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# Fairfax County Board of Supervisors Legislative Committee, Wednesday, November 29, 2023

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**[00:00:05]** Okay. Good morning, everyone. Good morning. Welcome to the October 3rd, 2023 Legislative Committee meeting. Board members should have the agenda, the draft Legislative Program and a packet that includes four items for consideration that we'll discuss today. On your agenda, you can also see the schedule of our upcoming meetings through the end of the year. Why don't we go ahead and and jump in and we will review the draft of the legislative program that includes a number of updates and changes that we

**[00:00:41]** discussed at our last meeting miss arco thank you mr. chairman so the first new item in the legislative program begins on page 2 it's the it's the revised for this year position on k-12 funding as the board knows that's a joint position that you all work on with the school board and so as we go through the fall we kind of go back and forth with them as you all make edits and they make edits and then we kind of you know end up with a finalized position on k-12 funding at the end before you adopt the program at the last meeting we discussed that we had not updated that position at all but that we wanted to update it to

**[00:01:18]** reflect the jlark report that just came out over the summer that talks a lot a lot about the deficiencies in state funding for school divisions in a number of ways and really kind of focus on some of the recommendations that came out of that report, since, you know, JLARC is the General Assembly's own commission for studying such issues.

[00:01:39] And so you'll see that there's a lot of yellow on that section, but in particular, we tried to really follow closely the language in the JLARC report in the bullets that are at the top of the position. The JLARC report talked about how funding per student in Virginia is lower than the 50 state average and the regional average, which equates to approximately $1,900 per student in state underfunding.

[00:02:08] So obviously we wanted to highlight that. The report also indicates that the standard of quality formula yields substantially less funding than actual division spending. And they cited in particular 6.6 billion less in state funding is provided than what is spent by local school divisions.

[00:02:28] and they used the FY 2021 fiscal year for that assessment. So obviously that's a significant amount that localities and school divisions are spending above what the formula really accounts for in terms of state funding. Another issue that we've talked about a lot here and the JLARC report talked about as well is that the SOQ formula really underestimates school division costs,

[00:02:55] And they have retained still a lot of Great Recession era sort of cost cutting measures that really got built into the formula back in, you know, around like 2009, 2010 in the Great Recession.

[00:03:10] And some of them, as we've talked about here a number of times, they've been undoing slowly, like the cap on support positions for K-12, but they still exist. And there's a number of them that are also just built into the formula. And so that formula has kind of an inherent underfunding as the state is analyzing funding every year for K-12.

[00:03:33] It also, the formula does not adequately account, according to JLARC, for higher needs students and the methodology for at-risk students undercount students in poverty. We've talked about that here a number of times as well. And then particularly for Northern Virginia, the formula really doesn't account for local labor costs, high cost of living areas.

[00:03:54] And so that's something that we've had in the legislative program for a while. But JLARC points that out as well, that they really don't, the formula really doesn't take into account those sort of, those different costs in different regions when they're looking at local ability to pay.

[00:04:11] And so then at the bottom, some of the actions and recommendations that we've included for supporting and opposing are similar because, again, we've been talking about these issues. We tried to streamline a little bit and add some language down there, but really the biggest thing is kind of focusing on the study and really trying to, you know, say to the General Assembly, well, now you've done this study and it's comprehensive and it's talked about, you know, some of the major problems.

[00:04:35] And so based on that, we hope that you'll start working on fixing them. So that's essentially that position, Mr. Chairman. And like I said, we've been working with FCPS legislative staff, and so we'll continue to sort of go back and forth on some of this as we get closer to the board's adoption of the legislative program.

[00:04:53] Okay, and one thing that we're working on here in that vein is working with FCPS to come up with some of the Fairfax-specific dollar figures that you can extrapolate out from the JLARC report.

[00:05:08] So we have $1,900 per student in state underfunding of Virginia. That's statewide, so we're working to drill down on some of those numbers so we can point out how much the study shows schools in Fairfax County are underfunded, consistent with the study. Questions or comments on this section?

[00:05:28] Supervisor Stork? Well, it's about time. I really don't know how else to say it, but are we embarrassed yet as a state? We should be, and hopefully this will finally get some at least consciousness that something needs to be done.

[00:05:44] I have no illusions that it's going to happen this coming year, but I also know that maybe we finally can get something moving. I mean, for me personally, on the school board and even through the president on the Board of Supervisors, I've wanted, and I know I've talked to some of you all about maybe there's some way we need to soothe the state to get them to recognize and step up.

[00:06:04] But I'm hoping that this embarrassment factor will serve its purpose. But I know it's going to be still a long struggle. It's going to take a lot of our efforts. I talk regularly to our residents, taxpayers about the extra funding that we pull out of their real estate tax to fund what the state should be doing, and that's a common refrain.

[00:06:31] There's a lot more that could be said about that, but I know others will say it as well. The one thing I wasn't clear about, we get a pittance. I do underline that, a pittance from the federal government, in addition to the pittance we get from the state, relatively speaking. Is there any, did they include or consider, or did they weigh that in the information at all?

[00:06:54] You know, I'd have to go back and look. You're talking about the military. Yeah, impact aid and those kinds of things, yeah. And we do have language about impact aid and some of that federal funding in our federal program, which we'll talk about later in the fall as well. But the report is long, and so we'll go back and see if they, you know, if there was really any discussion about federal funding and those types of issues and if there's anything that we need to bring back or provide updates for you all, we will.

[00:07:20] The one thing I would say about the study, just in general, the point that you made, it's no accident that many studies about school funding and state funding for it and SOQs and related formulas have been introduced in many General Assembly sessions, and they wouldn't pass. I don't think anybody was surprised that if there was a study that really took a deep dive into it, that it would show things that maybe weren't very positive in terms of state funding for K-12 throughout the state.

[00:07:51] And so that's why those studies really didn't survive. And so, you know, when the General Assembly did authorize this a couple of years ago, they knew that it was likely going to show dramatic underfunding. It did, which, again, is no surprise. But I think in the past, the reason they didn't want to go forward with this is because if they weren't going to implement anything, there really wasn't a point.

[00:08:13] So, to your point, I am hopeful that eventually something will happen. The budget agreement that we talked about at our last legislative committee two weeks ago has the creation of sort of a GA workgroup to look at the recommendations from the study.

[00:08:28] So, yes, I think probably this session, they're not going to take as much action as we might like, but hopefully this starts a serious conversation because there really hasn't been a JLARC study on this for maybe like 20 years. Mr. Chairman, just one more point, and then the individual that I respect and who's been following schools for 30-plus years of career, she says that the level of underfunding for Fairfax County, she calculated to be about $700 million if they had fully funded what they say they would fund.

[00:09:05] And, you know, $700 million for, and our $30 million per one cent goes a long, long way to evening things out properly. So that was stunning to me, but it's even more stunning that we're being compared to, frankly, nobody.

[00:09:23] We're at the bottom, so I guess we're, that's where we are. Yeah, I think one of the things that is sort of important to remember in what you just said, how much they underfund, is that the state not only provides the funding, but they create the formula, right? And so when they create the SOQs and they have sort of this built-in underfunding, they'll say that they're fully funding the SOQs.

