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[00:00:21] all right good afternoon everyone welcome to the legislative committee meeting of january 20th 2023 i hope no one has anywhere to be this evening it's going to be a long one since since that came up yeah a luxury i never had as legislative chair we have an end time at 6 p.m for obvious reasons you can thank me later for that all right first uh first item board Member members have the agenda. Reiteration of our priority principles there. And we're going to start today with a budget update. Ms. Arco.

[00:01:01] Thank you, Mr. Chairman. So we were just going to go through the first handout in your packet. We won't take too much time, but we were going to have staff talk a little bit about some of the items in the governor's budget amendments. You all got a memo from our legislative staff just before the session highlighting some things.

[00:01:18] So staff are going to call out a few things, and then if board members want to ask some questions, you're certainly welcome to. The House and Senate will be working on their budgets in the coming weeks, and so we'll be talking about this at the next couple of meetings, but today we'll talk about the governor's budget. So Elbena Asanova is going to start us off. Thank you.

[00:01:37] Mr. Chairman, members of the committee, my name is Elbena Asanova. i'm the revenue division director at the department of management and budget in front of you you have the state budget chart with a list of items of interest and their impact on the county the information is based on the

governor's proposed amendments introduced in december as usual the chart is organized into several sections starting with the general items followed by the public education human services and lastly transportation i will briefly highlight some of the items of interest under the general section and the public education section. In terms of compensation,

[00:02:16] the adopted state budget had already included funding to support a 5% salary increase in fiscal year 24 for constitutional officers and state-supported local employees, and the government did not propose any further changes to that funding. So we've indicated that this is positive for the county, and we would approximately receive $1.9 million increase in fiscal year 24 from the Compensation Board.

[00:02:43] There is also some additional funding that the governor proposed to address compression issues for sheriffs, as well as funding to assist with staffing costs of sheriffs incurred in court-ordered transportation of individuals in custody subject to temporary detention and emergency custody orders.

[00:03:03] We're unsure at this time how much would the county receive from this funding because there was no specific language on how the funds would be spread around the state. I also wanted to mention at the bottom of the page, too, the budget provides $7.4 million in fiscal year 24 for compensation adjustments to address recruitment and retention issues in public defender's offices.

[00:03:29] A big picket item that the governor proposes for public safety is $30 million in fiscal year 24 to be distributed to state and local law enforcement agencies to bolster recruitment and training efforts, and this funding could be used for hiring bonuses, for example.

[00:03:48] And another $20 million supports implementing violent crime reduction strategies, while both of those items we've listed as positive were uncertain at this time how much would the county get. Another positive item is additional funding of $5.9 million to partially reimburse localities for their presidential primary expenditures.

[00:04:10] And the elections office estimates that the county might get about $770,000 based on our population figures. Other items included in the governor's amendments listed under Economic Development and Workforce starting at the bottom of page 3 include funding for initiatives that the county's legislative program supports, such as workforce development.

[00:04:38] And then under the natural and historic resources, starting on page 5, the governor's proposed amendments add additional funding for the Water Quality Improvement Fund in FY24 and an increase for the Resilient Virginia Revolving Law Fund, which funds from that fund could be distributed to local governments to finance resilience projects.

[00:05:04] I should also mention that, unfortunately, the governor's amendments do not include any additional funding for affordable housing initiatives which has been a high priority for the county and then turning to the public education section starting on page 8 and this is information based on input from the Fairfax County Public Schools budget office it's based on their analysis the governor's amendments include 23 million more in sales tax and 5.8 million more in state aid compared to what their fiscal forecast for FY24 showed in November. Since

[00:05:43] the release of the governor's budget, the Fairfax County public schools have also released their proposed budget. And what we saw there is that they have already reflected that increased funding in their proposed budget. One of the items that the governor proposes is funding for the state's share of 1%

retention bonus for standards of quality instructional and support positions for teachers. That bonus would be paid on September 1st, or I should

[00:06:17] say the funds from the state would be distributed by September 1st, 2023. Fairfax County public schools would receive approximately $4.3 million from the state based on the division's local composite index. However, the total cost to FCPS to provide that 1% retention bonus is 19.9 million. So obviously, the state share covers just a small amount of the total cost.

[00:06:48] So the cost for FCPS after the state funding would be 15.5 million. And in addition, the governor's budget amendments include funding to support additional reading and math, especially positions and funding for incentive payments for hard to feel positions and hard to staff schools so I would stop here and take any questions questions on

[00:07:16] budget this point no question all right thank you next item on our agenda under specific legislation we have more oh I'm sorry I was only well it's up to you Mr. Chairman I'm trying to get us to the reception I mean we certainly support that. So, Mr. Chairman, Arielle Macklin, who's our new Human Services Legislative Liaison, is going to talk a little bit about Human Services, and then Noel Dominguez will talk a little bit about transportation, but we'll go quickly.

[00:07:51] Yes, thank you. We're on page 10, Human Services? Yes. Yes, page 10. Well, actually, the first item will be on page 18, in the middle of the page, for the items that I wanted to highlight. And that item would authorize the Department of Medical assistance services to re-procure the Commonwealth's managed care service delivery system.

[00:08:17] This -- we wanted to flag this amendment or proposed amendment because it will be important to monitor that RFP process to ensure that there are no significant changes to the Medicaid benefit package in areas related to behavioral health.

[00:08:38] And then also on that page, I did want to highlight the item at the bottom of page 18 related to Medicaid unwinding. This item would direct $20 million in FY 2024 from ARPA funds for the Department of Medical Assistance Services to procure a vendor to assist with the redetermination of Medicaid enrollees following the end of the COVID-19 public health emergency.

[00:09:06] And that item is -- would have a positive impact as DFS has more than 40,000 Medicaid cases to address as part of unwinding, and this would help with providing funding for the additional overtime needed to address those cases.

[00:09:24] And then moving to page 19, I wanted to highlight a few items related to youth behavioral health and providing mental health services in schools. The first item on the top of page 19 would provide $9 million in FY 2024 to support student mental health services in K-12 and institutions of higher education.

[00:09:50] We'll have to learn more about how that funding will be allocated, but that could be a potentially positive use of funding to address youth behavioral health challenges. And similarly, there's also an item on page 20 that would provide $15 million in FY 2024 for grants to school divisions, public community-based providers, or private community-based providers to contract for the provision of school-based mental health services.

[00:10:22] So that as well will need to conduct further analysis, but that could potentially help address youth behavioral health challenges. A quick question on that previous one about the Medicaid unwinding. It says Fairfax County Family Services has more than 40,000 Medicaid cases to address. Is that 40,000 unduplicated people or is that maybe people who have several Medicaid cases pending? Sorry, I think that we

[00:11:00] have staff from DFS who may be able to address that. I'm just curious, it's a very large number. And, but sometimes we know that the numbers are either duplicated or unduplicated.

[00:11:15] So is this 40,000, more than 40,000 people, Michael? Good afternoon. Michael Beckett's Department of Family Services is approximately 45,000 individuals. Individual people. Wow. Yes. Okay. That answers our question. All right.

[00:11:31] Thank you. You're welcome. Mr. Chairman, just very briefly, because we know how important the mental health issues for youth. I just want to be clear, this $9 million and this $15 million, that's statewide. That's additional money statewide. So combined, we're looking at $24 million to be spread across the entire Commonwealth of Virginia. So can you give us a range, just an idea for our Fairfax County people, what we locally spend right now on mental health services for youth? Just a

[00:12:04] ballpark figure. It doesn't have to be exact. I think I saw that Daryl is here. He may be able to help. I think it's important context for people to understand. You can just shout it out there. Trying to speed things up. So this is an important thing for people to understand.

[00:12:30] We're locally spending estimated 50 million just in Fairfax County on youth mental health. And in this budget is $24 million potentially of new money for childhood for children's mental health statewide. So I do think it's something we need to pay attention to, but in terms of order of magnitude, I think what we were all hoping would be investments in adolescent mental health. We've still got a long way to go in Virginia. Thank you. Okay, Supervisor Alcorn. If I could follow up on that. So beyond mental health care for adolescents and children, youth, what

[00:13:08] about the bigger mental health challenge that we have in the state? You know, we hear a lot about law enforcement having to basically ride all over the Commonwealth, caring for people looking for mental health bids. Is there any investment in the governor's budget in addressing sort of our longer-term problems and lack of significant community health facilities? Is there anything there? Um, there are a couple items in the budget that relate to, uh, temporary detention orders and alternative transportation, um. But I think it's a good, is there, is

[00:13:43] there funding for beds? Right. Um, it's a good question. Okay. I, I hadn't seen it yet. Let's get back. I think that's a really good question. Yeah. We'll get back to the board on that. Okay. Let's keep going, Ms. McElwain. Um, yes. So I just have a couple other items on page 19, both relating to workforce issues in behavioral health. The first would provide an additional $2.5 million in FY 2024 to the Virginia Department of Health for the Virginia

[00:14:18] Behavioral Health Loan Repayment Program. That would raise the maximum award amount for child and adolescent psychiatrists, psychiatric nurse practitioners, and psychiatrists from $30,000 to $50,000, and right under that there is also an item that would provide $5 million in FY 2024 to VDH for loan repayments for psychiatric registered nurses and psychiatric nurse practitioners who work in Virginia for four years.

[00:14:48] Both of those items could be a positive step to find ways to stabilize the work -- behavioral health workforce. To support the behavioral health staff that work at CSBs and other public agencies, language could be added to prioritize access to that funding for those participating in the public behavioral health system. I think those were all the items.

[00:15:16] Okay. Great. Next, Ms. Dominguez. Supervisor Stork. Is this basically like the Indian Health Service and others do? If you go work for them, they would then pay a portion of your loan cost? Is that what, I don't need a full explanation. Is that what the intent of this is?

[00:15:32] Is it provide some subsidy or support to somebody who may come into our system and work? I think what they're trying to do is provide some types of incentives like that and trying to find different ways of incentivizing and enhancing the pipeline of clinicians and other different types of things.

