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[00:00:04] my child goes to both of those schools. All right. Good afternoon, everyone. Welcome to the February 23rd, 2024 meeting of the legislative committee. We're a little bit late because staff were stuck in traffic on the way back from Richmond, working hard for us up until the very last moment, but they made it. We're going to start with an analysis of the state budget.

[00:00:31] We'll start with Ms. Arco. Thank you, Mr. Chairman. So yeah, we apologize for starting a little bit late today. Um, so as we talked about the last time, um, the House and Senate have each now reported their budgets. Um, so their amendments to the governor's budget that he introduced in December. And so, um, now we've had a look at them. We have put together a handout today, um, that isn't our usual budget chart because we've only had really the, um, the amendments since Tuesday. Um, and so it's been a lot to go through. And so we've tried to call out the ones that we think, um, our county priorities are just things that, um, the county would be most interested in for today, and then next week we'll be working on the more detailed budget chart that you usually

[00:01:08] see. So I think Jennifer's going to start by walking through some items, and Arielle and Noelle as well, but feel free to ask questions as we go along if you have them. Jennifer Vinny, Deputy Legislative Director. So the first part of the budget is about K-12. The House and the Senate took vastly different approaches. I will say to preface, there's not a ton of JLARC. What we'd hope would be there about JLARC

recommendations is not. There is, we can talk about, there was one recommendation the House kind of took, and that was the at-risk funding, addressing that, and ELL, so English

[00:01:47] Language Learners funding. The Senate also did English Language Learner, the support cap, and then a smattering of other things. But as far as a thoughtful approach to how to implement the JLARC study it's it's not been evident thus far so um first both uh the senate put back in the budget the um grocery tax so as you might remember there was a growth when the state got rid of their one percent grocery tax they were there was a payment for hold harmless for the localities on k-12 funding that was a compromise that was agreed to and put in statute the governor did not include

[00:02:26] that this year in his budget and so the senate put that back in there and again just emphasizing that this is um the commonwealth had made the commitment to continue to provide that funding to the schools and so the governor had said he thought some maybe some of his new taxes would backfill that funding but we are we um but that is there so the next is again the senate and i'm sorry to interrupt on that but i but i do want to just have one question maybe for the county executive to go back to FCPS and ask whether the superintendent's budget assumes

[00:03:05] that the grocery tax money has been restored or not. I read it, and it was unclear to me. So if we can go back and ask them, because that's a significant potential difference there of $25 million, I think it would have been a mistake for her to assume that that $25 million would materialize from the General Assembly, but I'm hopeful it will.

[00:03:29] But I think we need to ask that in terms of our budget conversations as well. Chairman Walkinshaw, thank you. Yes, we will be speaking with the schools on Monday as a prelude to our joint meeting on Tuesday.

[00:03:46] We will ask as many questions as we can between now and then. Thanks. So the other one is the one tax proposed by the governor that both that the Senate and the House kept was the new tax on streaming services.

[00:04:06] So expanding the tax sales base, the Senate, you expanded that further for any sales tax on streaming service, streaming technology, downloads, things like that from business to business transfers as well. and they use that extra funding that they assumed with that to put it towards K-12.

[00:04:29] So that's an additional, a net about $8 million towards FCPS. The second category of funding is compensation. In general, we know that when the county gets that staff salary increases, often falls a burden to us that the state provides funding for about 20% of a raise where the FCPS and the county pick up the other 80 percent. So the House put in a 3.3 eighths or

[00:05:04] 3.4 percent increase for each year. In order to get that, to get any sort of match, locality will have to put in a minimum of 2 percent raise themselves. And the Senate did a 3 percent each raise, a 3% raise each year of the fiscal year, and they required a 1.5% increase to get any sort of prorated match with that. Both also did get rid of the 1% bonuses that the governor's budget

[00:05:34] had suggested. The next one is the cap on support positions. This is a longtime priority of the county, and the Senate did include funding to fully get rid of the support cap on the cap on sport positions, which would be a total of approximately $18.7 million for FCPS.

[00:05:57] The next, so this is one of the JLARC recommendations, is we're looking at how the funding for English language learners is spent. And so the House and Senate both took different approaches. The House provides funding based on a ratio based on student proficiency.

[00:06:16] So it could range based on that, makes it a little bit harder to determine, but funding exactly that we would need or receive from the state, the local impact because of that can't really be determined at this time, but we do feel like it would be substantial.

[00:06:35] The Senate, on the other hand, takes the current ratio from 20 to 22 support staff per 1,000, or sorry, instructors per 1,000 kids. So that would result in $2.3 million revenue for FCPS because we already go above the 20% requirement.

[00:06:56] So we already meet that new ratio, so we would gain money in that proposal. The next item is the at-risk add-on and the at-risk per-people funding. The House has just kind of one giant amendment, and it proposes 196.3 for FY25, of which we would see a decrease of $4.8 million in funding.

[00:07:24] Because along with, they did put in this large amount of money, but they changed, we never, we do not score well with the add-risk add-on, as you might know, because they do it based on percentage of kids at risk versus number and while our numbers can be bigger than other school districts combined we have a lower percentage they did some further tweaking to the formula and it would result in us getting even less as they're pouring at risk add-on and some of the preventative funding that that we do receive not through

[00:08:02] that formula, they're putting that all through the formula now. So they're taking several different kind of streams and putting it through that formula. The Senate, on the other hand, is putting money in for the at-risk, and they're just increasing the percentage from 36 to 45. We would get about 3.9 million of the 88 million in FY 2025 for that. And then the Senate also is to support

[00:08:34] additional at-risk, it would result with that budget amendment, it would result in about $4 million of additional revenue. So the Senate in general, about $8 million, and we would lose under the House's formula. Okay, why don't we stop there for any questions on the education items of the budget? You know, I'll just say, obviously, and we said this in our first meeting where we discussed

[00:09:05] the JLARC study in the context of the session. If the General Assembly kind of starts cherry picking and picking and choosing among the JLARC recommendations, they risk creating winners and losers among jurisdictions in Virginia. And you can see a little bit of that here. I do think, and it sounds like there's a real opportunity to take the final step on the support cap this year.

[00:09:36] There seems to be real momentum for that, and nobody loses. No school system or jurisdiction loses, and we do very well there. So, you know, that's something that our staff is going to be very focused on, and we're going to continue to urge a comprehensive approach in terms of the JLARC recommendations because picking and choosing just is not the right approach.

[00:10:01] But let me open it up for questions from board members on the education items in the budget. Supervisor Palchuk. Thank you, Mr. Chairman. and thank you for this. You know, I was excited to see that there was movement on the support cap, but it seems that all of the other changes negate that. If not going further, it's starting to remind me of the federal support impact aid funding formula that's even worse than the LCI.

[00:10:31] So have you seen, is there, I guess, general support for this? Because is it helping enough uh localities that they're i will say in talking with some of our colleagues who who focus on education in general um all of them support the house over the the senate sorry the senate over the house the one that gets rid of the support cap and doesn't do all the money through the at risk formula so um the senate we would see some increases which would be nice um the house is is pretty um not the best outlook for us um so that's what i'm hearing from them um they they are also

[00:11:10] talking about the federal I don't I don't know the numbers I can bring that back next time if you'd like but they they are also talking about the federal deduction okay yeah from what I recall that was abysmal and it was a similar of taking it compared I think it was here the per risk student based on your percentage compared to other school divisions right and it seems like they're trying to maybe target us and that's pretty disappointing so anything we can do on that front I will say that is currently how the formula already works is first they kind of rank you and then they rank you again. And we kind of go a little farther each time. But so that's not a change

[00:11:49] to the, that's not one of the changes to the formula. Okay. That one is already there for the at risk. That is an already part of the formula. Okay. Thank you. Sorry if I didn't explain that correctly. No, that's okay. I know total numbers we have the most, but in rank, I can't remember. I think one of the challenges in particular is that they're trying to put more money into the at risk add on formula. And so that's already a formula that doesn't relate that sort of disadvantages us because of how they look at poverty district-wide and so because we have such a big district it kind of smooths it out and appears like it's not a big percentage although obviously we have schools where there are very high pockets or parts of the county where there are very high concentrations but that's not how that formula works and so

[00:12:26] the more that they tweak that formula and put more into that formula it just sort of exacerbates that problem and goes away from what we really want to see which is funding following students and not these formulas for staffing right thank you chairman mckay yeah um to that point i know it's too early to tell on here but if you're following along people have hypothesized that if everything worked in our favor the schools might be getting order of magnitude around 40 million more dollars i don't know if you have kind of a net out number range um it's an impossible position to put you in but that's what's been told to me and i the reason i asked that question is the chairman was talking

[00:13:05] about JLARC. What we learned from that JLARC study is if Virginia decided average, the national average was how we wanted to fund education. In other words, if General Assembly and Governor said public education in Virginia should be average, we would be receiving in Fairfax County $345 million more. And so if everything goes our way, we would be getting 10% roughly of that number, and do we have any way to know, it's too early to tell, what that range might look like?