[00:09:44] But do the SOQs really calculate and factor in the true cost of what localities are spending, what school divisions have to do? And we've talked about that a lot here. But that's one of the challenges. So we'll try to drill into those numbers. The legislative chairman has already directed us to do some of that to kind of get more Fairfax-specific information if we can.

[00:10:05] But, yeah, I wouldn't be surprised if it's dramatic because of, you know, a lot of built-in factors. I would like to see just the underfunding of the SOQ piece and then how that relates to the 1900. Because I think there's some tiers here of underfunding.

[00:10:21] There's whatever was used to derive the $1,900 figure. There's the underfunding of the SOQ that we know exists. And so there should be some tiers of numbers. But my question is on the first bullet, because I think this is the most important bullet, which is we're, you know, funding per student, we receive less than the 50-state average.

[00:10:43] And then you say, and the regional average. Remind me if I'm wrong about this, but I thought we were behind every single order state to Virginia. So the report looks at states nearby, and the $1,900 is an average across school divisions.

[00:11:00] So that's what we're going to try. And I don't know. My question is, are we behind every border state? Except for North Carolina. North Carolina was lower than us, but we're behind West Virginia, Kentucky, and Maryland. And to me, you know, one of the most compelling eye-openers when I talk to people about this is that we're trailing states around us like Kentucky and West Virginia.

[00:11:24] And frankly, I think we should put that in writing here because I think it's underselling to say we're behind the regional average. We're behind every border state except North Carolina, including less funding for public education than West Virginia and Kentucky put into their public school systems.

[00:11:40] I don't think anyone in Virginia, if you ask them that question, would believe that. And to me, it's one of the most compelling findings in the study that puts it in real terms for people. So I would be that specific in this bullet because I think it's the most important bullet in here. Okay. We'll do that. Okay. Questions or comments on that?

[00:12:00] And I think we can move on to page three, some updates to the WMATA section. Yes, so, Mr. Chairman, at the last meeting, the board directed us to add and update some of the language in the WMATA and regional transportation funding position.

[00:12:16] So Noelle can talk a little bit about what we did there. Mr. Chairman, Noelle Dominguez, the Department of Transportation. We made a couple of changes. We updated the shortfall number based on last week's announcement where three proposals were given for the WMATA shortfall. We used the highest, and we say up to $650 million currently projected in 2025.

[00:12:37] We also noted that, unlike in Maryland, in Virginia, it is local jurisdictions that are responsible for a significant amount of funding based on those discussions. And we added some information about the

impact to transit in WMATA to the Commonwealth, including support for over 311,000 jobs, including nearly 41,000 outside of the region.

[00:12:58] And just one text change that I'm going to suggest here is rather than saying local jurisdictions are responsible for providing, we would say local jurisdictions have historically provided substantial funding. I don't want to suggest that local jurisdictions are responsible and the Commonwealth isn't.

[00:13:20] That has been a historical reality. Okay, Supervisor Faust. Thank you. Yeah, I mean, we all read that they reduced the deficit by, that's this coming fiscal year.

[00:13:36] But it seemed to me like that was, it seems like one-time efforts to, you know, reduce it. It looks great on paper. I would like to see us talk about what the real financial situation is for Metro. And if that means, you know, the following year it's going to be back to $650 or $700 or $800.

[00:13:56] We need, you know, too long we've looked at, you know, a month at a time with Metro. We need to look at the fiscal future. And so I would add something. I don't want that to get lost. And everybody's, you know, understandably pleased that Metro was able to cut the deficit in half.

[00:14:16] But I think it's short term. Yeah, I think that's a great point. And that is one of the reasons that we, in the opening paragraph bolded there, we said the Commonwealth must provide dedicated and sustainable funding that addressed the looming shortfall, but also put the agency on sound financial footing moving forward.

[00:14:40] So there needs to be a permanent solution or as close to a permanent solution as is possible in this kind of scenario. Yeah, but we don't identify the problem. I mean, we do need a permanent solution, but we don't identify the long-term problem, which is previously they were talking going up from $700 million.

[00:14:59] Yeah, so we do say currently projected in FY25 with increases in future years. And if we can put some numbers to what those out-year projections are, we can try to do that.

[00:15:18] Okay, great. Okay. Supervisor Gross? That number is very slippery. The folks at COG are still trying to pin it down to be a firmer number.

[00:15:38] But I wanted to, unlike Maryland and Virginia local jurisdictions, I made that very point on a regional panel that I was on representing Fairfax County last Friday. And Mark Elrich, the county executive from Maryland, shot back.

[00:15:57] Yes, but in Virginia, the state builds your roads, and in Maryland, we have to build our own. Well, they also tax income. Yeah. That's a long conversation. Yes, but I just wanted to say, you know, we do get pushback. I mean, this is absolutely correct that we have to, the local jurisdictions have to come up with a lot of money, but we need to be prepared for that kind of debate.

[00:16:22] Actually, it might be helpful to know what the figures actually are. You know, when Maryland builds, when Montgomery County builds their roads, and he said that they have to build 2,000 lane miles, And I thought, I think we have 6,000 lane miles.

[00:16:40] So it might be helpful at some point to have a little bit of a comparison. Yeah, we'll take that to the Transportation Committee probably. But I think an important point on this topic is that the last time there was a crisis at Metro that required dedicated funding, Maryland funded it via Annapolis in the statewide Maryland Transportation Trust Fund.

[00:17:05] And that is an option for Virginia. So I think that's true however Maryland pays for the roads or doesn't pay for the roads. They have historically viewed Metro as a statewide priority for the state of Maryland, whereas Metro has historically been viewed as a Northern Virginia priority for Northern Virginia to deal with.

[00:17:31] Supervisor Palcik, and then we'll come down and try to move along. Thank you. And I appreciate the work on this. And from what I'm hearing, and I had some issues with the way it's written. I don't know that I want to compare it to Maryland because there are some things where they might say, well, we're doing this and you're not doing that.

[00:17:47] So I would prefer, I mean, they have different ways of functioning. I don't agree with some of the things they're pushing back on, like I want the American Legion Bridge built tomorrow. And so I would be more comfortable for us to just focus on Virginia and the importance of Metro to the region and to the Commonwealth and to the economy of the Commonwealth, which I think is shared there.

[00:18:07] So to me, I think from what I'm hearing, I would feel more comfortable with just focusing on Virginia, what the state has historically done, what the jurisdictions have historically done, and why we need to invest. But that's just a thought. Okay, Supervisor Alcorn? Yeah, all good suggestions.

[00:18:24] The one thing I don't think we've got in here is the reality is since it's local governments in Northern Virginia that pay for this, it's property taxes. So we might want to flag that, that basically we're talking about property tax paid metro operating in Virginia.

[00:18:43] Because I have a feeling once all the options are out there, that's going to be something we're going to have to really understand. Yeah, that's a good point. So I think it would be accurate to say local jurisdictions have historically provided substantial funding for metro, primarily via the property tax.