[00:15:53] There's also some bills that we're trying to look at and get our hands around. Loan forgiveness as well as additional just bonus compensation, sign-up bonuses or whatever? That's my understanding, and we'll certainly get into it a little bit more and come back to you all. I just want to get a general idea of what this is talking about. Okay, thank you. Okay, Ms. Dominguez.

[00:16:09] Mr. Chairman, Noelle Dominguez with the Department of Transportation. I'm going to skip you all ahead to page 27. Just a couple of things I want to mention regarding transportation. Due to revenue projections, the budget does include a reduction in about $450 million for highway construction.

[00:16:26] And that does impact various construction programs such as SmartScale, CMAQ, specialized state and federal programs. There is an increase in RSTP and in the Highway Safety Improvement Program. Those are two construction programs that do see an increase.

[00:16:44] But if you go on to the next page on highway maintenance at the bottom of 28, there's actually about a $580 million increase in highway maintenance. And that does include a $200 million increase on maintenance for interstates, as well as about a $142 million increase for maintenance on secondary roads.

[00:17:03] And that's all I have to share today on that part of the budget. Okay. All right. Are we through the budget? Yes. Okay. Thank you, everyone, for those updates.

[00:17:21] Now we will go to our packet and the first page, county initiatives. Board members should have the packet that shows the three county initiatives there on the first page. And we'll start with HB 1587.

[00:17:38] Mr. Chairman, HB 1587 is our bill to add contractors to the list of people in Fairfax County who can remove illegal signs from the right-of-way. That is being patroned by Delegate Sullivan. It went to a subcommittee this week, and the subcommittee recommended reporting it out 9-0.

[00:17:57] It should be on the docket for the full transportation committee on Tuesday morning. The next bill is HB... And I'll just say I was present for that subcommittee meeting virtually. I spoke to a different bill that failed miserably. Ms. Dominguez spoke to this bill and it passed unanimously.

[00:18:14] So I think we learned a lesson about who we should send to Richmond. So congratulations. Great job. Thank you. HB 1939 is the bill that would authorize counties to reduce speed limits. in business or residential districts that are currently 25 to no less than 15. That bill has not been heard. I got an alert today that it's being docketed for Tuesday afternoon. I'm not sure how that I do want to mention that a similar bill did not survive last year, but we are going to try to see where we can get with it this year. And that is being patron by Delegate Plum. Our

[00:18:51] last one, SB 1069, that deals with stop for pedestrians versus yield to pedestrians. We've talked with the board about that signage before. That bill was heard, and that's been patroned by Senator Saslaw. That bill was heard in the Senate Transportation Committee yesterday afternoon, and it was reported out on a vote of 12 to 2. Okay, questions on those initiatives?

[00:19:18] If not, we will move on to historical positions. So these are bills where we have existing position, so we won't go through them all. I do want to just have staff give an update on the two bills on page four related to firearms. I think board members will be interested to hear about this that we'll be monitoring. So we have open chain bill and chase bill related to local authorities to prohibit possession of firearms. Mr. Chairman, Chris Sigler, Assistant County

[00:19:52] attorney. Yeah, these two bills, I think, are in part in response to the Supreme Court case that came out last summer, the Bruin case. And what these bills do, well, Senate Bill 1236, patroned by Senator Obanchain, is a partial repeal of the authority given to localities to ban firearms.

[00:20:18] His bill is a partial ban, so it's targeted to the provisions of the code that give us authority in public parks, recreation or community center facilities operated by the locality, and public streets, roads, alleys, or public right-of-ways that are open to the public.

[00:20:38] So his is a narrower approach. that was heard in Senate local government on Monday, and the committee re-referred it to judiciary, which is probably where it belongs, and I think it's on the docket for Monday in Senate Judiciary. Senate Bill 805 is Senator Chase's bill.

[00:21:00] Just on that bill, I wonder, has the patron explained why, so if I'm understanding it correctly, it would not address the prohibition to bring guns into government centers where elected officials and government employees gather and meet and work, but it would eliminate the ability for local governments to prohibit bringing guns into rec centers and community centers where children gather. So if I may channel Senator Obanchain for a moment, I think what he would

[00:21:40] tell you is that he is trying to narrowly tailor his bill to the, to what he believes the Bruin decision from the Supreme Court says. Now, now. I would argue that those are pretty sensitive places, but that, you know, so I read it differently. So I might suggest to you that the Bruin decision, well, Senator Obenshain argued to Senate local government that although he's trying to narrowly tailor it to the Supreme Court decision. The recreation and community

[00:22:14] senator facility portion of it may not have been part of the Bruin decision. He just, he included that in there as well. But I think that's what he would tell you. He's trying to tailor it to that decision. Okay. Senate Bill 805 is Senator Chase's bill. It's a complete ban of repeal of our authority. Okay. All right. And they're both on for Monday. So just to be clear, Mr. Chairman, there's a recommendation that we oppose these. To be clear, we're opposed to these. Yeah, that's correct. You've historically supported that authority, so we're recommending that you

[00:22:53] oppose them. Thank you. Yes. Supervisor Gross. Pursuant to a buyback program shall be offered first sale by public auction or sealed bids to a person licensed as a dealer. This is pursuant to a buyback program. Fairfax County, and I don't know if Tom Arnold is here, we have in our police department a program where you can give back, you know, voluntarily turn in firearms, but that's not

[00:23:31] a buyback program, so I'm trying to figure out if, you know, if this would affect our program. I would say that if the bill is successful, that it would seem that it would affect our buyback program.

[00:23:49] We don't have a buyback program. I'm sorry. Ours is voluntarily turning in. Right. But so we would not have, theoretically, we would not have to offer those weapons for sale. I'll take a closer look at that bill. I think we need to look at it because we've got this program.

[00:24:07] We went through quite a bit of research to put it in place. the police department's had it for a while, would hate to see us then gut that program or have that program gutted by this. And Mr. Chairman, Supervisor Gross, if I may, the first thing I'll do on Monday is see how this bill fails in Senate Judiciary. And then I'll take a clue. If it goes down, don't bother the research. Thank you. Yeah, I think it's, I mean, based on what we've heard from staff and other buyback and take back programs around the country,

[00:24:38] Most of the guns that end up there I don't think have a lot of market value, so it probably wouldn't be too successful. Okay, if there are no other questions related to the bills up to page five, the historical positions, we will move on to new bills.

[00:25:01] And I'll just note that we have quite a list to get through here, so we'll try to move as efficiently as we can. We'll start with elections SB-884. Hello, my name is Jennifer Vanney, Deputy Director with Claudia's team.

[00:25:21] So the next three bills, so SB-884, HB-1444, and HB-1467 are all kind of -- I think one of the words someone used was they're omnibus bills that include a lot of things that we've opposed previously, that you've chosen to previously oppose in rolling back some of election reforms over the last three to five years. But then they had additional things.

[00:25:48] So for Senate Bill 884, it is essentially everything that we've -- early voting, drop boxes, photo ID, all of that is reversed. Then it also mandates a full manual recount at the precinct level. Scanners can only be used as checks. Then it also would eliminate electronic poll books, and it would likely change and aggravate problems with not being able to

[00:26:19] capture duplicate votes or if a vote is done both, I'm going to forget the word, but they have the vote that we need to double check that the person's eligible. So that's that. Provisional. Provisional. That is the word I'm looking for. Thank you. So that would be a harder issue for us. And then it It would expand the federal write-in absentee ballot, which we're not exactly sure if that's allowable.

[00:26:46] We have to look further into what the federal law kind of says about that. So, again, it's things we've historically opposed and then a broader slew of things. It's also, there's some other things in there that aren't, it's not exactly clear how the patron views what would then become of absentee ballots, canvassing, certification, etc.

[00:27:12] But it really is the whole gamut of election things. So that's Senate Bill 884. And then HB 1444 is a voter ID, photo ID requirement. It would get rid of same-day registration except for people in the military.

[00:27:30] It would also reduce early voting to six days, eliminate drop boxes, and the exception for it would get rid of the language around the public health emergency. the exception around the voter signature on ballots for absentee and it would also stop ballots that are received after the election but postmarked before there's currently some wiggle room and it would it would pull that back as well and then hb 1443 is a photo id but then it also removes a student photo id as an eligible item to be able to show so again all three of these bills

[00:28:10] have a combination of things we've historically opposed, as well as some additional things added in. Okay. So I think we support the staff's recommendation to oppose these just based on the positions we have taken historically. Thank you, Ms. Fanny.

[00:28:26] Good job. Thank you. SB 792. SB 792 and the next bill, SB 833, are both patroned by Senator Chase and would prohibit the state health commissioner and board of health as well as the board of behavioral health and developmental services the department of health professions and any of its regulatory bodies and the department of social services from requiring any person to get a covid vaccine and would also prohibit discrimination based on a person's covid vaccination status

[00:29:06] in a number of areas including education employment and issuance of a driver's license or other state identification the bills would also establish a civil penalty for violation of this prohibition by an employer these bills are similar to bills that the county has opposed last year contradict public health recommendations and would require the county to change its existing covid vaccination policy so we'd recommend so this would apply even to health workers am i

[00:29:37] understanding it correctly i believe you could not require a nurse to be vaccinated i believe that's correct but we do have staff if there's any further well i think i yeah i think i think we support the recommendation um sb 833 same yes sorry those are both very similar bills Okay.

[00:30:08] All right. HB2248. Yes. And then HB2248 would require providers of treatment for substance use disorder who administer methadone or opioid replacements as treatments to utilize biometric certification to verify the identity of the clinician and patient.

[00:30:28] This would include iris scans of patients and either iris scans or two fingerprint fingerprint scans of clinicians, and it would also require the Board of Pharmacy to establish a statewide data repository for the storage of records of every transaction involving the administration of methadone or opioid replacements to a patient.