[00:13:38] Yeah, I think it's a challenge. I mean, these numbers that we got from working with FCPS staff, we only got this morning, I mean, literally, so we're still kind of trying to digest some of this. When the money committees report their budgets, they sometimes put out, like, spreadsheets that tell you what each school division is likely to see and what the, what different changes are going to, you know, do to different school divisions. Oftentimes, FCPS has, sort of takes issue with how that's represented. And so it's hard to look at that and sort of know if it's really accurate or not. So obviously, that's something that we're going to be looking at closely. I think

[00:14:14] the overarching issue is that there seems to be a lot of anxiety at the General Assembly just about revenue. And so to get the kind of numbers that you're talking about and that really what the state needs to put in, they have to be putting a lot more money in. And they're not. I mean, the budget's just not putting in a lot more money. I only point that out because even the best case scenario here doesn't put Virginia anywhere close to the national average. In light of what we were all presented on Tuesday, I think it's important for the public to understand that where our real significant budget challenge in Fairfax County starts, and it starts right here with what we're talking about. Yeah, that's absolutely right. And I think, you know, Jennifer

[00:14:54] talked about like the salary increases for K-12 staff. A lot of that is because the General assembly now has this focus on trying to get teachers to the state you know to the national average in terms of salaries um but their portion is only a very very small amount for us and so every year we see the state putting more and more into those salary increases but of course that only funds a portion for us and so but they commit a lot of dollars to that every time um and so then it doesn't it doesn't do as much for us as it might for some so that's another challenge supervisor beerman so on that salary point excuse me i just want to make sure i have

[00:15:30] this right so that if so right now the the current school board budget asked for a six point one percent salary increase if we funded a three point four percent salary increase then that would be fourteen point eight million additional to off of sorry to our schools because we would be funding eighty percent of that but fourteen point eight million would more more would come in from the school is that correct right so if so I mean I think the way to look at what it is, is if FCPS is planning to build that into their budget, and obviously they have to decide, you know, what they're not going to fund if they're planning to do something

[00:16:09] like 6 percent, but if they're planning to do a salary increase that's 3.5 or 4 percent or more, then if the state provides a salary increase, then it's at least going to help us draw down money that we wouldn't otherwise have. Okay. Right?

[00:16:25] But it's not going to, but... Reduces the amount that you have to pay. Right. Reduces the amount that you have to pay locally. That's right. Yeah. But still, it's a significant local cost. I, yes, it's a significant local cost. I was just trying to figure out exactly the numbers and what they did. I mean, look, we could all start screaming about JLARC because we should be.

[00:16:45] I just wanted to make sure I had the numbers right. Thanks. Yeah, and I think, you know, the other way to think about the salary, so the 3%, is it the House or Senate? That's 3%. House is 3%. They fund roughly 20% of it in Fairfax County.

[00:17:01] So what they are discussing is a 0.6% increase in pay for teachers in Fairfax County, funded by the Commonwealth of Virginia, a 0.6% increase. And I think that will be important to remind people of when they adopt the budget, which hopefully does include the pay increases, it ain't a 3% increase.

[00:17:22] It's a 0.6% increase that they're funding. Yes. Okay. Any other questions on education? And we'll move on to transportation on page three. Mr. Chairman, Noel Dominguez with the Department of Transportation.

[00:17:41] I want to focus on three issues that are in the transportation budget. First of all is WMATA funding. Both the Senate and the House bill do include language providing for the temporary exemption

of the 3% cap. The Senate is provided that the Department of Railroad and Transportation has determined WMATA has met certain planning and reporting requirements, but they do provide the exemption for the cap.

[00:18:08] The Senate also provides funding for the Metro study that we talked about a couple of weeks ago. It does not provide additional funding for WMATA. The House bill does. It does provide $65 million in the first year and $84.5 million in the second year to address the WMATA funding needs.

[00:18:28] That's about half of what Virginia's total share would be. So we'd have to partner if we would receive this amount. I do want to note the House doesn't have anything, which would be a much harder issue for us to deal with. I mean, sorry, the Senate does not have any additional funding, which would be harder for us to deal with.

[00:18:44] But they at least both do have the 3% cap language. The next item is the Transportation Partnership Opportunity Fund. This is a program I think we've used in years past, but it's been a while. This provides funding for, just like it sounds, various transportation infrastructure regarding opportunities and development projects.

[00:19:07] The governor had put a lot of money into this program in his proposed budget, and the House and the Senate both kind of changed that. The governor had essentially put, I believe, up to $200 million from the Commonwealth Transportation Fund into the TPOF, as well as a $20 million transfer from the General Fund.

[00:19:26] Both the House and the Senate eliminated that $20 million transfer from the General Fund. The House reduced the amount that could be transferred from the Commonwealth Transportation funds to TPOF from the $200 million to up to $90 million with no more than $15 million per year.

[00:19:43] It also specified that any proposed direction of the TPOF funds over a certain amount would have to go through the MEI commission. And the Senate removes a provision for the $200 million transfer in totality. Like I mentioned, we haven't used a TPOF in a while, though I think we have in the past. I think they'll pay for part of the Route 28 tax district project. But if it stays within the CTF, we do benefit from some of those other programs that that pays for. And then lastly, while this is not in our region, I just wanted to note that there is language that provides $92

[00:20:21] million in the general fund over the biennium for an additional toll relief program for people in the Hampton Roads area that meets certain requirements and earn less than $50,000 when using the Elizabeth River tunnels, which would essentially, combined with existing toll relief, would let them make, I believe, per language, receive up to, provide a 100% rebate on up to 14 trips per week on the Elizabeth River tunnels. So that is the only thing similar to this. I do not know of any other toll facilities in the Commonwealth that have something similar. And

[00:21:00] that is transportation all right questions on transportation Supervisor Alcorn thank you Noah how much are those tolls in Hampton Roads I'm just curious um I I can pull up the exact amount they are not as high as some of the tolls I will say that I'd say less than five dollars but I would have to double check on yeah my understanding was that they're substantially less than the tolls that we have in this area I think this one might be as low as 75 cents okay thank you um yeah And we do have folks that earn less than $50,000 a year in this area as well.

[00:21:38] So just very quickly on Metro, just a quick comment. You know, it's good that both the House and Senate are removing the 3% cap so we can spend more of our money keeping the trains running. That's positive.

[00:21:55] But, you know, hopefully they will come forward on the Senate with the additional funding. but i would also just remind the board every dollar they put in we match at a dollar so this is this is it's nice but this is a serious conversation senator ebbins committee is going to have to have about whether or not the real estate tax bears the brunt of keeping metro going operating wise that's we're really going to have to get a handle on that coming here thank

[00:22:24] you president beerman so uh as i was driving over i was listening to 106.7 the fan the uh sports radio, and there were some monumental sports lobbyists talking about the arena deal and whether or not it was going through or not. And I think a lot of us have thought that maybe a metro deal or whatever would come along with the arena deal. But one thing that was mentioned, it was a very comical interview because the person said that there would be no taxpayer funding,

[00:23:01] you know, taxpayers weren't on the hook, and then admitted that there would be $200 million and transportation improvements around the arena would any what what percentage of that 200 million ends up going towards metro related uh improvements if anything and does that help our bottom line at all if the arena deal goes through supervisor bearman i'd have to go i have i will be fully i will admit i have not seen the arena deal they have a transportation plan out there i have not had a chance to look through it um i do believe that those are probably capital improvements so I've heard improvements to the metro station there. So that would be separate from the operating

[00:23:41] funding we are talking about here. But I let me go back and check on that. Okay, big. That's just sorry, guys. Had to ask the question. It's like, everybody wants to know whether this thing's going through or not and what implications it's going to have for metro. Thanks. Did you happen to call into the radio station? I did not. I did not. But you know, they do broadcast from Rudy's Golf and kingstown so i'm always saying rodney should go on but that's just okay all right let's move on

[00:24:13] to affordable housing on page four mr chairman uh members of the board uh ariel mackaloon human services legislative liaison um a few items uh regarding affordable housing the first one is the House provides an additional $12.5 million in FY 2025 and $25 million in FY 2026 for the Housing Trust Fund, and that would bring the total funding to $87.5 million in FY 2025

[00:24:52] and $100 million in FY 2026. While I think that we've historically looked at larger increases in terms of what we've included. We did specify, or we did note this year that the county supports substantially increasing funding for the Virginia Housing Trust Fund.