[00:19:00] Yeah, okay. Supervisor Stork. We don't do we have an option to do it? We don't have an option to do it any other way So maybe it's not only primarily we have no other options. Yeah, I think that should be we don't can't use income tax or other Sources - I think that's that's probably that more large it will work on we'll try to clarify that and the only comments was Fort Belvoir obviously Prince George's You know Maryland DC obviously TSA we have other federal sites here that they clearly add to our boss or benefit if you will But I don't know if there's some other way we should address that.

[00:19:37] I'm just bringing it up because I wanted to at least highlight. I'm not sure that there is a way to do that, but I wanted to at least acknowledge that that's a part of our cost structure and our need. Okay. All right.

[00:19:54] Nothing else on this topic. I think we just see on pages five and six, the budget priorities section is still being updated to be consistent with the new budget agreements.

[00:20:09] Yes. And Mr. Chairman, we have a couple of -- the Board asked us some questions at the last legislative committee meeting about specific items. Some of them were budget related. And so we're going to just give some updates or answers to those questions as we go along. we go along. And if you all need additional information, we can certainly go back to it.

[00:20:27] So this isn't -- as the chairman just said, we haven't updated this position yet. But at the last meeting, you all did ask for an update about foster care rates. And so I think Arielle can talk about that and Michael Beckett here somewhere if you all have follow-up questions.

[00:20:43] Hi, Arielle McAloon, Human Services Legislative Liaison. Yes, so there had been a question last week about the magnitude of the, or not last week, last meeting, about the magnitude of the foster care payment increases. And so we were able to get some information from Family Services about what those increases were. And so for the foster care maintenance payments, they range from an increase of $61 per month for zero to four years old, and then up to $90 per month for 13 plus.

[00:21:19] And then the clothing allowances increased from $50 for that zero to four to $75 for the 13 plus. So that just gives you kind of an idea of the scope. And just to also clarify, so the increased maintenance payment now is $547, just to kind of put that $61 increase into perspective of what those range of that payment size is right now.

[00:21:49] So they would now, the maintenance payments would range from 547 per month to 811, and then the clothing allowances from 365 to 548. And do they vary by region or cost of living, so there's no...

[00:22:05] That's not my understanding, although if family services staff wants to verify that, if that's incorrect. Yeah, just use the microphone, please, whichever one you can.

[00:22:21] This one should work. And so they do not vary by region, they vary by age. So babies zero to four get a lower rate, and then the teenagers get a higher rate.

[00:22:39] Mr. Chairman, I did ask this question. This is not exactly the answer I expected back. In terms of the size, the magnitude of the increase is certainly smaller than I would have expected.

[00:22:54] I guess you were hinting at that when you were making the presentation at the last meeting. This is, wow. And I can give you the number. So basically, most of our children, almost half of our children come in under Title IV E, and most of that payment is from the state and the federal government.

[00:23:13] So for the county, it's only an increase of $19,180 for the county's portion from the state. So if the child's under CSA, the state pays a portion, and then the county pays a portion. Thank you.

[00:23:30] Okay. Thank you. So, Mr. Chairman, then, at the bottom of page six, there was an update on the school readiness position, also a question that we were asked. So, Arielle will go through that as well.

[00:23:48] Yes. So, also, the committee had asked a question about the impact of the language in the budget agreement for Fairfax County. And I did want to clarify that there wasn't actually additional funding put into VPI, but what the budget agreement did was provide more flexibility.

[00:24:06] So essentially the VPI funds in the past were used to pay for salary when the teachers were licensed. So those teachers that were in the public school programs, this flexibility would allow the community providers to use VPI funds for salaries for those teachers that do not have licensure.

[00:24:28] So that was the change that happened and our staff did think that would be helpful for those community providers who really would like to use the VPI funds for it. salary. Okay. So then, Mr. Chairman, I think flipping to page 8, the economic development and diversification position, as we discussed at the last meeting, that position at the first meeting showed in red. It was just the last year's position carried forward. We hadn't updated it yet. We have worked with a number of county agencies to try to update this position and also to streamline it, which was the board's directive. So it is shorter and hopefully more

[00:25:06] streamline than it was previously, but we do have staff, including Rebecca Moudry here, if the board has any questions or wants to talk through any of the specific changes. Supervisor Faust. Thank you.

I appreciate the work that's gone into this, and it is much tighter and, I think, a better product.

[00:25:26] I do, unfortunately, have two additions I would like to see made at the request of staff that has to work with this stuff. On page nine, at the end of the second line there, it's a region seven period.

[00:25:42] I would add something similar to provide sufficient and comparable funding to each region to support development and review of grant applications. The hidden meaning behind that is that every region, all nine regions get $200,000 a year, which in Southeast Virginia retains five people to review their grants, we can afford two.

[00:26:12] So it's just a cost of living adjustment. I don't think it has much of a future in the Virginia state legislature, but I think it behooves us to ask for it. The other one is the second bullet on that page, encourage initiatives to stimulate the startup and early-stage capital ecosystem, comma, including events intended to create opportunities to make connections between investors and entrepreneurs, comma,

[00:26:50] and then wait, which is very consistent with what we are trying to accomplish, obviously. Okay. I think we can make those changes, and we'll ask Supervisor Faust to find us about 27 words to remove.

[00:27:08] I'm a man of many words. Okay. Okay, so lower down on that page, Mr. Chairman, in the libraries position. I think, yeah, go ahead, Ariel. Why don't you just answer some questions?

[00:27:24] Sure. So on libraries, we had been asked about whether the additional funding provided in the budget had any strings attached. We did confirm that there aren't strings attached to that language, but we will keep an eye on that. Okay. And then at the bottom of page nine, Mr. Chairman, under Medicaid waivers, when we discussed this issue at the last meeting, Gerald came up and we had some discussion about the state distribution formula for waivers, particularly for slots relative to the priority one wait list.

[00:27:54] And so the board directed us to add some language in there, which is in yellow, reflecting kind of the current state of the statewide priority one list and Fairfax County's portion of that list. Okay, important point as we discussed last time being that the growth in the waiting list Concedes the new additional slots that have been provided. So we're going in the wrong direction on portion. Okay So then mr. Chairman on the top of page 10. It's just a small Editorial fix there and then going on to page 11 under behavioral health

[00:28:31] Oriole can you answer the questions we got last time? Yes So we had also had a question about the transportation services, the funding that was in the budget for transportation services to transport individuals under TDOs.

[00:28:47] And we have heard from staff that that funding, there may be other opportunities for funding that may be more helpful in resolving that issue. The transportation services often are not able to take individuals.

[00:29:04] and so um both putting additional funding into the crisis services but also perhaps including more training and proper equipment for those transportation services could be helpful in kind of getting at that more at that issue and i believe the police department and csv staff are here if there are any additional questions on that all right any other any questions on that point all right let's keep moving um so then mr chairman on page 12 at the bottom in the affordable housing position when we discussed this last time the board directed us in the bullet that's at the bottom of that page that talks about increasing spending for permanent supportive housing units.

[00:29:44] You all directed us to include some language about operating expenses and wraparound services for those services, including folks with severe mental illness, substance use disorder, and developmental disabilities. So we did add that language at the bottom of page 12.

[00:30:04] And then finally, on page 15, on the last page, we just have a couple of small updates and changes. I don't know if there's anything you wanted to... Oh, I was just going to add that on affordable housing, there was the red note that the Affordable Housing Advisory Council recommended supporting or retaining that position.