[00:30:50] These records would need to be held for no fewer than 10 years. So staff has raised a number of concerns with this bill, including that it could make it more difficult for CSB staff to give out methadone and other opioid replacements when appropriate. Additionally, staff are concerned about the creation of a statewide database with sensitive county data and how the creation, how county data would be securely transferred and stored, and there would likely be a significant fiscal impact. So we would recommend opposing the vote.

[00:31:21] I think obviously also you would have a lot of folks who just wouldn't be willing to undergo a biometric iris scan before taking the treatment that they need, I suspect, perhaps. Right. Okay. All right. SB 922. So, Mr. Chairman, this is a bill that would provide a state tax exemption if a manufactured home park is sold and the proceeds were to an organization that's a nonprofit or is at least partially owned by a group of residents of the home park. We recommend

[00:32:01] supporting this. I will say that Delegate Kriesick from Fairfax County had a house companion bill to this, which was not successful earlier this week, but the board did ask us to be on the lookout for this type of legislation, and so we brought it to you in the hopes that perhaps this would have a different outcome as it moves through the legislative process, and so we recommend supporting it. Okay. SB 814. Mr. Chairman, this bill allows a court to appoint interpreters for folks who are deaf or hard of hearing

without procuring an interpreter through the Department for the Deaf or Hard of Hearing if another certified interpreter is readily available. Our courts have had some

[00:32:40] difficulties with this, finding interpreters, so this would make it a little bit easier, and we recommend supporting the bill. Okay. SB 1183. Jennifer Vaney again. So this is basically a change in code. So as some of you may be aware, Virginia is transitioning to being a partner program with the FBI's Next Generation Identification Rat Back Service, it's called.

[00:33:08] And so the code is essentially, it's basically taking all the language about a fingerprint database and changing it to specifically the Virginia Rat Back service. So, and then it also clarifies within it that anyone who's going to be getting a background, criminal background check for providing care to children disabled or elderly or, and then getting, and then the current language is licensure, certification, employment, or volunteer services.

[00:33:35] So it's clarifying out exactly, specifically that, and just emphasizing those are the areas we really are concerned about. So it basically, that's just the change code to make it, this program's already moving forward. It does update the date to the anticipated go live date of July 1, 2025.

[00:33:55] But it's largely just a code change on the program that they're moving forward with. And we recommend supporting. Okay. Thank you. SB 966. Yes, Mr. Chairman, members of the board, SB 966 would require the Department of Corrections to compensate local jails for the actual cost of incarcerating felons who should otherwise be confined in a state correctional facility based on the rate calculated in the Compensation Board's annual jail cost report. Current law provides for local jails to be compensated at a rate set forth in the General Appropriations Act.

[00:34:35] This bill is consistent with the county's position that the state should adequately compensate localities at a level commensurate with the state's responsibility for local jail operations, so we would recommend supporting the bill. Okay, great. I won't hold my breath for this to pass, but thank you to Senator Peek for... I believe it did go by for the day and committee this morning. All right, good thing I wasn't holding my breath. SB 1139. So, Mr. Chairman, This bill requires, if you have minors under the age of 18 in your house,

[00:35:13] that you lock up your firearms and you lock up your ammunition separately. It makes violations of that a Class I misdemeanor. This bill seems rather timely, given what happened in Newport News. We recommend that you support the bill.

[00:35:31] Okay, SB 1167. This one's mine as well. So, this bill creates standards for responsible conduct for firearm industry members, and it sets out in the bill sort of what they're supposed to do and the steps they're supposed to take to when they manufacture, distribute, market, or sell firearms in the Commonwealth of Virginia, and it creates a civil cause of action if a firearms manufacturer doesn't do the things they're supposed to do under this bill.

[00:36:07] It seems in line with the positions you've taken before with firearms, and we recommend you support this bill as well. The standards that are outlined in the bill, it looked to me like the standards comply with existing law related to background checks and straw purchases.

[00:36:27] So what is new here? I guess the civil cause of action is the significant. I think that is the significant piece of this legislation, that it creates an avenue for people to actually pursue violations of this in court. Okay. All right. HB 1665.

[00:36:49] So, Mr. Chairman, these two bills, Senate Bill 1205 included, these are COVID extensions for land use approvals. So if your land use approvals were valid and outstanding as of July 1, 2020, they'll now be extended to 2025.

[00:37:09] The board may recall that these extensions have been going on since, I think, 2008. First it was for the housing crisis, now it was for COVID, and traditionally you all have monitored these bills, and I'm going to be honest, I've struggled with what to recommend you all to do, so it's on the list for monitor.

[00:37:28] I want to tell you what happened briefly in House, County, Cities, and Towns. Just Thursday, in subcommittee, this bill came up. The developers who are behind this bill asked the subcommittee to strike COVID-19.

[00:37:46] Now they don't want the extension for COVID-19 anymore. They want it because they believe that there's a financial downturn and a possible recession heading towards us, and they need the extension for that now. Again, they make very sympathetic-sounding arguments.

[00:38:04] However, Dave LaRock, Delegate LaRock, spoke out against the bill. He serves on the subcommittee and he spoke out and said that he believes that this is traditionally an area reserved for local governments and he can't understand why the General Assembly is getting involved and it doesn't make any sense to him and that local governments should take a look at this.

[00:38:24] and unfortunately the subcommittee recommended it report out of subcommittee six to one. In full committee today, more members of the full committee were echoing Delegate LaRock's sentiments and the bill was taken by for the day. So it'll be heard again next week.

[00:38:41] So now I think there's some fire under it and I might like to see the board oppose it. It's on suggesting you monitor it. I wouldn't be opposed to you opposing it. Was that successful?

[00:39:02] It was successful. They amended their bill, and it doesn't say COVID anymore. Okay. I mean, that just seems on its face very hard to justify. I mean, you could have made the COVID argument here, but now to be making the argument about a potential future macroeconomic development that has occurred in the past and these kind of special provisions haven't been in place I think is a little bit more difficult to justify. Supervisor Gross?

[00:39:33] Well, we also have in the county process whereby someone can ask for an extension of a land use case, which we rarely deny. I don't know, maybe other jurisdictions don't do that, or maybe that's just not, that's a little too iffy, creates more work for the developer.

[00:39:56] Mr. Chairman, Supervisor Gross, that's a great point. the developers did argue that there are localities, of course, not us. There are localities out there that do give them a hard time over this. We have a very robust process, as you indicated. We work with developers very closely. So, I just think this is now a bridge to enough is enough, I guess.

[00:40:19] Yes, yes. This almost becomes a regular kind of occurrence. You have bills that are the same bills introduced every time. And they could do it for conceivably any reason, I suppose. Yes. Okay. Mr. Chairman, I see Ms. Strunk here. She may know the answer to this. How many cases do we have that, or how many applicants do we have who have cited this as the reason for an extension in Fairfax County? Do we have any rough ideas? Tracy Strunk with the Department of Planning and

[00:40:54] Development. We haven't had anyone try and use, if you're referring to the proffer extension piece of that we haven't tried had anyone tried to use that in because we have a lot of other easier ways to manage extensions that are needed for proffers in terms of the special exceptions and those sorts of things being extended the last time this came up we had several hundred I think that would have run out and we started sending out letters and started and a few of them came in not all of them came in we certainly do have some cases that have been sitting around unbuilt since for what's

[00:41:30] approaching two decades at this point um not very many in that category but a couple okay okay uh any thoughts from board supervisor smith i i you know i share the concern in it we talked about the vaco board of directors is that um there are other ways that we have here to support extensions if we need to extend them so i i do share some of the concerns i'm hearing okay well i i'm i'm

[00:42:06] I'm leaning in Mr. Sigler's direction that given the removal of the COVID language, I think it's just very hard to justify this. And I don't think the argument that there might be a recession is a strong argument.

[00:42:23] There have been recessions in the past, and this statute wasn't in effect. And we have other methods to address extensions in the county. Mr. Chairman, I don't disagree with that. would just point out that this proves the point of why local authority is so important. We're actually trying to solve for a problem that we already have tools locally to make a decision to solve for ourselves. And just passing a statewide, you know, mandate, maybe there are bad actors out there. We've heard this before, but we are not one of them. And so, you know, to me, it would just

[00:43:00] seem like we need to emphasize to the General Assembly, our folks at least, that our opposition to this is predicated on the fact that we have the tools to solve this problem and don't need the state telling us exactly what to do. And again, it comes back to a fundamental local government, local authority principle that's in our package. Yeah, I think that's really important because I suspect that there are zero members of the General Assembly who understand that, as the chairman just described it, that at least here we have those tools. I suspect

[00:43:33] some other jurisdictions do also, maybe not all. Okay. You've won us over, Mr. Sigler. All right. Mr. Chairman, if you'd like when we if we change that to oppose, we could add a note saying that we feel we have the tools locally to deal with these issues. Yeah, that's important. Okay, HB 2271. So, Mr. Chairman, HB 2271 by Delegate Marshall in SB 1391 from Senator Lewis is the short-term lodging bill du jour.

[00:44:10] And this bill is, was put forth by the realtors, the realtors lobbyists. And what it does is it would exempt properties managed by a licensed Virginia realtors from a locality short-term lodging ordinance. Um, and if you, and there's, there's really eight, uh, bullets in the description there that tell you what they're exempted from. And if you read them, you can see that they go to the very heart, the very heart of our short-term lodging ordinance. So they'd be able to avoid 60

[00:44:44] days, our 60-day limit. They'd be able to avoid our owner occupancy requirement. They'd be able to avoid our six-person limit. They'd be able to avoid our parking requirement. It goes to the very heart of everything you heard about when you spent 18 months dealing with the short-term lodging ordinance. It's a problematic bill. We recommend that you oppose it. This bill is going to be heard, the Senate version will be heard in Senate local government on Monday, so we recommend

[00:45:20] So, HB 2041 is Delegate Shin, and Senate Bill 807, the companion, is Senator Favola.