[00:25:12] This would be helpful in going in that direction. The next item would provide $5 million from unobligated balances of the regional greenhouse gas initiative for the Department of Housing and Community Development to launch a new program, which would assist non-profits and associations of tenants residing in manufactured home parks to acquire the land on which the homes reside.

[00:25:43] We wanted to highlight that as we knew that that's been of interest. And there's also $5 million provided in the House budget for DHCD to create a new grant program for second forgivable mortgages to homebuyers and their potential item of interest.

[00:26:04] And then also provides an additional $700,000 for the Virginia Eviction Reduction Program, which would provide funding to local and regional eviction prevention programs through a competitive grant process. We have included support in that area in the legislative program, so I wanted to highlight that item as well for you.

[00:26:28] And then moving into a couple programs for specific populations, the House budget provides $5 million in each year to expand permanent supportive housing. That's another issue that the county has consistently supported in the legislative program.

[00:26:47] So that would be helpful in serving individuals with serious mental illness. Additionally, there is an additional $1 million provided in the Senate budget to support the state rental assistance program. which provides rental subsidies to individuals with developmental disabilities.

[00:27:03] That's also something where we need to find out more information to get the specific county impact, but support for affordable housing and individuals with developmental disabilities is included in the county's legislative program.

[00:27:23] Moving on to other human services. So, at the top of page five, there are a series of budget amendments related to behavioral health. The first that I wanted to highlight is that there are a number of items, mostly language items, that relate to community service board, CSB performance measures, and looking at STEP VA.

[00:27:52] There's been a number of ongoing conversations, both, well, largely in the Behavioral Health Commission, in terms of really looking at CSB performance and also STEP-VA in terms of how it's being implemented and the impact it's had on actually providing services.

[00:28:15] And so there are a number of items that the language will require the Department of Behavioral Health and Developmental Services to report on, including looking at documentation requirements to look at places where maybe there are requirements that are duplicative or in conflict with each other and working to eliminate some of those.

[00:28:39] Also, requiring reporting on average salaries, turnover, vacancies at CSBs, and also working with the Department of Medical Assistance Services, DMAS, to ensure that proper Medicaid reimbursement is occurring. In totality, the overall impact is to be determined, but, well, a couple of important things to note.

[00:29:02] Our CSB is already doing a lot of this, but there are concerns about some of these additional reporting requirements resulting in an additional administrative burden on the CSB to provide DBHDS with this information that they would need to fulfill all of these requirements.

[00:29:23] So that's one part, but then also we do, it would be helpful to really understand the full cost of satisfying the unmet need for each of the Step 8 services, or, yeah, service can. I don't want to just pause there in case there are questions.

[00:29:42] Well, let's get through the... I can continue. Yeah, let's get through the human services and circle back for any questions on any of the human services items. So moving on to the next item, for crisis services, there is a language amendment directing the Secretary of Health and Human Resources to report to the chairs of House Appropriations and Senate Finance and to the Behavioral Health Commission a

plan detailing how the funds appropriated in the 2023 and 2024 sessions will be spent to expand and modernize the comprehensive crisis services

[00:30:19] system. That report would be due by this December. And that would be helpful in demonstrating if and how those investments in the crisis care continuum have increased crisis care services in the community. On STEP VA, there are both the House and Senate provide additional funding. However, in large part, the funding accounts for inflation. So while helpful to have additional funding, not really moving us closer to full funding for what is needed.

[00:30:54] I do want to note that the House budget does contain $1.2 million each year to increase funding for outpatient mental health and substance use services, and that funding would go beyond just the inflationary adjustments, so that is, well, a small amount positive to actually go beyond inflation.

[00:31:15] The Senate really is just accounting for inflation in their amendment there. In youth behavioral health, there's a couple items. There is additional language that, or there's language directing BDOE to work with DBHDS and DMAS on a plan for creating a new program to deliver flexible mental health funds to school divisions.

[00:31:42] The specific impact there is to be determined, but the development of a plan to provide ongoing school-based mental health funding is important to look at. In addition to that, there is an additional $2.4 million each year provided for children's mental health services, and it revises language to encourage flexible use of funding to build service capacity focused on specialized needs of children and youth across the crisis services continuum.

[00:32:12] Further analysis will be needed there in terms of how the funding will be allocated and what the full impact to the county is, but funding going toward youth crisis services is positive, helpful, and it is essential there that the allocation be fair to localities based on population size.

[00:32:30] For developmental disability waivers, both the House and the Senate tried to take a more phased in or take a phased in approach to the governor's budget provided 3,440 new slots to eliminate the priority one waiting list.

[00:32:52] That is a top county priority. However, there were some concerns about how the system would handle that large influx of waivers. So both the House and the Senate have an approach to phase in those waivers on a quarterly basis over the next, over the biennium. The House budget also provides a 3% increase in DD waiver service rates in each year and the Senate would provide a 2.1% increase.

[00:33:29] Important to note that with the provider increases, not a direct impact on the county, but they do have, they are helpful in just building system capacity overall. And at the bottom of page six, a couple of things on early childhood. Both the House and the Senate budget restored the 0.5 LCI cap. We talked about that in the governor's budget, that the governor's budget

[00:34:05] had eliminated that cap. The impact of that, it would have reduced state VPI funding by 11.6 million in FY 2025 and 11.7 million in FY 26, with nearly half of that funding resulting from reduced funding to the county, about 5.1 million each year. So that is helpful to have that restored in both the House and Senate budgets. In addition to that, the House budget does include funding to support 519 additional slots in FY 2025 and 1094 additional slots in

[00:34:44] FY2026 for the child care subsidy program. That's helpful to maintain access to that program and affordable child care for families currently receiving child care assistance. Additional funds are still needed to serve new families and also as there are more slots added there will potentially be a need for more staffing as the volume increases.

[00:35:11] And I think that that brings us to the end of human services. Okay, great. it up to questions on all the human services issues i'll just i'll just flag the lci cap on on vpi as one of the issues that we discussed the first time that we reviewed the governor's budget and and flagged as a as a priority so great work by the by the team to get to get that addressed in the house i'll start with the chairman mckay and supervisor palchuk just related to that i want to make sure i'm reading the number right the funding to support 519 additional slots that's

[00:35:44] 519 statewide or is that 519 in fairfax county i believe that that's statewide yes so we have no idea we would have to see what the actual allocation or what slot how many slots we would actually get there and we can um look into that okay i was just going to add because we had talked about it this morning there was a number of child care budget amendments that did a variety of things that semi-contradition it was it was we are piecing apart what it does there is more going on with child care in the budget I just wanted to highlight that yeah I appreciate that

[00:36:22] thank you okay supervisor Patrick um just wrapping my head around that hopefully there are positive things okay okay a little bit of positive news um yeah just looking at this um I mean first I was going to go back to even the affordable housing nice to see a little bit I think if we compare it to how much we're putting in every year compared to the entire state.

[00:36:47] A drop in that bucket. So not negative. But overall, human service, CSB, no funding. No additional funding. Just from what I'm reading, all they're looking at is requiring more work at the local level and no additional funding for CSBs.

[00:37:07] Is that correct? There's a little tiny bit for maybe Step VA and crisis services and behavioral health. And he might be able to answer that better than we could. I mean, I think that they, I don't know that there's a lot of funding to CSBs directly, but they are trying to, I think, catch up with Step VA and some of the other things.

[00:37:25] And the Priority One wait list has been one of our top issues that we've really kind of focused on. So I wouldn't be maybe as negative as that, but maybe Daryl can share his thoughts. All I see is requiring more work. I was going to say, there's also a little bit in the workforce that we'll get to in a second.