[00:30:23] Yeah, thank you, Ariel. Yeah, so that's at the top of page 13. And as we discussed, those little notes come out at the end. But we do want to let you all know, particularly when one of the BACs asks to keep a particular position or a particular part of a position in there, we'd like to try to show you that as well. OK, any final questions or comments on the program?

[00:30:43] And we do have four consideration items to get through in less than an hour, so we'll have to move pretty quickly. Supervisor Palczyk? Thank you. Just on the housing, first of all, I want to thank you. I appreciate-- I think the operating and wraparound services is a necessary adjustment.

[00:30:59] For the last bullet, my only question is that because this is for state legislation, I would want to make sure that things like expanded notification, I don't want to create unfunded mandates at the local level. So I just want to be cautious that we want to be able to do more, have the state do more, but not require things without having additional support from the state on the affordable housing crisis.

[00:31:27] So I missed, I think, a little part of what you just said. Can you just remind me which bullet you're talking about? Yeah. The mobile home bullet. Oh, yes. I think that the notification requirement that came out of the task force's work and my recollection is the burden is on the property owner to notify the tenants and localities.

[00:31:51] Okay. Is there an intention there? If that's the intention, I'm comfortable. Right, if it's on the locality without any additional support for the tenants or the locality, I'd be uncomfortable. But yeah, I think consider changes to state law is fine.

[00:32:07] Again, with the caveat that often would be great to have that with additional funding support so it doesn't all fall on the locality and the many areas where we're trying to invest and are investing already on the formal housing. Mr. Chairman.

[00:32:23] Supervisor Lewis. If I could just add, the notification issue is it's 60 days that the owner has to notify the tenants of the mobile home park that the property is up for sale. The idea was to change that to 90 days. That's what the reference would we support legislation to that effect?

[00:32:42] Exactly successful, but we'll do so again. I'm sure we we hope that eventually that will become the law to thank you. Mr. Chairman, okay? All right, anything else on the program? All right, let's move to the items for consideration and we'll have about 12 minutes per item here The first one is EV charging stations in commercial and multifamily house. So mr. Chairman Members of the board, good morning. Chris Sigler, Assistant County Attorney. I'm going to take this first one, and I'm not going to spend a lot of time telling you how great EVs are and how much they can reduce our CO2, because you already know that.

[00:33:23] What I will tell you is that since Virginia has hooked itself up to the California emissions, we are under an obligation to go to sell no new gas-powered vehicles in Virginia by 2035.

[00:33:39] I think that's the passenger vehicles. Passenger vehicles, you're right, passenger vehicles. And used passenger gas vehicles can still be sold as part of the used car market, but all new passenger vehicles will have to be EV by then. And so to get that, to accomplish that task, one of the things we have to do is get the EV charging stations and infrastructure and electricity grid and all those things that are necessary to charge these vehicles in place.

[00:34:04] So this item comes from EQUAC, and their proposal is to support legislation to either require statewide or allow local jurisdictions to require EV charging stations or EV charger-ready parking spaces in commercial and multifamily housing. In existing builds, residents sometimes run into problems when they want to put in their own EV charging station.

[00:34:28] A homeowner's association or a condo association may say, no, we're not wired for that, or you can't drill through our concrete, or just a variety of reasons that they can't do it. So the goal with this proposal is to make it happen in new buildings when they're being constructed. The county is, of course, supportive of that.

[00:34:46] We have charged up Fairfax, which is part of our CCAP plan, and we already do a number of things to work with homeowners associations and COAs. to assess charging for EV vehicles we've also supported state legislation in the past most recently in 2023 senator boisco had a bill senate bill 1312 which would have permitted localities to require EV charging stations as part of a subdivision or site plan approval for a development containing either commercial industrial or multi-family residential units with a density

[00:35:25] of seven residential units per acre or greater that bill passed the senate but it had an unfortunate death in um uh in the house subcommittee so um so the recommendation uh with respect to this one uh staff's recommendation is that we continue to advocate in the ga for these types of systems pursuant to the language already in our program and additionally but we recommend that you direct staff to monitor the 2024 session for any related bills and bring them back to you so you can consider them in the upcoming session. Supervisor Alcorn? Yeah, thank you. I support the staff

[00:36:05] recommendation. Just kind of an update on some of the charge-up Fairfax pilots, or at least a couple that are in the 100 mil district. Retrofitting communities, multifamily, as you mentioned, is really hard. You know, this is something that folks have to work through their association and particularly if the infrastructure is not there, there's cost issues, disruption issues.

[00:36:28] So the more we can do to basically get this integrated into new buildings and have it be a given, the better chance we're going to have meeting our goals on passenger vehicles. So, yeah, thank you for bringing this forward. Yeah, I think, as was noted in the staff report here, this is something we commonly do during the rezoning process.

[00:36:52] We did support Senator Boyzko's bill, which went a little bit farther than that, if I'm correct, in terms of new construction. That could be by right at a certain density level. Yeah, Mr. Chairman, that's absolutely right.

[00:37:09] We have had some success in getting some proffers from developers, but Senator Boyzko's bill would have been more expansive than even that. Yeah, and I think, you know, maybe my suggestion here,

if the board agrees, we have on page seven of the program several bullets related to EVs.

[00:37:28] And I think we could add, I'm violating my own rule here, although I have net removed far more words from the program than I have added in four years, I suggest maybe a clause to increase local authority to require EV charging stations and new high-density development, leaving some flexibility.

[00:37:50] Obviously, there are particular situations where it may not be possible or it may be very difficult, and we don't need to dictate how many at this stage, but we have supported legislation consistent with that language.

[00:38:06] Supervisor Palchuk? Yeah, thank you. So, I definitely support the staff position on this. I do want to make sure that we are focused on reducing barriers, reducing costs, and making it easier for people to have and to charge their cars.

[00:38:23] What I want to be cautious of is inequities and any increased costs or barriers to those who rely on their cars to get around, to get to work, And for whom so many at this point, I hope it doesn't continue at this point, EV cars are quite cost prohibitive.

[00:38:47] So I just want to be really cautious on the equity and the economic equity piece as we continue to advocate for this many, you know, at this point, hybrid vehicles or carpooling or finding other ways to be able to do that.

[00:39:04] But knowing that, I would assume if we looked at the numbers, the majority of EV cars at this point are owned by the higher economic tiers in our county. And so I just want to be supportive, but not create additional costs or barriers. Those for whom currently or in 10 years, those cars will still be out of their price range.

[00:39:26] Mr. Chairman? Yeah, just a question. On page three, at the end of the first paragraph, there's a statement in here that I just, frankly, don't agree with, which is that, and because as EV batteries continue to improve, the need for charging facilities will likely decrease.