[00:45:37] These bills authorize a locality or a park authority to establish a system of walking trails, and it releases certain civil liability from owners of property who might give us an easement. So it helps out owners by giving them, by helping them out. And it allows us to create this system of walking trails, which ironically isn't in the code already. So it seems like a good bill. It seems like it might help us build walking trails. So we recommend

[00:46:08] you support it. Supervisor Stewart. Is there a definition that there, I mean, that's, I guess I'm unclear what a walking trail could or should be. And is there something more that you could? There is no, Mr. Chairman, Supervisor Storey, there is no definition in the code of what a walking trail is.

[00:46:30] In the code section, if you were to pull it up, there's a list of things that we can do, and it just simply adds walking trail to that list of things. So do you believe it would apply to our bike and pedestrian trails that we have? If I remember correctly.

[00:46:46] I don't necessarily have to end the answer right now, but I just was, I am curious. Yeah, I'll take a look at that. If I remember correctly, bike trails are something we can already do, but walking trails isn't. So I think bike trails isn't, but I'll make sure. That's what's distinctive about it. Okay. Thank you.

[00:47:02] Chairman. Supervisor Alcorn. Would this also apply to Nova Parks? So it applies to park authorities. Okay. So yes. Park authorities. I think I may know where this came from. So thank you. Okay. HB 1378.

[00:47:20] So HB 1378 is by Delegate Wilt, and if you all will recall a couple of years ago, the General Assembly passed legislation that tied our vehicle emission standards to the California vehicle emission standards. And, you know, states have a choice. They can either follow the California emission standards or they can follow the federal emission standards. The California emission standards are more robust and move more quickly, I guess. And so Virginia is tied currently to

[00:47:53] California, this would roll that back and decouple us from California. We recommend that you oppose that. I will tell you that there were five Senate bills that did essentially the same thing. They were all heard, well, they were all combined and then heard in Senate Ag this week, and they all did not report. This is the remaining one, but we recommend that you oppose this bill.

[00:48:22] Okay, on to taxation, HB 2176. So, Mr. Chairman, the first bill in taxation would require or would allow localities to keep 5% of the income tax revenue that they generate if they dedicate it to school construction.

[00:48:39] Delegate Sickles mentioned this bill at your work session last month. He's trying to provide us with some increased resources, and so we recommend that you support it. Okay. I'm not super optimistic about the prospects of this bill, but it is certainly a nice effort.

[00:48:58] It will have been a very successful work session if this passes. Yes, that's exactly right. All right, HB 1685. So the next bill would cap the penalties for unpaid B-Poll and business tangible property tax at 5%. The current rate is 10%, so we recommend that you oppose it.

[00:49:17] Okay, HB 1749. This is similar to a bill that the governor proposed last year that creates a lot of hoops that the board would have to jump through or any locality would have to jump through if you wanted to raise the real estate tax.

[00:49:35] And so it creates a lot of different thresholds and sort of actions that you have to take. Obviously, you will already go through a public process and public hearings and a lengthy budget process to raise your real estate tax, which is one of the only unencumbered revenue sources that you have.

[00:49:50] so we recommend opposing it. Okay, that takes us to HJ 533 and SJ 231. So these two bills are kind of the follow-ons to the bill that passed last year that expand the tax exemption for property taxes for surviving spouses of soldiers who died in line of duty. We are recommending a position, the board will recall that we added a new position or amended the position in the legislative program on property tax exemptions, um, to request more flexibility from the General Assembly.

[00:50:25] And so the position that we're recommending is to amend, to provide localities with local option flexible authority for enacting and implementing property tax exemptions, which is the position that you all included in the, um, legislative program for these types of exemptions overall. Okay. And as board members are aware, we will have a public hearing Tuesday evening to consider There are ordinance following the enabling authority that was passed in the last GA session and the difference between that and this is the authority included in the legislation allowed us to reduce the tax rate to one cent,

[00:51:02] but a total exemption requires constitutional amendments. Okay. Yes, Supervisor Gross. I'm thinking back to yesterday morning at the VACO board meeting, And I thought there was a brief discussion about potential for the surviving spouses to be allowed to remarry and still maintain their exemptions.

[00:51:30] Do you remember that? That's right. So the existing enabling legislation ends the tax exemption if the surviving spouse remarries, which is, I think, consistent with VA policies generally.

[00:51:48] I suspect was the intent. I don't know whether the language of these constitutional amendments are the same. I don't think that this makes that change. There are other bills. Today was the last day to introduce bills altogether, so there are a lot of bills we haven't seen yet, and so we're still kind of getting our arms around it, and we'll definitely be on the lookout for anything else.

[00:52:10] We need to be on the lookout for that, because that did come up yesterday, and it was like, we need to examine that carefully. Yeah, we'll keep our eyes out for anything. Okay. SB 1408. So, Mr. Chairman, the next two are identical and they would allow, right now, some localities are allowed to impose a local sales tax if they use it for school construction without going to referendum. And it's sort of a laundry list. It's a Christmas tree. And so every year, some localities try to get themselves added. So these two bills would allow all localities to have that authority. It's local option authority. And so we recommend you support

[00:52:48] that. We support both of them. Okay. HB 1591. Oh. Did I skip one? No, you didn't. Okay. I think actually my name's on there, but I think it's yours. It is. Yep. No. All right. So HB 1591 is by patron Davis. It essentially just repeals the sunset provision enacted in 2021 for the Office of Data Governance and Analytics and the position of chief data officer within the office of the Secretary of Administration and making them both permanent.

[00:53:27] So instead of them being short-term projects, there now would be permanent parts of the government. Our staff felt like this would help with local issues, especially when data sharing between state and localities is required, as that often can be different systems and create some issues.

[00:53:45] So we would recommend support. Okay, SB 1351 and HB 2050 are similar? They're similar bills. I think they are the same, and they basically expand a bill that passed last year when it originally was

introduced, as the Board will recall, Delegate Bennett Parker was trying to expand virtual meeting options for local public bodies.

[00:54:13] Her bill was significantly narrowed to only apply to Board's authorities and commissions that are not governing bodies like you all. She had a lot of trouble with it. She was able to pass it, but it's a very narrow version. She's come back this year, and Senator Marsden has a companion version where they're trying to sort of go for that expanded version to include governing bodies and to give more virtual options.

[00:54:38] It was talked about at Vega Board of Directors yesterday. It's local option authority, and so we recommend that you all support them. Just to clarify, this same general approach tried and failed last year. That's right. Okay.

[00:54:54] HB 1609. Mr. Chairman, the next several bills are about the TRIP program. As the Board may remember, the Transit Ridership Incentive Program has a pot of money for regional routes to encourage regional routes and a second one that encourages access, zero fare, and access to low-income individuals. These bills try to change it in a couple of ways. HB 1609 and SB 977 add microtransit as a way to -- as another matter that would receive funding. Not really -- we're recommending

[00:55:30] support, but for the second part of this, right now -- it also provides that the approved initiative is eligible to continue receiving funding for the duration of the program for up to 80 percent of the costs. Currently, both programs have a step-down. So for regional routes, the first year you're eligible for 80 percent, the next year you're eligible for 16, it steps down and you have to be, you no longer receive funding after, I think by year five, you have to be out of the program. And then for the zero fare and low income, it's something similar. You get up to 80% of eligible costs reimbursed in the first year, up to 60 in

[00:56:04] the second, 30 in the third, and then you're out. So this would allow state aid to continue to be used for these programs. So we do recommend support for those. And then the next two is HB 2338 and SB1326. These add another usage for the TRIP program to support local, regional, and state entities in improving accessibility of transit bus passenger facilities and to transition public transit bus fleets and infrastructure to zero emission bus fleets and infrastructure. The two

[00:56:41] programs that are currently in existence, there hasn't been a lot of usage of some of the funding, so they're looking at this as another way to get some funding for the zero emission bus transitions that we're seeing and to get more infrastructure available for transit. So we do recommend supporting those as well. Okay, great. So that takes us to 862. SB 862, if the board may recall in 2020, that big transportation bill created the highway use fee and mileage-based

[00:57:14] user fee program for zero, for electric vehicles and lower gas using vehicles. This bill would actually repeal those. So there would be no more highway use fee implemented. It would also refund any fees previously collected for months beyond that date. According to the fiscal impact, about $30.7 million would be required for refunds, and it could impact in the future as well.

[00:57:42] The elimination of these fees could see a reduction in the Commonwealth Transportation fund of about $64.4 million in 2024 and likely greater in subsequent years. So, due to that impact to the Commonwealth Transportation Fund, we recommend opposing. Okay. All right. My favorite topic, vehicle exhaust. Yes, sir. HB 1559 and SB 1085 both deal with exhaust systems. The first is Delegate Watts' bill, which kind of expands on her bill from last year. This one allows, and I want

[00:58:20] to get the language up in front of me, allows local governing bodies to regulate by ordinance noise from vehicles not conforming to exhaust system requirements, operated on highways or on public or private property or within 500 feet of a residential district. Current law only allows the regulation by ordinance from such vehicles that are operated on a highway.

[00:58:38] So that expands it to, you know, when some of these cars are gathering in parking lots and whatnot. The second bill, SB 1085, adds to the prohibition noise emitted from a motor vehicle or devices designed to create or amplify noise from vehicles that we've talked about in the past.

[00:59:00] And it does also require motor vehicle inspection regulations to include the compliance with such requirements. And it creates a noise limit of 85 decibels as measured from a distance of 50 feet for that a vehicle, moped, or motorized skateboard or scooter may emit.

[00:59:16] Both of these continue on with our discussions from last year. We do recommend supporting both. I do want to note, as the chairman mentioned, a similar bill to SB 1085 was heard in a transportation subcommittee this week. After a lengthy discussion, largely about the safety inspection aspect, the committee did choose to not report, or the subcommittee chose to not report that moving forward.

[00:59:41] But we do recommend supporting these other two that are still in play. Yeah, thank you, Mr. Mingez. And I do, we should all thank Delegate Bulova for his work, although unsuccessful, to further our initiative, something we've been advocating for for two years now, to add the illegal exhaust to the safety inspection.

