, the town of Clifton, and our state delegates on a solution to these problems.

The Virginia wine industry has come into its own. There are now over 100 wineries in the state and Virginia wines have won both national and international awards. I would hate to see this growing industry come to a halt at our County's doorstep and will continue to work for a resolution. In addition to providing an economic incentive to preserving large parcels of land from being developed, the establishment of a winery protects tree cover, protects water quality and preserves the character of the general Clifton area.

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