[00:39:42] I don't know where we got that data from, but the volume of new EVs being registered would contradict that statement altogether. I'm not sure that adds any value. I do support the staff recommendation, and I guess one of the questions I have that is quasi-related to this, um because this comes up a lot is do we have in virginia code section do our police have the ability to enforce ev charging station parking because one of the challenges i see across this county is vehicles that are not ev vehicles parked in charging station parking spots so

[00:40:19] i'm told there's not a thing that can be done about that so mr chairman mr chairman i don't know the answer to that uh i know the police are here and i don't know if they know the answer to that as we sit here today unless unless they jump up we'll have to come back and get the answer i don't see anyone rushing up i think we can figure that i think it's important to find that out as we approach this session because it's an increasing problem and and has a dramatic effect on availability which is at the root of what this initiative is so i i do support the initiative i i'm not sure we should be telling folks that because the ev batteries continue to improve charging facilities the need for them will decrease i don't know where that came from

[00:40:59] so mr chairman if i could just jump in on that point um when we were kind of um going around with staff on this um on this item what came up is how much coverage you would need for

charging stations and how many parking spaces would need to have them um and so that maybe it wasn't uh maybe it's not written as artfully as it should have been i think the idea was that as the technology improves as batteries improve not that you would necessarily need less than you do today but that you wouldn't need to continually expand because it would become more efficient or more.

**[00:41:34]** I think you probably will have a bell curve, right? In the next 10 years, you're going to need a lot more, and then it will level off over time. But for the next 10 years, at least, you'll need a lot more. And I would just add, from the equity standpoint that was just mentioned, the affordable EVs are the ones that need this the most.

**[00:41:51]** They have the lower range, and we want to encourage that. So that's another reason why I don't love that statement. I understand. Supervisor Smith? Right now in Proffers, we talk about level two chargers. Could we, if we wanted to, start encouraging level three or do we need any authority to be able to do that? So, Mr. Chairman, Supervisor Smith, I don't know that we need any additional authority to do that. Okay. Alright, so I think we're in general agreement with looking at some language that's consistent with the legislation we've sort of supported in the past on on that topic and we can

**[00:42:30]** move on to consideration item number two from the tree Commission yep and mr. chairman I'm going to cover this one too the tree Commission was busy they gave us four so I'm gonna I'm gonna try to move through them quickly but I'll give you each proposal and then the recommendation then move on to the next proposal proposal a is to support legislation that provides resources and funding to assess where and why tree canopy losses are occurring in Virginia, incentives to stop tree canopy loss, and funding for statewide education efforts regarding the harms caused by tree canopy loss to benefits of native trees and how they help mitigate

**[00:43:08]** the adverse effects of climate change. So as I interpret this proposal, they're essentially supporting a study, and studies can be fine. As the item talks about, there's been a number of studies in recent General Assembly sessions.

**[00:43:25]** And I laid them out there. There was one in 2020, one in 2021, and one in 2022. I'm going to start with the 2022 one first real quick. It was a poorly written study, and it didn't provide any resources or direct any specific agency to do the study.

**[00:43:43]** And thus, no one did the study. So if you look it up on LIS, it's marked as overdue. So that study wasn't particularly useful. And in 2020, the study got underway, but then the COVID pandemic hit, and that study wasn't able to be completed.

**[00:44:03]** The 2021 study is an interesting study. If you look at that study, on a lot of the big issues that would give us big authority, I guess, there was not consensus among the various groups. There are some recommendations in that study that could be useful to us and helpful.

**[00:44:19]** But again, what I would say to you is we've studied trees a lot in Richmond and I think as we look at our program, we have strong language in the program with respect to trees and we're looking for more authority, not more studies.

**[00:44:37]** So our recommendation with respect to Proposal A is that you direct us to continue to advocate in the GA that supports our existing language in the program and bring back bills that are relevant to you during the session so that you can weigh in on them if you choose to. Proposal B is to support legislation to

continue to adequately fund the Virginia Conservation Assistant Program, VCAP, to provide financial incentives and educational assistance to property owners and also to support

[00:45:13] legislation that would essentially prevent a property owner association from telling a resident or having a covenant that says they can't install conservation landscaping. That's essentially Proposal B. And with respect to Proposal B, and I'm going to shuffle my paper, bear with me.

[00:45:35] First of all, I didn't know what VCAP was, but it's an urban cost share estate program that provides financial assistance and technical educational assistance to property owners when they install eligible BMPs.

[00:45:52] And these BMPs are, of course, helpful to the county, good for our stormwater management system. These VCAP funds are administered through Soil and Water Conservation Districts. And so the money in VCAP doesn't come directly to the county.

[00:46:09] It comes to the Soil and Water Conservation Districts. In the Northern Virginia District, they take VCAP funds and mix them with cap funds, local funds, and do a lot of good work in the area of stormwater management and BMPs. So it's certainly a good program, even though the money doesn't come directly to the county.

[00:46:30] With respect to the community owner associations and preventing them from having covenants, that's always a tough sell in Richmond. They have a strong lobbying. It's always a tough sell. So, our recommendation with respect to Proposal B is to monitor for specific language or budget actions concerning the funding of VCAP, and then you all can decide whether you would want to weigh in on something like that.

[00:46:58] Proposal C would ask to support legislation that would allow counties to adopt ordinances banning or imposing a surcharge on the sale of the most damaging of invasive plant species so we've talked a lot about invasive species invasive species are no good so so I think right now you know the cost of removing them is expensive for property owners our legislative program the draft that you

[00:47:33] just reviewed supports actions to discourage the sale of invasive species This proposal goes a little bit farther in promoting a ban or a surcharge, but so our proposal is that the draft language already exists in the program sort of dealing with this, and if there were a bill that dealt with the banning or creating a surcharge, we're really going to have to think about that, look at the bill, and consider a wide range of issues, process, how would we do it, how would we implement a ban, and then we'd have to

[00:48:12] develop some kind of an enforcement system. So if there's any bills like that, let's carefully look at them. So that's the staff recommendation for C. And finally, proposal D is to seek or support legislation that would establish a study to assess the benefits and impacts of permitting trees. I already talked a little bit about studies. I won't say it again. One of the things I think we'd have to think about, and permitting trees in the sense of if you're going to remove a tree, if a property owner wanted to remove a tree, they'd have to come in and get a permit

[00:48:47] to remove the tree. So, again, I think that's an issue we'd have to carefully think about. You're going to want to think about what's the extent of the authority we're being given, What are the costs associated with implementing that kind of system, and are there any potential legal issues that might make implementing that authority problematic or difficult?

[00:49:14] And so I can think of a number of issues, but I think our recommendation is to monitor for the introduction of any legislation, because we have no idea if legislation like that's coming, but monitor for it, and then bring it back to you at a legislative committee so that we can hash out those issues.

[00:49:30] Okay, thank you. I'll just say, you know, the study that Mr. Sigler referred to, I've read it now several times, as recently as this morning, and it is strange in that the report, you can hear the members of the working group kind of thinking out loud and describing their failure to reach a consensus out loud in the report.

[00:50:00] But it does make some recommendations, maybe too strong of a word, but it does suggest some potential legislative paths. It talks about enhancing the cluster development statute, allowing an increase in the tree canopy limits.

[00:50:20] There was, doesn't, wouldn't apply to us, but relevant to the topic, Senator Marston's bill to allow other jurisdictions to have a tree preservation ordinance. as we do. So all that's to say, I agree. I don't think we need another study. But I think there is maybe still an open question for us of those ideas, accepting that they weren't a consensus that came from that working group. Have we fully analyzed how they would impact us and whether we

[00:50:56] should be proactively supporting any of them? For example, I don't know whether the expanded cluster development authority for commercial districts that they outline would have any statutory or real-world impact on our development efforts and the preservation of trees in them, but I don't know that we've looked at that.