[01:00:02] And I spoke, as I noted, unsuccessfully, but I shared what I've heard from our police officers and our police department, that the current law oftentimes puts them in the position of having to decide whether to crawl under a car and look at the exhaust to determine whether it's a modified or aftermarket exhaust, which, as you can imagine, is really frustrating for them when that same car could have been up on a lift in a service station the day before being inspected.

[01:00:33] It's also confusing and upsetting to folks who have these exhausts who pass an inspection sanctioned by the Commonwealth of Virginia on Monday and get a ticket from one of our police officers on Tuesday for the very same exhaust. Unfortunately, the subcommittee was more concerned about the potential inconvenience to service station owners, one of whom happened to be a member of the subcommittee, than to the police officers and members of the community, but we'll

[01:01:06] keep trying. Okay, that takes us through the new bills, and now we have legislation provided for discussion. We have one, two, just over three pages to get through. We're doing okay on time.

[01:01:23] HB 1496. Mr. Chairman, HB 1496 and SB 1079. And you have a handout of the large 11 by 17 in your packet as well to help explain. These are administration bills. What they do, they do a couple of things. First thing they do is they pull VRE out of the statewide transit and operating formulas. Right now, the way statewide transit funding is set up, WMATA gets a set amount for operating in capital. And then there's a section for statewide capital and all of the transit

[01:02:00] systems except for WMATA compete each other. There's a section for statewide operating and all the transit systems except for WMATA compete against each other there. VRE felt that they're not like bus systems, which I think is definitely relevant. So they worked with the Commonwealth to put together, they would now get a set-aside similar to WMATA, much smaller amount. It would set so that WMATA

continues to get 46.5 percent of the state mass transit fund. VRE would get 3.5 percent, and 2.5 of that came from statewide operating and 1 percent from statewide capital.

[01:02:34] So that's the first thing it does. The second thing is that there were some requirements in the 2018 bill when WMATA funding was provided regarding reporting. They expanded on those a little bit. I know WMATA and VRE are working with some of the reporting requirements that are part of that bill. The last thing it does is, and sorry, I'm going to try to explain this correctly. This 46.5% is the state aid to WMATA. The bill states that this state aid cannot exceed

[01:03:09] 50% of Virginia's total operating and capital local subsidy. So the way I explain it is if Virginia's total operating and capital subsidy was $100 million, which it's not, but just for this state aid could not account for more than $50 million of it. The localities would have to pay the remainder of that. We have talked with our colleagues and NBTC's review, and we've done reviews and it does show that most years in the past, the Commonwealth has not gone

[01:03:47] up to that 50%. It's usually in the 45, 48 range. In FY22, it did go above that. That was the year that a lot of the transit systems got extra assistance because of the COVID and its impact to transit. So yes, it does place a limit on state aid, but a limit that generally speaking with one exception we have not reached. So we did bring this forward discussion. I do know people are talking, BRE is talking with the Commonwealth, Metro is talking with the Commonwealth, and we did

[01:04:23] want to bring this to the board. And Mr. Chairman, Tom Pichaudi with the Department of Transportation. So the challenge is if the state is capping their participation at 50 percent, the bill from Metro doesn't change. So that means that the local governments are going to be responsible for anything above that 50%. So we wanted to make sure that you all knew that nuance, that if the state caps their share, then you are the funder of last resort. And anything above that 50%

[01:04:58] would go back into the statewide capital pot to be competed against with all the other transit systems except for VRE and metro. Obviously, that's potentially hugely problematic, and we probably need to oppose that. I do want to just note on the VRE piece, this is a really core, I won't say existential, but really important issue for VRE. And I do give a lot of credit to Director De Brule and Secretary Miller and the administration for working with VRE. And this is a good, great outcome for VRE on the 3.5 percent. Obviously, more

[01:05:38] broadly, from our perspective, the 50 percent cap is maybe problematic. But assuming we want to oppose these bills, I do want to make sure that we stress that the VRE element is not the driver of our opposition. Mr. Chairman, if I can, we may voice our concerns with the WMATA provision specifically related to funding to the 50 percent, but also voice support of the efforts to provide funding for VRE. Supervisor Alcorn. So how would this square with the law, the portion of the existing law that says that our support for Metro cannot go up more than 3% annually?

[01:06:14] So the existing law has a number of exemptions to it. So for example, expanded service, things like that would allow Metro to go above the 3% cap. So they're related, but they're not the same. So the 3% law is to keep the total bill down or to try and reduce the total bill.

[01:06:40] this is how you pay the bill. So the 3% would apply to both the state and local subsidy? Is that correct? 3% applies to the total subsidy, including state and local. Yeah, I guess that's where I'm going. I guess I'm worried that with the cap, that in effect could keep the 3%, but we would end up getting, and I'd

have to figure out the math a little more, but we might end up getting at the local level significantly higher than three percent. Right. So Metro is going to send a bill to Virginia. Right. And if the state says that they're going to cap their participation

[01:07:18] at 50 percent, which has only happened once, but it has happened, then the remainder of the bill comes back to the local government. Okay. Yeah, that's a concern of me anyway. Thank you. Anything else from board members on that?

[01:07:38] So I think we have a path there, obviously, to express our serious concern about the 50% cap and support for the 3.5% for commuter rail systems. And that covers both of those, yes? Yes, sir.

[01:07:53] So that takes us to HB 1649. The next three bills relate to towing. HB 1649 and SB 979 are similar, and then there's SB 790 is a bit different. HB 1649 and SB 979 essentially removed the local authority to set trespass towing rates.

[01:08:15] Right now, Northern Virginia has the authority to set the rate between $135 and $150 for a regular tow, and then an additional, I believe, $30 for each instance of towing between 7 p.m. and 8 a.m. or Saturday, Sunday, or a holiday. This would state essentially statewide, the statewide towing rate would be $180 and it would be $35 per instance of these others that were just mentioned.

[01:08:43] In regards to the language as it is, I believe staff are concerned about the loss of local authority as well as the increase in towing rates that is proposed. Myself and others from Northern Virginia spoke with Senator Marsden yesterday. He does not intend to keep his bill as is. He mentioned, he and his staff mentioned wanting to have a bill that includes provisions regarding consumer protection. Senator Favola's bill also relates to Consumer Protection Act. So he wants to include provisions related to consumer protection to help with that.

[01:09:18] He does want more data. It has come up that some localities may or may not increase rates because the data isn't there to say why or why not it should be increased. So he wants the sort of data collection involved. And then some, I believe, look at how that data could affect the rate. So since this is in flux, it may make sense to provide ways or thoughts that may be provided to him as he's drafting a bill. Preserving local authority, I think, is always important as well as ensuring consumer protections are, consumer protection is included in the bill.

[01:09:58] That's kind of where staff is, was wondering where the board may be as well. Yeah, I think, you know I'll suggest Senator Marsden is among the if not the most collaborative GA member in our delegation with us so I think we can continue to work with them and dialogue with them obviously you know strict prohibitions on local authorities are problematic from our perspective but we want to understand what he's trying to get at and if there's a way to to work with him on it we want to do that. And SB 790 is Senator Favola's bill, and it just provides that violations of current

[01:10:34] law regarding the drivers are subject to the Virginia Consumer Protection Act, and this would provide additional protection, so we do recommend supporting that. Okay. The next set of bills regard bicycle, pedestrian safety, or operations, essentially how, when a bicycle comes to an intersection, how they treat a red light. The first two are generally you follow, the bicyclist can follow the walk or do not walk sign next to the red slash green light. And Senator Favola is making some changes to her bill. Delegate Sullivan may be similar, more towards the mechanics. They're

[01:11:12] all trying to get to a place where a bicyclist on a road, if they see the walk sign, they can they can go on the walk sign. The point being, you know, some of these walk signs give a little bit of a head start to pedestrians so that they're not competing with cars. So we want to see this updated language, but we do think this would be helpful with, so we would support amendments that would clarify the operation of this that I know they are working on. Senator Deeds is a bit different. His authorizes local governing bodies of any county, city, or town by ordinance to authorize a bicyclist to treat a stoplight as a stop sign and a stop sign as a yield

[01:11:51] right-of-way sign provided for certain safety measures are observed. Generally speaking, I think the board likes more local governing authority. However, some of these may be difficult, especially when you have bicyclists that traverse locality. How do they know where they can stop and where they have to yield, such as the W&OD trail where a bicyclist can travel through four or five jurisdictions in a short period of time? So we did want to bring that. We're not sure if support is the right direction for that one at the moment compared to the other two. And Mr. Chairman, I think the challenge with this one is by putting into the hands of local government, you could have very different rules

[01:12:31] in different adjacent local governments. And when you ride between jurisdictions, you don't necessarily know that you've crossed into another jurisdiction. So it would be very difficult, I think, particularly in Northern Virginia, for bicyclists to know what the rules would be in jurisdiction a versus jurisdiction b if if the general assembly wants to do this they probably should do it on a statewide basis are there any um situations mr brishadney or dominguez where there's a traffic law that's different from jurisdiction to jurisdiction uh parking laws

[01:13:11] but that's the only one that i can think of okay uh supervisor palchuk thank you mr chairman um i guess i'm wondering on this one because you brought up the double no d trail um is it correct that in certain parts of that trail so maybe Arlington or other jurisdictions Falls Church do they currently have the ability to have that be done differently as they own their own roads no stop stop a stop sign is a stop sign and what this would do is say that they could change in individual jurisdictions could say that in Fairfax County a stop sign for bicyclists really means

[01:13:49] yield. But for example, Loudoun County may not have changed that law. So it's difficult for the bicyclists to know what is the rule in the jurisdiction that they're riding in, potentially. Okay. No, I mean, clearly we want more of this as long as it's coordinated, right? So I guess I like the idea of having that local authority, definitely helpful, I guess is more of a monitor.

[01:14:18] I don't know that I'm ready to oppose having that ability to do that and need to coordinate. Yeah, I would recommend that we monitor. Obviously, if asked, you know, I think we obviously would have concerns about one jurisdiction, even if it were us, implementing this when others didn't.