[00:37:42] Okay, because that's the big, big one. Hey, good evening, Daryl Washington, Executive Director at the Community Services Board. So there are a number of different fundings that we did start to get at the beginning of this past January. So we're getting $2.4 million. And that's supposed to be in the base ongoing for salary increases.

[00:37:59] So that is kind of one positive bump there. There are a number of waivers that are going to be coming our way. We don't know exactly. We've already had meetings with leadership in the Department of Developmental Disabilities there. The suggestion to basically allocate those on quarterly is actually a good thing since a vast percentage of the wait list is here in Fairfax, 1,200 folks that we have to find and stand up services for, so that's a huge deal.

[00:38:30] There is some money in there for educational advancement. You know, it's in the details, how much of that is going to come to Fairfax versus Region 2. Many of the crisis service initiatives that will be coming to Region 2 will not be coming to our individual CSB, But we're the fiscal agent for Region 2, so a large number of those will flow through us, and then we'll have a strong say in how those dollars will be used.

[00:38:53] And since we're 48% of the region, if they're giving $5 million to Region 2, we're going to, you know, reap the benefits of around $2.5 million of that. Thank you, Daryl. Every little bit helps, so happy to see you. Supervisor Lusk.

[00:39:09] Thank you, Mr. Chairman. Just thinking about our conversation recently about the opioid situation and the need for the outpatient services. I don't really see anything here directed towards that. Can you help me understand what might be happening with regard to outpatient services specifically for youth in both mental health and substance abuse?

[00:39:33] Yeah, great question. So I think the Department of Behavioral Health is really focused on crisis services. With the state hospital bed crisis that's going on both with adults and with youths. Underneath the crisis services, they're really looking to change the regs and the rules so that they're more flexible.

[00:39:49] Right now, the way programs are licensed in the state is you're licensed as a mental health provider or a substance abuse provider. But they're looking to change the way it's licensed in other states where you're licensed by, say, a crisis service provider that you can provide services to individuals with both mental health and substance use.

[00:40:06] So when we talk about these crisis facilities, really they're going to have the capacity to be able to serve someone in both a psychiatric crisis as well as somebody that needs some type of substance abuse detox at the same time, and then stabilize both of those issues happening at the same time.

[00:40:22] So when you look and you hear language in here about increasing money for crisis services, it's really about money that can be used for both mental health and substance use crisis and ongoing stabilization. The other piece is we are still applying and getting notification of different grant money that will be coming through the Opioid Abayment Authority.

[00:40:43] Just today, we found out that we got approval to expand our drug court for young adults. So that's great news that we're going to be getting the funding for that. So that's the other part of it where I think we'll be able to strengthen our service delivery system here in North Virginia. Can I ask a different question on the affordable housing section?

[00:41:05] I appreciate the house item that talks about the manufactured housing. I think that's great. My question is, I know that the Creside bill that we talked about at the last meeting had a whole bunch of amendments connected to it. It did not have a Senate companion.

[00:41:21] So help me understand what's happening now with that bill specifically. And then I'm assuming it kind of connects to this house bill based on the opportunity for home ownership by the residents.

[00:41:38] I think those are two related but separate bills. What we're mentioning in here is the REGI bill. But you're right, it's the same issue, HB 1397, that gives the property owners the first right of refusal.

[00:41:56] And my understanding is that will be, it's crossed over from the House to the Senate and will be heard in the Senate committee on Wednesday. So, and we, as a board, are in record supporting that bill. Last time we discussed it, we discussed working to remove the reenactment clause, which I'm not sure whether we were successful there, but we'll continue to support it and try to get the reenactment clause removed.

[00:42:22] Yeah, I'm trying to find what page, and we'll find it eventually. It's in our bill chart because it's a bill that we already took a position on. But, yeah, so that bill continues to move through the process. I think it still has the reenactment clause, but we'll find that page before we get to that chart and make sure.

[00:42:38] And so, yeah, there was some – that's sort of a companion to this. And so if there's no – sometimes people put in bills on the House and Senate and then kind of work them on both sides with the hope that when they cross over, they're going to kind of have touched everybody by the time they do that. Sometimes it just happens on one side, and then it crosses over to the other body, and the patron presents it over there, you know, like it's kind of a new thing.

[00:42:59] It just kind of depends on what the feeling is about what you're doing or if you have another patron. And even with our county initiatives, sometimes we do that. Sometimes we put them in on both sides. Sometimes we start on one if we think one's going to be maybe a little bit trickier. So, yeah, so it doesn't hinder the progress of that bill, that there's no Senate companion.

[00:43:16] That bill will just be considered over in the Senate. Now that we've passed crossover, all the House bills are in the Senate and all the Senate bills are in the House, which makes the schedule super difficult because nobody's ready on time. But, yeah. Okay. Just so I'm clear, Mr. Chairman, you mentioned this is coming up on Wednesday, so.

[00:43:33] Yeah, that's subject to change always, but I think that's the plan right now. Okay, so we may have a report on it at the next meeting. Yeah, that's right. Thank you very much, Mr. Chairman. Okay, let's move on to workforce. And we're on page seven.

[00:43:49] Great. Jennifer Vinny, Deputy Director again. So there's a number of different items. The first one you'll see there, 130 number 3H, is money going into the Workforce Credential Grant Program. So again, this wouldn't be money directly coming from the state, but it would be money -- sorry, necessarily money coming directly to the county, but it is supporting -- it's giving money to individuals to seek credentials statewide. The next one is specifically related to our

[00:44:22] developmental disability waiver conversation we just had in that it's $1 million to provide one-time funding to help businesses essentially provide the supportive employment opportunities that waivers allow for people with DD. So that's that one. The next three kind of are grouped together, they are the CSB ones that we previewed just a second ago. So some of it's expanding the behavioral health loan repayment program. Jennifer, sorry to interrupt. Can you clarify

[00:44:57] this workforce is human services workforce or all workforce? It's all workforce. Okay. Okay. Thank you. Yep. Sorry. So this last section is just specifically behavioral health, but the other is everything. So there's some expansion on who would be able to get a behavioral health loan repayment program, as well as restoring it to a two-year minimum of service versus a three that had been changed. The next one is paid internships and some funding for clinical supervision hours, loan repayments, other things for the CSB workforce specifically. And then also

[00:45:34] $2.5 million in both years to help the CSB hire staff for crisis stabilization specifically. okay questions on workforce we'll move on to comp board on page eight so the compensation board we did have a budget amendment that we had put in that we we talked with um with you all about about our local finance directors it was one of our initiatives this year to try um last year the commissioners of revenues and treasurers had all their unfunded positions restored we did try we

[00:46:12] had budget amendments on both sides they did not get picked up but there are two items with state supported local employees getting raises and so that would be a positive impact on the county the house is proposing a three percent and the senate is proposing a 2.5 percent one other thing that we i did want to note is that that both the house and the senate have passed legislation about increasing the minimum wage in the next two fiscal years um this could potentially affect county or school budgets we don't know that it will but just wanted to flag that as a big

[00:46:51] overarching thing that's going on in the compensation world okay on the local finance director's initiative did we receive any feedback as to why it wasn't included other than there are a lot of competing priorities but it would be good to get some feedback because i think we should continue this effort next year because it seems eminently fair maybe it's a large price tag statewide no it's it i was going to say i've talked with a couple of our members who who are

[00:47:25] part of the money committees and they are aware of it and they still feel like maybe the door is all the way closed as budget negotiations goes on to get some of that funding back um but it was There was another amendment that Delegate Bulova had that would have raised the salaries for those offices, and that wasn't included, so I don't know if it got swept away with that, but I'll definitely continue to talk with people about it and get some feedback.

[00:47:58] Okay, questions on comp board, aid to public libraries. One item there. Mr. Chairman, Ariel McAloon again. Both the House and Senate budget provide $2.5 million each year to increase state aid to local public libraries.

[00:48:20] This is part of a four-year plan to fully fund the state library aid formula by FY2026. So that's helpful in moving in that direction. Okay, great. Public safety? So there's a number of items in this we wanted to highlight for you.

[00:48:39] The first one is, unfortunately, the governor had added in some additional money for specialty dockets. Both the Senate removed that additional funding and also said that the funding should be directed at specialty dockets that currently do not receive state funding and that demonstrate high demand of services.

[00:48:57] While we clearly could use more funding as we have a high demand for services, this will likely mean that we don't know how it will be impacted, but it could have impacts on the funding we currently have. The next one is some, there's money for 29 additional Commonwealth attorneys positions and 18 paralegal positions.