[00:51:19] So, Mr. Chairman, we can go back and take a look at those recommendations, and I hesitate to use the word recommendations, too, but the ideas and concepts, and we can talk to staff about that, and certainly, I mean, again, if there's any, know how much you all care about the issue of trees and would like to have expanded authority so we're going to certainly look for bills and bring them back but we'll double back I just think even though the study the the study and the report are imperfect let's not start the clock over and spend another three years producing another report and study that also will be imperfect let's just

[00:51:55] take what we have and see if we can work with it to to do something positive and in terms of the invasive species obviously it's an issue we've you know spent a lot of time on I think we're going to be talking more about it later later today but we have experienced the challenge in enforcement of invasive species after that species has been purchased and planted so figuring out ways to discourage or prevent that I think I think has some value I personally I do not think a county by county approach makes a lot of sense. We don't have a mechanism and it

[00:52:35] would be very difficult for us to say to every Home Depot or Lowe's or nursery in Fairfax County that you can or cannot sell X, Y, or Z. I do think you could have a statewide approach or a planning district approach based on existing kind of regulatory structures that could work, but I agree with the staff recommendation that we should monitor that and maybe look for things that are going in that direction.

[00:53:04] Other questions or comments on the tree section? Supervisor Gross? Thank you. I appreciate staff's distillation of recommendations, taking what the proposals were and sort of navigating them. On VCAP, I think we definitely need to support adequately funding VCAP.

[00:53:28] I think the challenge for VCAP often is the administration of it and the difficulty of an individual homeowner to figure out the application process and ultimately get the funding, usually sort of after the fact.

[00:53:47] But that's not legislative at this particular point. It is just something I wanted to point out. I think that imposing a surcharge on the most damaging, how do you identify the most damaging of invasive plant species?

[00:54:03] I mean, everybody's going to have a different opinion on that. So it would be probably go big or go home, outright ban. And if it doesn't work, it doesn't work. But I think, you know, allowing people to pay extra for invasive species is sort of it doesn't make sense to me and then the I think on all the proposals I would support the staff recommendations I think they've done a good job of navigating their way through these suggestions by the what is it by

[00:54:39] the tree commission thank you Supervisor Alcorn thank you mr. chairman I appreciate the staff recommendations on all these as well and and and support those one point i will make on one thing that the tree commission did not really weigh on is to me the elephant in the room which is by right development and restrictions uh on basically what can we do to preserve trees on by right development and i know embedded in some of the studies that you know there could be some recommendations but chris i think as you as you mentioned that's been around

[00:55:14] a long time uh and been a lot of fighting and in discussions and so i do appreciate the tree commission trying to look at creative ways uh to save trees without running into that buzz saw because that that really has you know we have some limited ability uh for by right development but you know over the years i know there's been many many attempts to try to try to do more so i do appreciate their their attempts to look at more creative ways and on the invasive species um stuff i totally agree this needs to be a regional you know planning district thing i do prefer the ban

[00:55:54] as well but you know looking through the slides for later today the park authority's got to spend nine and a half million dollars over the next decade uh just on running bamboo then maybe a surcharge if it comes to pay for that maybe maybe we would consider that because we've got a big bill uh you know that we're dealing with this nasty invasive species and uh specie and so we're you know we're going to be dealing with this for a long time but any way that we can find a way collaboratively to turn off the spigot uh for these basically these these little financial time

[00:56:32] bombs uh not just for private you know landowners but also for our public land uh you know we should we should definitely um pursue those uh wherever we can so okay um on that point supervisor gross on the surcharge where would the surcharge go i mean i think that's a question we need to figure out if there's if the legislation would be a surcharge you know does that just go into the state coffers and general fund or does it come back to the point the locality where it was sold um i think that's one of those things where okay surcharge sounds well maybe that's a little bit

[00:57:11] of a punishment but what happens to the money it needs to come back okay supervisor stork and then i want to move on from this one supervisor smith i think staff done a great job of saying monitor because there's so many elements here um i think invasives we i think if nothing else we need to maybe strengthen our language about how we would educate and communicate because i think our staff could could send out information to some landscaping companies as well as some of the big some of the stores

and remind them that these are invasive species and we strongly urge them not to carry those things i mean there's things that i think we can do that we could ask the state

[00:57:49] we need to to give us support to do that those invasives are killing trees and if we don't do something sooner rather than later there's going to be more trees that are dying and come next year there will be there'll be an environmental committee discussion about this i'm confident as well and the by right destruction of trees is we do have other options i don't think at this moment. I mean, I would love to get state authority to do more, but I think we have some additional things that we can do that I'm looking forward to us talking about in the next few months.

[00:58:18] Thank you. Okay, let's move on to tidal wetlands. Thank you. Good morning, Mr. Chairman. My name is Kristen Kanasky with the Office of the County Attorney, and I'll be presenting the proposal by EQUAC and staff recommendations regarding tidal wetlands protection. Staff is here today to answer questions, and I'll ask that they join me at the table. The proposal is asking the board to oppose legislation that would weaken existing tidal wetlands law regulation and guidelines,

[00:58:59] specifically asking the board to oppose any legislation that would create an exemption for tidal wetlands bulkheads. As background, in 2020, you'll recall that the General Assembly passed living shorelines legislation, and as part of this, it required the VMRC and local wetlands boards to consider only living shoreline approaches to shoreline stabilization unless the best available science shows that such approaches are not suitable on a particular property.

[00:59:32] Importantly, existing bulkheads that are kept in good working order are not subject to removal under the existing law. For those in Fairfax County with tidal wetlands on their property wishing to continue using those bulkheads, they would be permitted to do so, assuming that they are kept in good working order.

[00:59:53] Last year at this time, the board saw that because the law was still new, there was some misunderstanding among different citizens groups and property owners. And so the board directed staff to do a public outreach and to inform everyone about what the law required and didn't require and specifically what those guidelines were under the Fairfax County Wetlands Board.

[01:00:24] And so our recommendation, and after speaking with staff, is to monitor any introduction of legislation that would create such an exemption or weaken the 2020 legislation in any way.

[01:00:42] Okay, Supervisor Stork. This is a significant issue in the Mount Vernon District. I'm hearing about it quite often, and there's a number of individuals that are very involved with this on, I would say, both sides.

[01:00:58] But clearly, my conversations with our legislative representatives who should be closest to the community and what they may or may not want to be willing to do has been that they have not identified that there's a specific harm that requires legislation at this point in time.

[01:01:17] I think there's absolutely the potential for that. It's not been evident in the specific situations that I'm aware of because the ones that I'm aware of are all focused still on grandfathering. And then the question becomes, are they truly grandfathering what's there or is there some addition that's been done?

[01:01:38] And that's really the fine line. And, again, the comments from the legislative folks are that they believe that the system can address those, whether it's the Wetlands Board or the VRMC, if I got that right,

can address those issues and ensure that there's balance there.