[01:14:37] I suppose you can imagine a scenario where all of the jurisdictions in Planning District 8 were to do it and it creates some continuity, but I think monitor is the right decision here. Mr. Chairman, when staff comes back on this, can we get also what the proposed penalty for violations of this would look like?

[01:14:55] Because sometimes these things pass, and then we end up with them, and the penalty is nowhere, doesn't correspond with what we think the nature of the violation is. And so I think we want to look at that part of this bill, too, in case it does pass. Mr. Chairman, we can do that.

[01:15:11] Supervisor Faust. You know, we've had two recent experiences with transportation legislation that we thought we were getting something and we didn't stop for pedestrians and the 15 mile an hour speed limit.

[01:15:29] This legislation, has it been tested to ensure that if that passes, we have the authority to adopt the ordinance? Mr. Chairman, as the legislation is still being worked out, we haven't seen the final product yet because I know Senator Pavola has been working with stakeholders including VDOT and others but I will take a good look at that and talk with our attorneys once we get that final or close to final bill to ensure that. Yeah I think that's a good approach to any of this legislation because it's clear from our recent experience VDOT will look for ways to interpret the legislation

[01:16:08] such that we don't get the authority we thought the legislature thought it was giving us. Okay Okay. That takes us to SB 1158. Mr. Chairman, Senate Bill 1158 is Senator Marsden's garbage bill that you all predicted was coming, and you were right. So this bill, what it does is it allows localities and planning District 8 to establish exclusive service areas for garbage

[01:16:43] collection. And I think before, I guess what I would say is, if you look at the bill pretty closely, the new language in it that allows Planning District 8 to create those service areas is a little bit confusing. And there's a couple of things I think staff would like to see us do to clean up that language. And the first thing that, and that's new Section E of the code, and I think that the bill is intended to apply to residential customers.

[01:17:22] These exclusive service areas would be for residential customers. The bill says it's provided to residents, and I think that means residential customers, but let's make sure, and let's say residential customers. So that could be one change that I think would improve the bill.

[01:17:38] And then the next sentence, the idea is that you would start your -- you'd have to create an ordinance to create these exclusive service areas, and that your ordinance would establish these zones and these areas, and the first set of folks who would service these areas would be folks who are already providing services in the county.

[01:18:02] And then the bill says that for each of these businesses, the ones who are already providing service in the zones. The locality may establish a separate service area with a customer base that approximates the number of residential customers served by the business in the locality on July 1, 2023. That seems complicated and seems difficult for us to do. So I think if we delete that sentence, that makes the bill easier for us to implement. And then you're left with the end, which is the

[01:18:36] ordinance shall establish procedures for removing or adding businesses and adjusting the boundaries of such service areas as needed. So as you move into the future, if you need to add a new hauler or remove a hauler for whatever reason, you can do that. And if you need to adjust the boundaries of the service areas, you can do that. So I think with those two changes, we get a lot of flexibility to new Section E.

[01:19:05] And also when I reviewed this bill, I was thinking back to some of the discussions you all had during our legislative committee, and one of the things I think you all raised and I think you all are interested in are adding in some consumer protections for residents because you all are hearing a lot of complaints from residents.

[01:19:26] And I think our existing authority is pretty broad, but I don't think there's any harm in adding some of those consumer protections into this bill so that they're crystal clear not only to us, but to the haulers.

[01:19:44] So staff and I were thinking about adding some of those consumer protections into Section A, which currently don't exist in the bill at all. And consumer protections like the locality can regulate the services provided within the service area, including things like specific days that trash is going to be picked up, things like establishing different customer classes and setting rates for those customer classes, things like regulating the types and amounts of garbage, trash, or refuse collected, and specifying types of containers,

[01:20:24] Things like notifying customers when scheduled collections are going to be missed, providing refunds or credits to customers when there's miscollections, and then requiring a prompt return of deposits when a contract is canceled, and then making it clear that these are examples of the type of authority that we have, but it's not limited to these authorities.

[01:20:51] And what I would suggest to you, I throw all that out there in saying I think some amendments to this bill, like I just described, might make this bill stronger and better for us. And working with, as someone mentioned earlier, working with Senator Marsden is great.

[01:21:08] I've sort of suggested some of these things to him, and he seems all in on those. So I thought I'd throw that out to you. The final thing I would mention is that Senator Marsden's bill does have a reenactment clause on it. So he believes that that's an important piece of this, because it puts the haulers on notice, and it gives everyone an opportunity to see if behaviors change. And then we can decide if we still need the bill, or if we need a different bill, or if we need to make tweaks to it. So I throw that out there. Okay, that was comprehensive. Thank you, Mr. Sigler.

[01:21:45] Great explanation. And I'll just, obviously, this is a topic that the board has spent some time on. And if we were granted this authority, it would obviously be a very significant, impactful decision if we were to go in this direction, not something we would do without significant community engagement, industry engagement. But as I've said before, I do think it's important for us to have this tool in our toolbox, especially in an industry that where consolidation is accelerating and competition is decreasing.

[01:22:24] And I certainly appreciate the direction that you laid out there, Mr. Sigler, but I'll open it up to other board members. Yeah, thank you, Mr. Chairman. I totally agree. I would just ask this. The details are really, really important on this one, and I would just ask that as things change to let the board know, particularly as some of those authorities are expanded or not, because there may be some additional things that come to mind that we would want to have added in there on the fly.

[01:22:57] Mr. Chairman, Supervisor Alcorn, if I may, this bill is coming up in Senate local government on Monday, so, of course, we'll keep the Board apprised of what's happening. Supervisor Herdy? Yeah, and it's hard to tell in here, but I assume that we can remove or add businesses based on service levels, of being achieved or not being achieved?

[01:23:20] So I think this gives us Supervisor Herity, yes. I think that this gives us a lot of flexibility to create an ordinance that allows us to do those things, yes. A little clunky the way he did. I think he's trying to keep everybody gets their own little piece of business, same level of business.

[01:23:39] I'm not sure that's a great way to get it done. But other than that, it looks something we need. Okay, so, yeah, I agree with everything that's been said. this is important and a step in the right direction. I guess the only thing that troubles me a little bit, and it may not seem natural, but your listing of the things that we would like to have in there is important because we want consumer protections in there. On the other hand, I don't think any of us could envision the problems that we've recently

[01:24:15] had, and so I get concerned about almost being too specific in tying our hands where we might want to go above and beyond the standards that you just mentioned, then in turn that being used against us and being said you can't do that because it wasn't spelled out. I heard very clearly what you said those were examples, but I think it is impossible for us to, in essence, envision a contract in the bill, and so I guess my question is if we were to authorize this ordinance, there would then also be another step in terms of setting up contracts, and so I guess my question

[01:24:50] is, do we want ultimate flexibility to have the localities be able to decide all of those elements you just mentioned, or do we want the General Assembly to start listing the ones they think are important? So, Mr. Chairman, Mr. Chairman, wow, yes, you raise a valid point, and it's one that we've given some consideration to.

[01:25:14] Again, I think Section A of the code, as it's written, gives us a lot of flexibility. and so you're absolutely right the risk in setting out some of what that authority is is that someone looks at it just like you said and says oh you didn't say whatever so it is a risk so um i guess ultimately staff just sort of look back on the discussions you had and wanted to

[01:25:49] highlight some of the some of the some of the big concerns you all were getting but but make it clear in the code that again we have these authorities and these are some of them but not they're not limited to these but here's some examples it but you're but you're right it is a risk yeah i mean i i think what we want to get is the most flexible thing we can possibly get because every jurisdiction is going to be different. And, you know, to be able to tailor this to the concerns that we're

[01:26:22] hearing, we're going to want to establish those parameters to the best we can, including the consumer protection elements that we just mentioned. And I just get concerned because technology changes in this space a lot. And I can see where some things where we might want to say, hey, we want to do something. I can definitely see somebody coming to us saying that's not explicitly outlined in the legislation. So then we get on this weird legal ground. And so I just put that out as caution as you continue to have the conversations. I think we want the

[01:26:57] most flexibility we can get out of this. Mr. Chairman, I just wanted to add one thing. I know Chris said it, but I know it's maybe not something that's always discussed a lot. So he mentioned that right now the bill has a reenactment clause on it. I just want to make it really clear what that means. So a reenactment clause means that the General Assembly will have to come back and pass this again next year. So I think Senator Marsden really views this as a way of getting the industry to pay a lot of attention to this. He takes it very seriously, obviously, as you all do.

[01:27:27] But I think in terms of, especially in terms of what you were just saying, in terms of consumer protection, our authority is broad. And I think we need to think a little bit about what we would want to put into a bill, knowing that they'd have to come back. And so I think we'll certainly think about that in our discussions at staff. And as we talked to Senator Marsden, moving that forward because, again, the General Assembly, if he keeps it as it is, the General Assembly will have to come back anyway next year.

And so we'll just want to keep that in our thoughts as we go forward. Supervisor Stork? How close would the reenactment have to be to the original bill?

[01:28:04] It's not like a constitutional amendment where they'd have to come back and do it. Essentially, they could come back and do anything they wanted next year. It's really sort of a way of laying down a marker. Um, they could come back with a completely different bill next year. Um, I think he really sees this as a way of getting the industry to pay attention to this and say, you know, look, we take this seriously and, you know, you all haven't been responsive. And so I want you to know that, you know, the general assembly is kind of looking at you all and hopefully you're going to kind of clean up your act, if you will. Um, and so, yeah, so it doesn't have to be the same. It could be something completely different next year, but, um, but I think it's just something

[01:28:40] to keep in mind. Supervisor Gross. There's a line at the top of page 16 that says property owners associations may continue to contract with properly licensed business etc etc. I was in a virtual meeting with uh Senator Marsden and um some Mason district residents on Tuesday night and the issue did come up from somebody in an HOA who was very concerned that they would be left sort of out of out in the cold and would be not able to take advantage of lowered rates because the franchise

[01:29:17] area may not include them. So I'm not suggesting that we need to do something about this. I'd want to call attention to this one because I think that as it moves forward, we need to be careful that it doesn't segment certain residential customers.