[00:49:20] This is something we had discussed a little bit earlier. We had supported as part of an initiative we had had in the past to study the Commonwealth attorney positions. We had also had two of our, part of our delegation put an amendment specifically for what was recommended for Fairfax County.

[00:49:39] Those amendments did not make it in, but this general statewide one did. Again, this was lower than what they had asked for as well. It is 29 statewide, so we'll see if or how many we would get. But

there is money funding some of that.

[00:49:54] The next item is $2.7 million in FY 2025 and $2.5 million in FY26 to increase grants for victim service agencies. There is a decline in BACA, Victims of Crime Act, funding nationally at the federal level.

[00:50:15] And so this will help fund some of that gap created with a decreased federal funding. And then lastly, well, there's two more things. I shouldn't say lastly. These other two things will not necessarily impact us directly, but we wanted to highlight the first one is that there is $10 million included in there and $599 funds, but only for areas that have high crime.

[00:50:39] We would not make that list, and so we would not get that funding, and so we will continue to say we would like funding statewide for $599. The second one is that they included $6.2 million to buy roughly 1,200 body cameras for the state police.

[00:50:59] This could create some workload issues at the Commonwealth's attorney or at the state level. It won't necessarily affect our PD, but we did want to highlight that. Okay. And, you know, obviously the 599 funding is really disappointing. And what we also should point out is we're still just talking about restoring the levels of 599 funding that were cut during the Great Recession. So it's, you know, an increase over last year, but it's a decrease relative to 2009, even for those jurisdictions, I guess, that have high rates

[00:51:36] of violent crime which thankfully we aren't in that category but um the funding still needs to be restored for everybody chairman mckay on that point mr chairman this um maybe i missed it in years past but this seems like the first time that condition is applied to this is this new in this years so the only other time that i remember this happening is when tim kane was governor and he tried to change the way the whole formula worked to focus in particular on high crime localities Obviously, Richmond was his base, and I think that was his interest, and obviously localities from around the state, including us, fought against that, and so it never went in that direction.

[00:52:14] But that's the only other time that I remember somebody trying to really kind of go in that high-crime direction, because really, 599 is just localities that have police departments. Period. I mean, right. So it's not usually looked at in that case, but that's the only time that I remember it happening. I thought it was unfortunate.

[00:52:30] Yeah. Okay, Supervisor. I was just going to say there was also a study that had been proposed to switch the whole formula to focus on this, but that had been defeated this year. My concern was the first one on page 8, removing the funding for our specialty dockets.

[00:52:49] I know that we definitely, from what I've heard from the judges, have a need and not enough capacity. I don't know currently how much of that is locally versus state funded and what could be at stake. so if we could oh tom might have more info no i'm sorry i thought you're raising your hand tom so if we could get more info on that um uh that's a huge concern and um if there's anything that can be done to push back on that there was actually one good thing and one of the good things in the governor's budget i'd like to see stay in there thank you okay economic initiatives page bottom

[00:53:25] on page nine and get my button to work um so yes so this first one um is s um provides some funding essentially there is a couple pieces of legislation that is asking the state to kind of form a formal commission to study and look at and start thinking about crypto and blockchain um cryptocurrency i should say um and so this is just basically funding that commission um and then the other two um basically are the two budget amendment well there's more than two budget amendments but they

[00:54:02] are the budget amendments that in the house and the senate that have to do with setting up the retail cannabis market okay and and so these are and if i'm remembering correctly the house version gave localities an equal share of the tax revenue and the senate version didn't and that's still the case i've not checked on the taxes this week um basically what has happened this week on the two bills is each were the house conformed the house for the senate's version to their version and the

[00:54:39] senate conformed house version to their version and it's going to conference i did speak with one of the patrons this week and um he said that the local authority for land use would be present from the state this um yeah from the senate side but i did not but he did not mention the taxes okay portion of it but i think we need to really push during the conference committee on the on the on the tax angle um okay all right any questions on public safety if not we'll move on to taxation

[00:55:14] all right so there are um just two items right here one is that um unfortunately there was a cap place on land preservation tax nope that's the next one sorry there is um the governor's version removed some funding the um limits to the land preservation tax credit um this would basically remove that cap. And the second one has to do with the historic tax credit for historical is not. Oh, nope. I'm thinking of something else. That's in a different section. My apologies.

[00:55:54] The second one has to do with the constitutional amendment that's on second read this year that would extend survival benefits on tax exemption to surviving spouses for killed in the line of duty, not just died in action. We currently do this. We have taken the option that they'd given us. This constitutional amendment would make it mandatory for all localities. So this should not have a local impact on us as we've chosen to do this already. Yeah. And it's unfortunate that

[00:56:28] they're opting to make it mandatory because I think there would be value because right now we have a kind of odd situation where we have reduced the tax rate to one cent per one hundred dollars or yeah one one cent per one hundred dollars of assessed value so essentially zero but not exactly zero because that's what the existing law allows us to do because there's absence of a constitutional amendment but I think just on principle if it's if it's mandatory we have to have to express our

[00:57:07] principal opposition to that, in spite of the fact that we have, in effect, already implemented it. And Mr. Chairman- But it is a bit confusing for folks when we have to explain, we've eliminated it, but it's still one cent for $100. It creates additional paperwork, which is unfortunate.

[00:57:29] Usually, Mr. Chairman, the position that the county takes on these constitutional amendments is to say that, you know, if the state wants to provide that kind of tax relief, they should pay for it. So we'll certainly continue to make that argument. Although, obviously, they enjoy reducing our taxes at times okay let's move on to environment and sustainability all right one i believe this is the last section so um the first set several amendments talk about the water quality invest improvement fund um so there was some language in the governor's budget

[00:58:04] that would eliminate the requirement to put 15 percent in and so both of the house and the senate say, no, we want to do that. So it removes the language that says you don't have to. And then the House also requires a deposit to be made unless specified. So there was language in there that said if the fund is above a certain amount, it's $100 million, you don't have to do it. So basically these two are removing that language and saying holding status quo. And then

[00:58:40] the pair of amendments at the bottom of the page is to restore $1 million per year from taxes on watercraft fuel sales that are deposited in the Wycliffe Fund. The next pair is something in the caboose budget, which is the ones that's rounding out this fiscal year, and then the matching one in this biennium. And the House has put a caveat into their budget that says to get any appropriations from this budget uh virginia must rejoin reggie which is the regional greenhouse gas initiative

[00:59:17] so um that is those those two the next um bunch of there's four of them there amendments um really talk about energy energy efficiency ways to combat climate change the first one is um prohibiting the use of and i'm i don't know how to say that word i will be honest polystyrene that word um so it's moving up the deadlines of when people have to stop doing it. So the deadline was set several years ago, and they're just moving that implementation forward. The second is $20 million to create

[00:59:54] and fund a Virginia Clean Energy Bank, sorry, Energy Innovation Bank, to finance climate initiatives in Virginia. There's also a corresponding bill that goes along with that one. And then the next two deal with, again, I'm not going to try to say it, it's PFAS. I have no clue how you say the actual word. And so just talking about funding from the state level and the state level approach of how to deal with that with the new EPA regulations coming down. The next budget item is money in there to provide funding for a state kind of plan for managing and combating

[01:00:33] invasive species. So funding for a couple different agencies that do that. And then the last one is we just wanted to highlight it since we talked about the bill, but this is funding that goes with some of the loud muffler bills that would provide $150,000 to establish a pilot program in Northern Virginia to prohibit cars with the exhaust system.

[01:00:56] So it would help fund some of the equipment. This is connected to the very complicated bill whereby somebody would receive, yeah. So we don't have a position on it, but since we discussed it, we wanted to bring it forward. Well, I think if I, am I, it, it, Is that the bill that established the 95 decibel limit?

[01:01:22] Same bill, yeah, Ms. Dominguez. Mr. Chairman, yes, HB 883, sorry, 884 was the one that created the pilot with the 95 decibel, then you go and get your emissions inspected, and yes, that was the complicated one. And I think what we discussed was explaining to the patron that we don't feel like asking our police officers to determine whether a muffler is at 95 decibels is at all workable.

[01:01:48] I will say that HB883, the one that expanded our ability to go onto private property, that did not survive. It was on the House floor, passed by for a couple of days, and then resend back to a committee.