[01:02:03] I've been taking a wait-and-see attitude myself. I think I have some concerns that that may not be the case, but I'm not aware of specific harm that the legislation has caused yet. Even though I recognize that it could, in fact, create harm for some of the property owners, that would be unfair.

[01:02:23] So I'm willing to support the monitor at this point in time, even though I know there's a lot of concern in the community about whether or not that's sufficient. Do we know whether anyone has, as of yet, applied for a wetlands permit in Fairfax County?

[01:02:41] Mr. Chairman, if I may, I want to address Supervisor Stork's issue first. Supervisor Stork, I think that last year when we were talking about this issue, and I jumped in because I was here with you when we did this, part of the concern from the residents was that the 2020 law was going to require them to put in living shorelines in a variety of circumstances, and that if they had to use the best available science to prove that it wasn't necessary, that would come at great cost to them.

[01:03:16] And I think really the issue with the 2020 law, at least as I understand it, is that there are occasions in which you might have your bulkheads or your shoreline may be damaged in some way, but maybe it's a minor repair, and you don't need to go and get a permit to do that repair.

[01:03:40] So the issue of living shorelines doesn't come into play at that time. So I appreciate what you said about let's wait and see how it happens, because maybe it becomes more burdensome than people realize as we flesh out the law. But so far, I think it's been working well.

[01:03:56] I think it's a real question of burden. Again, it's not been evident. I know there's a lot of misinformation that went out and there's a lot of effort that I've particularly been involved with. And I know that the state senator and delegate have also spent a considerable amount of time trying to educate the public and make sure that people truly understand where the balance is.

[01:04:20] And I think that still, I guess, remains to be seen if that education is working. I've had a number of conversations with people in the community. I think it's making a difference, but there's still a lot of fear like anything, particularly if individuals are out there. And there are individuals out there right now, as you might expect election season, trying to create more fear than, maybe if you will, more smoke than light.

[01:04:42] Right. And Mr. Chairman, I'll answer your question by saying I don't know, but maybe they know about whether there's been anyone applying for permits. Yes. Hi, my name is Katie Herman. I'm a branch chief with the Department of Planning and Development, and I'm the staff liaison to the Wetlands Board.

[01:05:01] And we have several applications for wetlands permits that are submitted by county residents each year. We average anywhere between typically four to eight, some of which those permits do make their way to the board. Others are, you know, resolved without a necessary public hearing for that permit.

[01:05:21] So we do get... So are there applications and or permits that where the new living shoreline law would apply? yes yes okay several so like one hand two hand kind of thing um i would say more or less around five at this point yes and we've had a varying submission of the types of projects and designs as well so so just to be clear i i'm reading at the bottom of the top of page 10 the first paragraph it says the need for a permit triggers the possibility that a living shoreline would be

[01:05:57] suitable for shoreline protection measure there's no grandfathering provision for failed and so you You know, I guess I know that's not the actual language of the 2020 bill. And so I'm presuming that there's a trigger of some type that staff is using to identify whether we're looking at an application that because it requires a permit would say you have to go to living shoreline versus the amount of work associated with that permit doesn't reach that threshold.

[01:06:27] Are we clear on what that is right now? Because the reason I ask that is what Supervisor Stork, you know, was mentioning about our local delegates. And, obviously, we see the 2022 bill, which entered, in my mind, a whole new concept, which is whether or not distracting from established use and enjoyment of the property, which, you know, I understand why that would be in there.

[01:06:50] But I also understand the highly subjective nature that that would put staff into in terms of interpreting. And so do we feel like what we have in the 2020 bill is clear enough to decide when a permit reaches a trigger point that would be suitable for a shoreline protection measure as opposed to a repair?

[01:07:11] Yes. Hi again. Katie Herman with DPD. So there's a few things in there that I can unpack if you'd like. First of all, the Wetlands Board is charged with taking into account six factors in terms of preserving and protecting tidal wetlands.

[01:07:29] some of which include resident access to the shoreline, economic, and public interests. So those are a wide range of six factors in which they take into consideration. Additionally, many of these properties have site-specific considerations that must be taken into account that are written into the current law, some of which those requirements did not change with the 2020 law change.

[01:07:59] So that is a list of scientific measures that myself, as the staff liaison, advise the Wetlands Board on. But then the Wetlands Board, as members of that board, may take their own considerations into account as they assess those scientific factors.

[01:08:16] And then in terms of getting at the issue of repair, there are areas in which repair can be done to a structure without a permit. And it really boils down to, again, going back to the way that the state and county code are written, that it depends on if there's anticipated impacts to wetlands during that project construction design.

[01:08:47] So if there's factors going into that design that would impact and disrupt potentially additional tidal wetlands, that would be cause for moving towards that next milestone, which would be an assessment of a permit application.

[01:09:07] It's really that factor of disturbance and impact to tidal wetlands that kind of takes the permit into a different phase, if you will. So is that to say that from a staff standpoint right now, you're comfortable with the six factors and the triggers that exist in the current law?

[01:09:28] Yes. And if I may add, the Wetlands Board did go through a process in late 2021 into 2022 to create a subsequent list of guidelines that I don't know anywhere else has been done in the Commonwealth by a Wetlands Board.

[01:09:45] They really took the time and effort and additional outreach to create some guidelines and purposeful explanations that hopefully would resonate with residents on how to address these kinds of things. So okay. Thank you I appreciate that. Okay. All right So I think we're good on that we'll move on to the final consideration item regarding electronic participation in public meetings So mr. Chairman, we

have a lot of staff here who can talk about this item It depends on how much the board wants to go into depth, but we received a proposal as you all can see on page 11

[01:10:20] Primarily from the Fairfax Area Disability Services Board, but also the Commission on Aging and the Fairfax County Community Long-Term Care Coordinating Council also Collaborated with the DSB on this proposal You know we have let us we have language in the legislative program We've talked about it here as there have been bills in past general assemblies to increase electronic participation, but include also transparency measures as we do that and advocate for that at the GA. But this proposal that came from the GSB is sort of specific because

[01:10:54] the current law allows public bodies, members of public bodies who meet the definition of a person with a disability or serve as a primary caregiver for such a person to participate remotely. But the issue is that those members who are participating remotely can't count towards the quorum, which seems like it makes sense in a way until you get to something like the DSB, where, and my understanding is from our DSB, almost every member qualifies as a person with a disability

[01:11:28] or a caregiver or, you know, could potentially meet this requirement, which may be something a bit unique but obviously is an important situation and and so the issue is that all of the members or many of the members can meet the requirement to participate electronically but since they don't count towards the quorum in practice they really can't sort of operate that way and so the proposal that we received was to try to address this this particular issue as I mentioned earlier we already have language in the legislative program I think that we added last year or two years ago but I

[01:12:06] but I think it might have been last year, in terms of increasing electronic participation while maintaining transparency. My understanding is that the FOIA council is looking at this issue, this particular issue of folks with disabilities and caregivers.

[01:12:22] And so our recommendation was to continue to follow that, to advocate in the direction that the board has given us, And then really kind of try to follow this particular proposal, see if something comes out of the FOIA council and share some feedback with them.