[01:29:36] And HOAs, especially, I mean, a number of us have HOAs who contract privately, but they often complain about the expense. So if they want to be part of the umbrella that we hopefully will be able to do if we franchise, then we need to be aware of that.

[01:29:56] So just an idea that, keep an eye on it. Thank you. Okay, I think we'll be talking about this next week, too, most likely. All right, HB 1501. Did I skip one?

[01:30:12] I'm sorry, I skipped 2095 and 1149. So, Mr. Chairman, these two bills, the House bills carried by Delegate Bulova and the Senate bill by Senator Marsden, these are actually put in at the request of Fairfax Water.

[01:30:29] And so I thought I'd bring them to you today so we can talk about them. Basically, what they do is it requires the State Water Control Board to recognize a service area for water utilities in the Commonwealth that use the Potomac River as a water supply source, and some of this has to go with drought evaluation plans and response plans, and it sort of recognizes that the Potomac River region is unique to the Commonwealth because as we share it with Maryland and D.C., and I think the Metropolitan Washington Council

[01:31:06] of Governments has done a lot of work on drought plans, looking at the Potomac River, and it requires the State Water Control Board to incorporate those plans into its plan. So I brought that to you to think Fairfax water lobbyists asked me if we'd be willing to support, and I said, I don't know.

[01:31:28] So I brought it to you. Okay. Supervisor Gross? COG's Chesapeake Bay Policy Committee discussed this one this morning. And it really comes out of when we did the 1999 drought plans. For those of you who remember the 1999 drought, it was, it tried to bring some order to chaos, but the state plan didn't really include portions of the COG region plan.

[01:31:56] And so this is an attempt to take care of some of that. The COG Chesapeake Bay Policy Committee supports this one. I'm going to put one of their staff members in touch with you, Claudia, so that we can follow this one carefully because we don't want a repeat of 1999.

[01:32:13] Thank you. Supervisor Alcorn? Yeah, thank you. I also asked staff to also make sure, I don't know if there's any reference in there to the Interstate Commission on the Potomac River Basin, but it's ICPRB. but that's the even bigger regional body that really manages the drought land.

[01:32:35] So obviously they would want to be connected with this somehow too. Thank you, Supervisor. It doesn't mention that, Supervisor Alcorn, but thank you. Check with the sponsor. Will do. Thank you. Okay, so it sounds like those are two that we can support and work with Fairfax Water on.

[01:32:51] That takes us to HB 1501. Mr. Chairman, this is the Civilian Oversight Board Bill de Jouer, I guess, and what this does, and I guess I want to preface my comments on the Civilian Oversight Board by reminding the board that when we established our Civilian Oversight Review Board, we did that in 2016, and we were before the General Assembly passed the bill or passed the section of code that this applies to.

[01:33:27] So our Civilian Oversight Board predates this, and when we look at bills like this, we've often taken the position that this is nice, they're amending their code section, but ours is a little bit different because it predates theirs. So I wanted to preface my remarks with that.

[01:33:45] So this bill does three different things. The first thing it does is it says that if you give the civilian review panel disciplinary authority, that authority would be advisory as opposed to mandatory.

[01:34:03] And then if you don't implement the discipline that was recommended, then you would have to sort of explain why you didn't do that. And that's only if you give your civilian review panel the ability to do that in the first place.

[01:34:21] The second thing it does is it would require at least one retired law enforcement officer to serve on the board as a voting member. And the final thing it does is it requires members of the board to be trained. Within 90 days of their appointment, it requires no fewer than 24 hours of training and a ride-along.

[01:34:44] So I wanted to make sure you all were aware of the review. I don't know that it's impactful to us, but I wanted to make sure you knew it was out there. So I think I'm correct that the only setting aside the legal distinction, whether changes to this code section apply to our panel, which maybe we'll come back to.

[01:35:14] The training – we have Mr. Richardson here from the panel. He can correct any of this if it's wrong, but the training requirement and the ride-along would be new if it were to apply to our review. Yes, if it applies to us.

[01:35:30] But our position is it does not. That's correct. And I think, as I understand it, the Civilian Review Board here is going – I don't know if they are going to do it or if they're already doing it, but they are doing some training.

[01:35:45] Whether they had in mind this level of training, I don't know. But I do think that number two, the second thing I mentioned, if this section applied to us, the second thing I mentioned would apply to us because it's not in the optional part, which is at least one retired law enforcement officer would serve on the board as a voting member.

[01:36:05] Well, it might be useful, Mr. Richardson, if you want to come up and just describe the training. That is something that the board has discussed before, obviously a priority. And I don't know that the right approach is a number of hours, right? Because I know there are a lot of other, maybe more important elements to it. Right. Establishing a prescribed number of hours might be challenging for a voluntary board. And so we are in the process of putting together a standardized training. We do, my colleague Richard Schott and I have been discussing creating a standardized training so that everyone is on the same

[01:36:43] page training-wise, but 24 hours, you know, designating exactly the amount of hours, that would be challenging for a fully voluntary board. That has already been in, you know, activation since 2016. And my recollection is there's a national organization that provides a training class. That is exactly right. NACOL, the National Association of Civilian Oversight of Law Enforcement. And so we actually had the former president of NACOL coming into a training with our panel back in November.

[01:37:15] All right. So, I mean, it seems to me if you were going to have a legal requirement about training, it would be to take a legitimate course rather than just have anyone train you for 24 hours. But given the fact that this code section doesn't apply to our panel, it seems like monitor is probably the best approach here.

[01:37:36] Supervisor Faust? Just going back a few years now, but my recollection is that the task force that was put together The other two by Chairman Bulban we all worked on with, specifically recommended against retired police officers.

[01:37:58] And, in fact, I thought proposed a prohibition on that. Am I correct? And if so, you know, do we need to think about that, you know, and what their rationale was?

[01:38:17] It sounds like we have one. We do have one. We have one, but it was not a retired Fairfax. That's right. That's exactly right. Fairfax, Lisa. Okay. That's exactly right. And that prohibition would survive this legislation, it sounds like, because you could satisfy this legislation without putting a retired Fairfax.

[01:38:39] If this legislation applied to our panel, which I think we feel it doesn't. But, yeah, that's right. Supervisor Lusk. Yeah, I was just going to make the point that I'm not understanding why within the 90 days and why the 24 hours, to me that just seems kind of prescriptive and to the point that Mr. Richardson made.

[01:39:01] The folks that we're appointing to our panel, many of them have legal backgrounds, many of them are very knowledgeable and skilled in their respective areas and come with a base of knowledge. I don't think we have an issue with the competency of those that are coming to our panel.

[01:39:20] So I just personally have a little concern about that. On the retired law enforcement officer, we do have the option to have a member sit on the panel, which is true. And I think currently we might not have that.

[01:39:37] Well, we have the one. Oh, we have the one. We think we've always had one. Well, okay, I made a mistake then because I was thinking the one person came off. Okay. Okay. That's perfect. So, again, just thinking it's a little overly prescriptive and certainly don't understand the rationale for it. So, thank you, Mr. Chairman.

[01:39:57] Supervisor Palczyk. Thank you. I'll do my best. And clearly, hopefully, this does not apply to us. And I think for the part with the requirements, I'm actually in the middle of trying to schedule a ride-along

while dealing with child care for this very long ride-along. And so, I find it challenging to have it as a requirement versus a recommendation or encouragement, right? Especially if we want to have diverse people and maybe parents or others to be able to participate. So I think that's the area where I encourage it. I think it's great, but I'm seeing personally just how challenging it can be to schedule those.

[01:40:36] Yes. To Supervisor Palczyk's point, that is the challenge with 24 hours. That can become prohibitive to someone uh wanting to volunteer for a board or a panel like this uh there are people that are very well intended but just aren't able to do 24 hours of mandatory training so that could cause a problem down the line okay um so i mean it sounds like our role on this is if patron or someone asks for a perspective based on our experience we can certainly offer it but

[01:41:11] we're we're firm in our view that this code section doesn't apply to to our panel our work Mr. Chairman, I would go a step further, and we could suggest what our standards are now because we have had a panel in place that's been operational successfully for a long time, and we are the Virginia experts on this.

[01:41:33] And so, I mean, I appreciate the fact that they're trying to come up with some standard for localities who are struggling to even figure out what this means, but we have a model, and we should be proud of it, and we should share it, and we should verify that we're not included in this. And then finally, Mr. Richardson, if you could just identify yourself and your title for people watching.

[01:41:52] We missed that at the beginning. I just want to make sure folks understand who you are. Sure. My name is Stephen Richardson. I'm the executive director for the Police Civilian Review Panel. Excellent. Thank you. Thank you, Mr. Richardson. All right, that takes us to SB 821.

[01:42:10] So, Mr. Chairman, just to give a little bit of an overview, you. This bill comes out of an issue that arose when a Fairfax County employee was convicted of a couple of incidents in another jurisdiction, and a school's employee, that's right, Fairfax County Public Schools employee, and it received some attention in the fall. Earlier, we talked about a bill related to the RAPBAC program, which enhances the state's background check program and provides more of an ongoing background check subscription service through the FBI.

[01:42:49] This bill seeks to kind of fill in the gap between now and when that program goes into effect in 2025. The board reached out to the governor with a number of recommendations after a meeting with the delegation that the chairman coordinated in the fall.

[01:43:05] And so this bill seeks to, as I said, sort of fill in that gap. I believe we have staff from the police department and also the county attorney's office who can talk a little bit about this legislation. We wanted to share it with you because it was discussed at that meeting and it is sort of responsive to that legislation and it has started to move a little bit at the General Assembly.

[01:43:27] So, Ariel can talk a little bit about what happened to it in committee this week and maybe staff can talk a little bit about what the bill does. Yes, Mr. Chairman, this bill earlier this or last week was heard in subcommittee, where it was ultimately reported unanimously.