[01:02:04] So that effectively is no longer under consideration. Okay. All right. Well, I think we should continue to express that we very much prefer that approach and actually believe that would make an impact.

[01:02:22] And given that there's still a vehicle exhaust vehicle here, we'd love to see it modified to take that language from that bill because this just wouldn't work. So I think we need to really communicate that because if it's moving, I don't want them to expect that we're going to be able to implement it because we can't.

[01:02:46] Okay. Okay. Any questions on transportation? All right, that's the budget and brings us to the second item in the packet, new bills under specific legislation, and we'll start with HB 467.

[01:03:09] So, Mr. Chairman, on page one of that handout, HB 467 and SB 354 are companion bills. One was introduced by our Delegate Simon. The other one is a Senate patron from the Hampton Roads area. And on the face of them, they don't seem to do anything that would really raise anybody's concerns because they're about mandatory disclosure requirements for real estate agents and prohibiting localities from having ordinances that require them.

[01:03:37] And so when we first saw it, we kind of thought, well, we don't really do that now. And so what's it about? But it turns out that it's really about, and the bill was presented in a subcommittee earlier this week, and Chris and I were there, and the bill is really about Dulles Airport and development near Dulles Airport.

[01:03:53] And so Loudoun County has apparently had an ordinance for a while where they have had some disclosure requirements. The Realtors Association has been trying to prevent some of that. Apparently what happened in Loudoun, I think last year, was that they have had this requirement for realtors to disclose the noise levels near the airport for, I think they said 30 years.

[01:04:15] But last year, apparently they changed their ordinance to require the disclosures on every subsequent sales. So I guess previously it had just been on that first home sale. They were trying to require it on future sales, and I guess that's what the realtors got concerned about. The only reason we're flagging it, and really just to monitor, is because obviously we're near Delos Airport as well, and there was a lot of discussion from EMWA. They had recommendations for an amendment, and so they presented sort of a case for why this maybe wasn't going in the right direction um the subcommittee and the full committee have not been moved by that at all

[01:04:52] um and and even though i thought emma did a pretty good job of explaining some um some interesting issues um nobody voted against that legislation and so um it's probably going to pass the general assembly the way that it is but again we're near the airport and so um we recommend monitoring it yes kristen kanasky assistant county attorney um this is a bill that would extend fairfax County's authority to all localities to allow them to provide for an affordable housing dwelling unit program. The reason why it's put on for monitor is because yesterday in the same subcommittee

[01:05:32] meeting, Senator McPike, who's patroning the bill, mentioned that he's working on an amendment that will address the set-asides that developers earn, or I'm sorry, the set-asides that developers um provide and the tax credits that they earn and we're not sure what it's necessarily going to what shape it's going to take um but i did have some concern we'll have a draft before it become goes to the full committee and have an opportunity to speak with the patron as well okay sb 339

[01:06:10] um sb 339 and the next one sb 439 um deal with what we i kind of started to discuss in the budget but with Virginia starting to think from a statewide about cryptocurrency and blockchain technology.

[01:06:27] And so one asked the SEC to study it with the Bureau of Financial Institutes, and the other one creates a commission within the legislative body itself in the General Assembly. So that's basically what they do. And I ask that this bill be included because it originally included – it's been changed significantly.

[01:06:51] Drastically. But the original version actually would have exempted digital asset mining in industrial zones from local noise ordinance and prevented local governments from enforcing noise

ordinance on digital asset mining in industrial zones, which obviously we objected to, but it's been changed to be a working group.

[01:07:20] SB 439? So SB 470, so SB 439 goes with SB 339. So we recommend monitor on both of them.

[01:07:36] They're the blockchain cryptocurrency. The next one, HB 470, we have, this doesn't do the same thing as a bill we're monitoring SB 502 around parents' rights to file CHIN's petitions and protective orders.

[01:07:53] they're it's being in the mix of them and they're being conformed to each other in the two houses so we just wanted since we are monitoring sb 502 we wanted to monitor this one as well okay hb 1355 so hb 1355 is a bill that we saw last year but different it essentially it addresses it expands digital well in general accessibility of technology whether hardware or software just from part of seeing, which is what the current law, at least in Virginia, is.

[01:08:29] Obviously, federal is much more expansive, but it's changing the Virginia law to be more expansive to all disabilities. And then it also talks about how localities proactively purchasing software and making sure software, hardware, all those things meet those needs.

[01:08:47] Last year, there was an exception in the procurement process with a 5% cap. So if in procuring a software, if it was over 5%, if it would increase at 5%, I believe, you could provide a reason why we wouldn't do that.

[01:09:04] The cap is not there. And so the local fiscal impact, while we support in concept, the local fiscal impact could be quite high. In talking with the patron this week and with other local governments, it sounds like this is moving towards a study.

[01:09:20] And so, which we definitely support and are very, we are much farther ahead than a lot of local governments in our digital accessibility, but without the 5% cap, there is concerns about what this could cost the county implementation-wise.

[01:09:40] Okay, thank you. So this bill essentially, I mean, last year was an example of our process really working because the patron introduced legislation and we had some real concerns with it and And she worked with Mr. Scott and the legislative staff, and we were able to address those concerns to get to a point where, somewhat out of the ordinary, we actually were able to support a bill that was a mandate, really, on local governments.

[01:10:06] But it sounds like that's not where we are today, but it would be great if we can get there again. Yeah. So I would say she's very willing to work with us. I went in with some of the amendments, such as pushing the enactment date back a year because it was going to go into effect in fiscal year 2025.

[01:10:27] Our budgeting process has already gotten to a point where that would be hard. She was open to putting the 5% cap in. But what they've heard, especially from higher ed and some school organizations, is specifically with some of the trickiness of, say, the PTA buying software for them and then how do you address this, But there's some bigger issues that need to kind of be looked at and studied before just putting it in implementation.

[01:10:54] And so I have given them, and they're open to some of those amendments. But I think they are thinking that pushing this towards study in general would be a better approach. And if it moves towards a study, it will be important that we're part of it in some way. Okay.

[01:11:10] Any questions on that one? All right, SB 54. Mr. Chairman, SB 54, patroned by Senator Locke, is similar to a bill we discussed last week, patroned, or two weeks ago, patroned by Delegate Boulava.

[01:11:26] It's essentially a bill that would require state general funds to be provided for early childhood care and education services, and it would essentially lay out criteria by which the Department of Education would develop projections for how this funding would work, and it also sets up a fund.

[01:11:51] One of the provisions that was different, so currently, well, the bills were different is introduced. So originally, the Senate bill, or in one of its earlier iterations, it did not specify that the unspent funds would go back to early childhood. That was an important piece, or we felt that that was an important piece. So the Senate bill, as it stands now, has been conformed to the house version so it does include that language saying that unspent funds will

[01:12:27] revert back to early childhood um so we are recommending supporting sp54 this bill but also adding a note to just specify that those excess funds revert back to early childhood so that we can make sure as both of these bills move through the process that they include that provision okay all right sounds good that brings us to the end of of new bills oh is there one more oh public public works all right yes one more hb 1085 okay kristin kanasky assistant county attorney

[01:13:01] um this is um about pfos and you'll remember a couple several weeks ago um we presented two bills to um to the board um is that um okay i'm sorry the um we presented two uh bills two sets of PFAS bills. They aim to collect and report and identify the sources of PFAS in our water. We recommended the board support two bills that put the payment of this reporting

[01:13:40] and collecting on the industries that were actually creating the PFAS in the water. Since that time, the patrons of each set of bills worked together with Chris Pomeroy of the Virginia Municipal Drinking Water Association, as well as Fairfax Water and several other environmental groups to present a collective bill.

[01:14:03] And so the vehicle for this collective bill is SB 243 and HB 1085. The bills that the board supported are incorporated into those two, and this substituted version will not require Fairfax County to incur any costs, which was an important factor, and it prioritizes DEQ staff's resources and was something that everybody could live with.

[01:14:30] They essentially recognized that if everything was a priority this session, then nothing was a priority. We recommend supporting this new set of bills that incorporates what the board had previously supported. Okay, great. Sounds good. That's a success.

[01:14:45] All right, that brings us to the end of new bills. At this point, I want to, at our board meeting on Tuesday, Supervisor Alcorn asked that we discuss again three bills related to bicycles that we discussed last Friday.

[01:15:05] We had somewhat of a thin table by the time it came up, so we want to have another discussion of those. So I want to have Ms. Dominguez summarize them. PD is here and wants to come up and join again.