[01:12:39] And then obviously we can discuss it with you all during legislative committee meetings during the session. So I agree with the staff recommendation, except I do think given they have raised an important kind of unique element to this that we haven't discussed a lot.

[01:12:59] the only thing I would note is you know this is specific to a person with a disability or someone who's a primary caregiver for a person who has a disability there are a lot of other kinds of caregivers what I'm going to suggest is on page five of our program where we have look at the language of Ms. Arco cited where we say locality should be granted additional authority to allow for increased opportunities for members of public bodies comma especially those

[01:13:33] with disabilities or with caregiving responsibilities comma to participate in and attend public meetings remotely I think that's a decision point for the board you know we have advocated for additional authority and increased opportunities for everybody to participate remotely in public meetings? Do we

[01:14:04] want to, as this item suggests, make a particular point that, especially those with disabilities and/or caregiving responsibilities, I would suggest of any type be given a different category in terms of our prioritization of what we we would like to see, Supervisor Smith?

**[01:14:28]** I agree with that assessment because I think we know it's going to be hard to get any changes. So at least if we point out where it's most essential to get a change, I think that maybe we can at least accomplish that if the other stuff is hard to get. Okay, Supervisor Patrick. Thank you.

**[01:14:43]** While I support any movement forward, because I think there's been a lot of pushback in the 21st century and we have families and adults who struggle to join some of these meetings, my only word of caution would be if we limit it to that, we might hear back, well, we're already allowing for that, right?

**[01:15:00]** We're already allowing for people to be able to list specific reasons. So I think the fact that the quorums are so hard, I know many of us still struggle to find people who have the time and ability to join these public bodies that are so important because of the time commitment and traffic and transportation and time away from their loved ones or their work.

**[01:15:21]** Some people, it's for their work. So I don't know. I mean, I'd be okay if that's where we all decide. would feel more comfortable for us to continue to push for the fact that we know that there was much higher participation when we were able to and when there we have been able to have more flexibility in that remote participation more than we've ever had and so I would rather continue to push for that even though it's hard hopefully a some of the new members will be supportive of that rather than than them pair it back but but that's where I

**[01:15:59]** I stand, I think it's a huge equity in time issue for so many. Yeah, no, I certainly wasn't just suggesting paring back or stepping back from our position that we want increased opportunities for every member of every public body.

**[01:16:15]** Given what we have from the Disability Services Board and maybe the achievability of that relative to the broader, do we include a few words specifying that or not?

**[01:16:30]** I think that's a decision for us. Can I be OK with it? As long as we specify the fact that achieving quorum, especially for public bodies, where a majority of those members, where they struggle to reach quorum, where so many of those members are able to individually take those virtual meeting exemptions, I guess.

**[01:16:51]** But that means as a whole body, it is difficult, think being more clear. Okay, so maybe a reference if we can work in a reference to the quorum the uniqueness of the quorum challenge. We'll work on that for the next meeting and we'll be following this as I said the FOIA Council is looking at some of these issues both the broader ones and the more narrow ones and so we'll certainly be advocating in favor of both but we'll bring some language back to the next meeting. Okay, anyone else? Supervisor Gross? I have something to bring up after we're finished with. Sure, anything else on this Item all right supervisor gross for the good of the order you got six minutes

**[01:17:32]** Mr. Chairman of the lake barcroft watershed improvement district in my in my district has been notified by the DCR dam safety folks that they need to Armor their dam now the dam the lake barcroft and I think maybe the largest one in Fairfax County and it is completely privately owned by the Watershed Improvement District, but there are new regulatory requirements that are based on updated NOAA estimates of what is possible in a catastrophic weather event like Hurricane Harvey or Hurricane Sandy.

**[01:18:10]** The worst-case scenario, which must be prepared for, is a 25-inch rain event over 24 hours. The process will be long. It will be a year, probably, until actual costs are known based on their engineering

and regulatory design approvals, and they're going through this at their own cost, and construction could be several years.

[01:18:32] But dam safety is a statewide issue. There is concern that because there are more than 375 dams regulated by the DCR dam safety, does the state have capacity to do this? So the WID is reaching out to Richmond to ensure that the state agencies have sufficient capacity.

[01:18:54] They're building support for the state application for federal FEMA grants. They're identifying possible state resources to assist, but they also are looking at potentially going to the General Assembly for legislation.

[01:19:11] Don't know what that legislation is at this particular moment, but they've asked me to bring this forward so that our legislative committee can monitor and perhaps stand ready to support legislation that might be introduced.

[01:19:26] It's still a little, it's still a work in progress at this particular point, but I wanted to bring this forward because it is a very important item that is going to cost my constituents several million dollars to fix, and so they're going to need a lot of support to get it done.

[01:19:50] They're not asking the county for money. I've told them there isn't going to be any county money here, but they do have a very large dollar figure ahead of them and a lot of engineering and a lot of construction.

[01:20:08] They have an earthen plug. If you want to go into a little bit of detail, most people know about the loss of the dam in Hurricane Agnes in 1972. You may not remember it, but you've heard about it. The dam was fine.

[01:20:25] It was the earthen works beside it. Well, now it looks like the state is saying those earthworks are no longer adequate for protection from downstream. And this will affect, if the dam, if something would happen, it would affect properties in Fairfax County and in the city of Alexandria, sort of going through Mason District, through Alexandria, and then down into Franconia and Mount Vernon Districts.

[01:20:53] So, yes, they have asked for appointments with several members of the board to give them an update and a briefing, but I wanted to bring it before this committee so that we've got it on our radar screen, because they're going to work really hard to get some legislation introduced in the General Assembly.

[01:21:15] Thank you. Thank you, Supervisor Gross. And as you know, Ms. Arco and I met with the Watershed Improvement District yesterday. and learned about the issue and I've asked our staff to follow up because we have a stake in this not just because of the Lake Barcroft Dam. The dams that we maintain and are responsible for could be impacted here too and fundamentally NOAA is because of climate change updating the rainfall projections to be closer to reality and that creates a much higher bar so to

[01:21:54] speak for for dams to be to be safe and uh my impression was they're fundamentally looking for funding from the state to support dams like lake barcroft that will need to make these improvements and we need to figure out whether we own and maintain any dams that would be in the same category and what kind of grant programs could apply to us so our staff is going to be working on that um which hopefully will support lake barcroft's efforts as well supervisor alcorn Yeah, thank you, Mr. Chairman, for that update.

[01:22:24] Yeah, and I would also just ask as staff looks at this, keep the board up to date on what NOAA is doing, because there are a lot of other private dams around the county that this may be the canary in the coal mine. Not as large as, like, bar crops.

[01:22:40] Right, but certainly with the new assumptions, this might not be the last time. Okay, we'll give the chairman the final word, and we'll wrap up. I just think in terms of information, if staff could circulate for us, we know where these are. How many are publicly owned? How many of them are privately owned and where they are?

[01:22:57] Because I think that will help us understand magnitude question, but then also potentially some of the legislative remedies. I know some are in the county inventory, too. So I think it's important for them that affects all 10 of us, that we know where those are and who owns them. Thank you.

[01:23:13] Okay. Thank you, everyone. We'll see you at our next meeting on October 17th.