[01:43:53] Senator Donovan did ask a question about whether it would create a burden for law enforcement in terms of workload issues. Senator Surveld responded that he hadn't really heard that from the chiefs of police.

[01:44:09] he did mention that VEC had reached out to raise some concerns about that issue, but it proceeded to be recommended for reported from subcommittee, and then it passed the full Senate Education and Health Committee yesterday on a unanimous vote.

[01:44:30] Okay, I'll just ask maybe a strange question, but so the bill requires a fax number, an email address and so it's not or it's and so i'm just wondering who are the people today that have a fax machine maybe there's something maybe there's some i'm looking i'm looking back there somebody um but but if this if this goes into the into the code and is in at some point five years from now i mean there really won't be anybody with a with a fax machine um was there any any

[01:45:08] discussion of that? Or as every division is going to be required to have a fax machine 100 years from now if this bill passes because they have to put a fax number in? As far as I heard, there wasn't discussion in the committee. We had this conversation with Senator Surveille. When you're reliant on communication methods that have no return receipt or communications methods like fax machines where you don't know if it arrived, you don't know if anyone picked it up, you don't know if it's in a stack of papers that blew onto the floor that's how the mistakes that got made

[01:45:46] get made again so so i don't understand why we continue even talking about something like a fax number or even an email address as the right communication method for this kind of important sensitive material it should be a registered or certified letter so you know that it arrived and you know that someone with a name opened it.

[01:46:13] So setting that aside, I mean, I just think the fax number thing, maybe it's only lawyers, I don't know. But that's going to look really silly a few years from now. But we have staff here from the police department.

[01:46:30] Do you want to share any perspective or thoughts on it? Just press the button there, sir. There you go. Welcome. There we go. Good evening, everyone. I'm Lieutenant Mark Mitchell, the current school liaison commander, and I'll say to everyone, of course, it is an absolute priority to make notifications anytime any of our officers make an arrest of an FCPS employee.

[01:46:59] The way that the current law is written, that we have to make that notification within 48 hours. I'll tell you for us, it's not 48 hours. It's immediate, so much so that even my office is at gatehouse at FCPS headquarters as far as how much of a priority that is to make those notifications.

[01:47:19] The concern from the police department would just be on the administrative side, to you all's point, just to ensure that the process is efficient and to ensure that there are accuracies across the board.

[01:47:35] I think with the requirement to, you know, for essentially almost the majority of arrests for all felonies, class one misdemeanors, to put a formal written request into the Virginia Employment Commission within 48 hours, the concern would just be, again, we want to make timely notifications.

[01:47:54] So what would that look like, you know, enrichment as far as that turnaround and to ensure that each one of our officers were doing that properly, the administrative side. And I'm just, I'm reading this again, and the summary says, the bill requires all such arresting officials or agencies and all such clerks to transmit the required reports via certified mail, return receipt requested, good, or to the identified fax numbers and email addresses.

[01:48:23] So if I'm understanding it correct, the summary, and we should make sure this, we have the summary right, you can send it certified mail, or you can send a fax or email, which is kind like a hope for the best system. You don't know if it arrived. You don't know if it was in someone's spam folder. You don't know if the fax machine works. So does the bill really allow for that or? Because we had discussed this with Senator Servo and he said he was changing it to certified mail. It does appear to me that in the bill text it says or, but

[01:48:58] I know Karen Givens is also here from the attorney's office. Karen Givens with the Fairfax County attorney's office, the languages or to the fax number and email address. So if you choose to fax it, it also has to be emailed. You can't choose one of those methods. Yeah, I mean, I just think that is, for information that's this important, to rely on an email address where you don't know that someone received it in a fax machine, where almost certainly someone didn't receive it,

[01:49:34] to me that just seems irresponsible. Maybe there's some reason that it's necessary to have that in there that I'm not thinking of. Is it the cost of certified mail that Senator Serval is trying to avoid or, you know, how? Supervisor Herity. No, I'm thinking it ought to be in because you want the quick notification of an email. But I mean, if you want to make sure you follow it up with some kind of snail mail, but you wouldn't want to just say snail mail, because that's going to be lost. Well, it's going to be way too long. It's going to be lost. I mean, what we're doing

[01:50:13] now is the quick notification, which you want. What they really need to look for is some kind of confirmation that was received, which adds a burden, unfortunately, but it would be logging the fact that send it, somebody has to send back, got it. Mr. Chairman, it is frustrating because we had this exact conversation with Senator Survelle, as well as other people in our delegation.

[01:50:38] So, you know, I do think we need to make a strong point that what we would like to have here is as much of this required as possible, not this either or not, you know, the point is to get a return receipt of some type. And I guess the second question is, is what is the timeframe? And this is a stopgap. We heard the wrap back earlier, and there was a date by which the General Assembly had to have this operational and that date was what was it 2020 I think it's 2025 and then and this bill is set to expire by it's July 1 2025 July 1 2025 and we also asked at that meeting

[01:51:16] which took place in 2022 why there was no way to expedite this to 2025 and as I recall correctly there were two two hurdles one was cost and one was just the the implementation time it would need to do all of this. Was there any discussion at the behest of either of these bills to expedite the real solution here, which is to have that program set up? I mean, the idea that it takes years for the Commonwealth of Virginia to set up a system like this after what just happened, to me, just seems completely unacceptable, especially given the enormous surplus that

[01:51:53] the state has. So money should be no object. So I guess my question is, was there any discussion of expediting the real answer here which is the program that we were speaking about? I don't think they talked about it in committee. We can certainly ask Senator Shoravell if he has heard any follow-up from the state. Virginia State Police did say in that meeting that they would look into that issue.

[01:52:12] I have not seen anything since then or heard anything but we can certainly follow up. I'd like us to get an update on that because I mean we should have you know return receipt. We should have all of these things be required that we talked about but we should also recognize that this is for a relatively short period of time, what we really should be focused on is closing that timeline and really pressing the state to

do that as quickly as they can. And then all these other issues that we talked about here become moot, because then you have a real system for

[01:52:40] sharing real-time information that doesn't rely on 1980s technology. Okay. So I think I thought we had had this whole conversation in the meeting that we had, but we need to go back. Thank you.

[01:52:57] Thank you, sir. Next is HB 1896. So, Mr. Chairman, this is the last bill we have to talk about, but I am going to ask Jay Doshi and Albena Asanova, if she's still here, and Dan Robinson, if he's here, to come talk about this issue, which I don't think I've ever talked about before, which has to do with bank franchise fees.

[01:53:21] There are a couple of bills this year that popped up, and it has to do with how bank franchise fees are being proposed to be remitted and redistributed. I think a lot of localities are trying to figure this out.

[01:53:37] We certainly are trying to figure it out. It was talked about a little bit yesterday at VACO Board of Directors, and so I'll let Jay and Elbena and Dan talk a little bit about it, but we put it on for board discussion because they think we're not really sure exactly what it means, and we've only talked a little bit with some of the banks and the Bankers Association who is promoting this just in the last couple of days. Mr. Chairman, members of the board, Jay Doshi with the Department of Tax Administration. This bill, as currently in front of you, would take banks that have about $40 billion

[01:54:13] or greater in Virginia deposits and do four things. One, it would allow them to e-file and make these bank franchise tax payments to the state as opposed to the local portion going to local governments. The structure of the tax is that the tax is a dollar on the deposits, and I'm just giving you the tax rate, and 80 cents can be obtained in credit if a local bank franchise

[01:54:46] tax is paid, resulting in a net of 20 cents for the Commonwealth. So this allows e-filing. It allows making of payments for these large banks, local tax payments to the Commonwealth's Department of Taxation. It allows a 60-day extension for filing a return but not making a payment. It allows banks to access local real property records online, which would not be an issue for Fairfax County. But most importantly, it redistributes how the bank

[01:55:23] franchise tax is allocated. Currently, the bank franchise tax is allocated based on a formula that focuses on net deposits in each jurisdiction. Each jurisdiction has the capability of imposing the local bank franchise tax, and the state gets its portion. The proposal is to redo that formula so that the Weldon Cooper Center for Public Service, UVA's population records are utilized, as opposed to the deposit, net deposits, with each bank. We have been in discussions with

[01:56:03] interested parties as late as today. More discussions are needed, but we certainly have concerns and would at minimum recommend that the board watch this particular set of bills. Supervisor Alcorn? How much are we talking about for Fairfax County? Fairfax County overall takes in about $27 million. We're trying to assess how much we're talking about because the plan for the Virginia Bankers Association is to drop that threshold from $40 billion, as it's currently

[01:56:38] written, to $10 billion. So there's some math that still needs to be done, and the anticipation is that this bill will come up week after next, if we're lucky. So obviously that diversion is the big issue, but the 60 days, so I mean, basically they get to keep their money for 60 days longer than they do now, or?

[01:57:00] If I might clarify, so it's a return filing extension, but not a payment extension. The payment still continues to be due at that same. Ah, okay. Yes, sir. So, I mean, what's really happening is I think a lot of localities are trying to figure out what does this mean for us.

[01:57:18] I think the banks, this really only affects the large banks, as Jay said. It only affects a small handful of them that exist in Virginia, and it's an option on the banks. So we don't know who would take advantage of it. Obviously, it's their bill, so one would imagine that some of them would.

[01:57:36] that's why they're pushing this um and we don't know what it means if some do and some don't um and what it means for individual localities and so that's what everyone's kind of trying to get their arms around um and if there's a fiscal impact um to the county and that's you know that's what we're trying to sort of highlight to you all and figure out with them without having sort of all of those details okay so it sounds like we need to continue to monitor it very closely and express concerns if it's going in the wrong direction.

[01:58:13] All right. That brings us to the end of our agenda. It's, I'd say it's 5.59. It might be 6.02, but important members have in your packets the legislation requiring review and the watch list, and we will see you all here next Friday at 4 o'clock.

[01:58:38] Thank you.



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