[01:15:21] That's great as well. This will be a review for those of us who are here, but not everyone was. Ms. Dominguez. Mr. Chairman, there were three bills that we talked about. The first was HB 657. That was Delegate Sullivan's bill.

[01:15:37] And what that does is allows persons riding a bicycle, electric personal-assisted mobility device, electric power-assisted bicycle, moped, or motorized skateboard or scooter, and I'm only going to say those ones because they're mentioned a lot together, It lets them, when remaining in the travel lane, follow the pedestrian control signal.

[01:15:58] So, when the walk sign, the white walk sign goes up, the bicycles can go too. In the corresponding to the person's direction of travel, provided that they travel straight or turn right and yield to pedestrians lawfully in the crosswalk. So, no going left and no driving into pedestrians.

[01:16:15] That was HB 657. I believe the board recommended monitoring that one. Let's pause on that one, and I'll just say on that, you know, my sense was I was very comfortable supporting that one last Friday.

[01:16:32] I didn't feel like we had enough board members here, and I didn't get enough feedback from the board, so I don't want to make that decision without doing that, but let me open that up to discussion, Supervisor Alcorn. Yeah, thank you. I would agree. I think I certainly have heard from several constituents about these, but that one in particular i think i'm comfortable in supporting that one i i think i mean frankly i do it all the time so you know it would be helpful uh to know that that's legal thank you uh supervisor lusk

[01:17:06] yeah thank you mr chairman um i'm supportive as well but the question i asked last week i still have a little concern about is for the that single will where you're standing up and kind of going down the road making sure you know people are safe when they're making turns and doing movements so just wanted to reiterate that I've seen people kind of just going at pretty high rates of speed I mean I'd say over 20 miles an hour on those and some of them aren't wearing helmets I would imagine if you hit a rock or if you stumbled on something that's in the road you

[01:17:42] would lose control of that particular electronic-assisted or electric-assisted device. So for me, I just want to make the point that I'm supportive, but I'm just a little concerned about those particular devices. Yeah, it's a good question. Do these bills and other rules and laws and regulations related to bicycles apply, A, to unicycles?

[01:18:10] Maybe is that the term? I don't know. i haven't seen this uh contraption that you've seen uh but also you know e-bikes and and any other kind of of motorized uh mobility did these bills apply to those as well are they specific to to vice you know human-powered bicycles mr chairman um it specifically says it does include electric personal assistive mobility devices um electric powered assisted bicycles or motorized skateboard or scooter so if they are classified as a motorized one of those vehicles or an

[01:18:47] electropersonal assisted mobility device they would just to clarify on this bill this is someone is at an intersection and the pedestrian walk signal lights up before the green light so pedestrians or joggers or runners are allowed to cross and under this bill users of all of those mobility devices would be able to as well?

[01:19:10] Yes, sir. And they've started intersections where you have a little bit of an advance warning before the cars go, and this would let the bicyclists go, too. Yes, sir. Okay. We'll go down this way. Supervisor Jimenez. Just a quick comment.

[01:19:27] This sounds pretty dangerous. This is a pretty big safety concern for me. Thank you. Okay. We'll come down this way. Supervisor Stork. I support it.

[01:19:43] Okay. All right. Supervisor Herity? Do the pedestrians have the right-of-way then or the bikes? I mean, if they're both going to be kind of in the same crossing in the same space, and if they turn right into the pedestrians, what happens then?

[01:20:02] Mr. Chairman, I believe these are... I'm not the chairman. No, Mr. Chairman, Supervisor Herity, I am reading the bill here. Then it says the person's direction of travel in parallel crosswalk. So they could be in the roadway because bicycles can be in the roadway as well.

[01:20:21] So if they're in the roadway, the walk sign goes, they're allowed to go. Okay. Are they allowed to go in front of or behind the pedestrians that are walking? It does say they have to yield to the pedestrians. I just think it creates all kinds of safety issues and confusion.

[01:20:39] So I don't support it. Okay. Supervisor Smith? I just know walking in my neighborhood, okay? Stringfellow Road, the road in my neighborhood. and I get the walk to go walk, I have to tell you, I have to look because those cars are not paying attention that I have the thing to cross my street and I got to make sure somebody's not making a left or a right coming. This kind of scares me. I appreciate what Supervisor Herity brought up because if somebody's on Stringfellow Road and they get the walk and they want to turn

[01:21:14] in and there's people walking, I just think we're causing a lot of confusion and safety hazards and we have pedestrian issues anyway so i'm not supportive and mr chairman i just i pulled up the language and it does say they do have to yield to pedestrians lawfully in the crosswalk and to other traffic lawfully within the intersection okay all right well we've we've heard both sides here from the board so i'll do something i don't normally do and ask those who haven't weigh in if they're interested in and weighing in so we can try to see where we are mr chairman let me ask our police again what if you could reiterate your concern i mean i you know from a personal

[01:21:53] standpoint like kathy i mean i i'm worried about the cars i mean i'm not worried about somebody in a bike uh when i'm crossing a crosswalk and i have someone is who's nearly been hit uh more than once um you know the the bicycles are not are not my concern as a pedestrian so much as the cars are so what is there a problem with the enforcement element is just remind us again what the concern from the police department is. And just to be clear, last Friday, I think we heard staff and PD opposition to the other two bills that we discussed. And at least Mr. Steverson, who's,

[01:22:32] I think, busy with other things today, was comfortable with this one. But yeah, go ahead, sir. Good evening, Captain Callow, the traffic division for the police department. So our concern would be similar to what Supervisor Herity said, the safety of the pedestrians because the scooters or anything would be required to yield to the pedestrians. And we already see that that does not happen with cars. And our concern would be it would be the same with these assistive vehicles

[01:23:05] as well and bicycles. Okay, Supervisor Alcorn. Just to follow up on that. So what about on our sidewalks currently because aren't bicycles allowed on our sidewalks right now? Yes sir but this what I'm talking about is if a pedestrian's currently in the crosswalk the way this reads on a bicyclist or a scooter like he's talking about someone would come down and be able to turn in there they would be required to yield to that pedestrian our concern is that they would not yield to the pedestrian and pedestrians would be struck that's similarly what we have with traffic accident

[01:23:44] crashes with a car turns into a pedestrian that's already in the intersection. So our concern would be the safety of the pedestrian in the crosswalk. Okay. Yeah. Isn't that the case? What you just

described happens now when a light turns green and a bicycle could turn right and a pedestrian is walking across the crosswalk, right? I'm not sure I understand your question. I'm sorry. So you're concerned about a bicycle turning right as a pedestrian is walking in the crosswalk

[01:24:15] If this law were to be passed on a pedestrian walk signal, but today the status quo is when the traffic light turns green, the bicycle can proceed, including turning right across the crosswalk where a pedestrian is walking.

[01:24:34] Yes. So that's how it is now for traffic already. We're just concerned. That's how it is for bicycles now on a green light. Right. So is the concern that the bicycle is going to get a bit of a head start under this law and will not do what they're supposed to do, which is wait for the pedestrian to go?

[01:25:00] Yes. Currently, most people on bicycles that we encounter already do not follow the traffic signals as they are. So we're concerned that this would just exacerbate the problem. We're trying to keep pedestrians as safe as possible.

[01:25:17] Okay. Mr. Dominguez. Okay. You asked us, the people who hadn't talked, to weigh in. I guess my issue is that it doesn't actually seem to change the status quo much either way.

[01:25:33] I mean, we still need bicycles to understand that they have to yield to pedestrians. That's still in the rule. So I'm kind of not really sure the point is. Okay, Mr. Dominguez, you wanted to share something? Yeah, I just wanted to follow up, Mr. Chairman, that Mr. Steverson, who was not able to be with us. He is sick in addition to dealing with other things today, so he couldn't join us. But this is the one he was more comfortable with going forward.

[01:26:03] Just like I did want to mention that this is the one he felt was more reasonable. And it is something we similarly, the board similarly recommended approval of last year. I think we were working, I think the actual position was support with some implementation issues because language was still being worked out, but I did want to mention that as well.

[01:26:26] Okay, Supervisor Bierman? Just the way I said it was a little off. I guess my point is this seems to just not do a ton to upset the status quo in a way that would make it any more dangerous than it already is. So I guess I'm comfortable supporting it because it's something supported by our bicyclists that I don't think makes things appreciably more dangerous.

[01:26:51] Okay, Supervisor Palchuk? Thank you, Mr. Chairman, and I really appreciate it. I was wondering what FCDOT was seeing as well, because it's a tough one, right? But I can tell you as not an experienced cyclist, it can get very difficult when you're trying to be careful and you are wading through those lights and trying to be protective and thoughtful of the pedestrians, but can't also cross appropriately when pedestrians are crossing.

[01:27:26] So, you know, I guess I'd be interested to hear that there are, we have specific concerns about this. But I'm more comfortable having heard that, I guess, Greg is comfortable with this one. I know these are three tough ones, trying to not create new, difficult, unsafe conditions, right?

[01:27:45] But everything we've seen, or I've seen, is we, I think as you mentioned, so many of the cars are not looking and paying attention, and it's already hard, right, when there are pedestrians and or bicyclists. And so I guess I'm more comfortable with this. I know it's a tough one.

[01:28:02] And if there are ways that you recommend for this to be changed to address that, that would be, I guess that was my question. I don't really have a recommendation for it to be changed. The true way to solve it would be paying attention to people around them.

[01:28:22] Okay, okay. Yeah, so if Greg is comfortable with it, I'm comfortable with it. Okay, Supervisor Jimenez. and then i'll probably wrap it up here all right mr chairman thank you so much and i won't i'll be brief per usual uh we constantly talk that the status quo is unsafe we constantly talk that in our districts we're seeing fatalities all the time with pedestrian safety we're talking about pedestrian safety issues now the folks that are talking here are saying in agreement with this are saying oh this is status quo so let's continue it aren't we always talking about how the status

[01:28:59] quo isn't working and that's why we're having fatalities in our districts so why are we pro something the status quo change the status quo okay all right so i just just kind of looking around obviously we don't have unanimity here uh but but i do think there are six or seven who have who have voiced voice support uh so i think we can change our position from monitor to support on on this one and it will be in our next legislative report uh at the upcoming board

[01:29:31] meeting. Ms. Dominguez, give us the next one. Mr. Chairman, the next one is HB 1077. And this one authorizes the operator or the bicycle or other devices I already mentioned to yield instead of stopping at an intersection controlled by a stop sign. If each intersecting highway has no more than three motor vehicle travel lanes that the operator is at least 15 years of age or accompanied by an adult, the operator slows to a reasonable speed based on existing conditions,

[01:30:07] and before proceeding into the intersection, the person stops for any pedestrian within the crosswalk and to any other vehicle approaching or entering such intersection for another direction. So this is essentially, in certain circumstances, a bicyclist can yield at a stop sign. Supervisor Beerman.

[01:30:27] I'm a lawyer, and I still wouldn't know how to follow those rules the way it was laid out. I I mean, yes, certain bicyclists can yield at a stop sign sometimes, but other times they can, and that's really complicated. I don't – that's – yeah, I don't support that one.

[01:30:49] Okay. Supervisor Stork? And this is the item that's on page 13. Is that – okay. And I may be in the minority on this, and maybe because I'm older, I'm in the minority on this.

[01:31:05] So maybe age is changing that. I remember the day when we didn't have stop signs and yield signs at every single intersection that you ever go to. In fact, the default was there wasn't a sign at an intersection, and that was always you always deferred to the person on your right, and they're in turn responsible for deferring to you on the left.

[01:31:27] So my point is not to try to go back to it, but to say that it is about driver or bicycle or operator awareness and them doing and being responsible for their actions and making sure that they're, if you will, making appropriate and reasonable decisions.

[01:31:45] And that's really what, in my mind, this is. This is if you come up to a stop sign and there's nobody there. And I bet you I could go around the room here and ask how many here stopped at every single stop sign that you come to. I mean, literally stop. I mean, not a rolling stop, but literally stop.

[01:32:04] Captain, I'm sorry. We have a lot of people. You can get your recorder out here and get us all guilty. So that's really what we're saying is that this, we don't, not every, most of us, 90, I'd say maybe 99%

of us don't stop at every single stop sign they come to. We look at it.

[01:32:19] There's nobody there. We basically keep going because the stop signs achieve the purpose, which is to say you have responsibility for making sure that before you go through that intersection that it's safe and you can do that without harming yourself or others. And that's how I view this.

[01:32:34] I know it's kind of a basic common sense, quote-unquote, whatever that means, but the operator is responsible for their actions and making sure that they're and others that are going through that intersection are safe. I support that. Supervisor Stork, just to be clear, you're talking about while on a bike, not driving a car.

[01:32:55] You stop at all stop signs while driving a car. It sounded like no, he didn't. I just want to, I mean, I bring it up because realistically speaking, I mean, the point that you make is a real one. Now, when you're riding a bike and you're in the middle of a neighborhood and you see absolutely no cars or anybody around, you're going to come slow down, look around.

[01:33:16] But coming to a complete stop, my concern is the enforceability of all the different rules that are in here, not the concept. And so I guess a question for our police is, I mean, How many times do we stop a bicyclist who right now yields on a stop sign?

[01:33:37] I mean, is this not also current practice typically? And this is what many bicyclists are doing now. And what this does is say, if we're not already doing that, that you can do it. But you also have to be mindful of all of these other conditions that are in here before you would actually cite someone.

[01:33:59] I don't have numbers of how many people we'd actually have cited for this. I would guess it would be extremely low. and it would be very difficult to enforce the way this is written because, as Supervisor Bierman pointed out, there's a lot of conditions as this is currently written.

[01:34:17] And I think, I gather, very difficult to enforce now, too. As you've mentioned, I mean, that's probably one of the reasons why the instances are low is, you know, you'd have to observe this, and I can't imagine that happens very often.

[01:34:33] I guess the question I have is when we say not more than three motor vehicle travel lanes, Is that not more than three motor vehicle travel lanes going in one direction, or is that in total? Mr. Chairman, I believe that is total, and I think that's supposed to be essentially for one in each direction in the turning lane.

[01:34:52] Okay, because I think that's an important distinction. We're talking about neighborhood streets for the most part. I mean, we're not talking about allowing people to do this on major arterials in the county. I just wanted to make sure I understood that part. So a couple of thoughts.

[01:35:10] You know, I think the argument for this, you know, one is what Supervisor Stork articulated that, you know, when you're on a bicycle, you know, stopping and starting is not an insignificant thing.

[01:35:26] But I think there is also an argument and perhaps up to some debate that the most dangerous time for a bicycle is when they're stopped at an intersection. And this kind of law is in place in some number of other states, five to ten other states.

[01:35:48] And some of those states, I think, have data suggesting a decrease in crashes between bicycles and vehicles, arguably as a result of the law. I do also, because I remember we've discussed this issue before, and this bill comes up every year in the General Assembly.

[01:36:08] And a few years ago, I remembered that a few years ago, they did suggest or decide to conduct a study or hold a work group. And it's my understanding that there was a Virginia State Police stakeholder group that met on this and produced some kind of report or result.

[01:36:28] I don't know that our staff, I don't know that we have our hands on that or have reviewed that. Mr. Chairman, I'm not sure if all staff who have been involved in this issue have reviewed it um we can go back and get that information okay um so so i'm going to suggest and definitely want to have pd connect with the virginia state police on on that to see what to see what data they have and whether it's you know consistent with with our experience and and i'll maybe recommend that we have a position of monitoring the bill until we can get our hands on that

[01:37:07] information and have an understanding of it and another discussion on the board given this is another issue where we maybe have a range of opinions so we'll plan to to come back you know next friday um with some analysis of that mr chairman supervisor i would support that and i also would suggest that maybe some of the language we wouldn't look at uh look at more closely next friday or you know uh if this doesn't pass maybe you know before next year so so we'll have a little firmer position yeah and assuming that this legislation does is not successful this year

[01:37:45] which is would probably be my bet you know i think it'll be important for for um county staff to engage with all the different stakeholders on this just to make sure we understand the perspectives that are out there in the community between now and next year um but we'll we'll take a look at the virginia state police work that's been done on this looking at other states and we'll come back and look at it again as a board next week if it still exists.

[01:38:13] And, Mr. Chairman, I will say that this bill that we're just talking about and the last one I'm going to mention, actually all three have gotten out of the House. These two were fairly close in the House. Yeah. Okay. So let's move on to the final one. Mr. Chairman, the last bill is HB 1266.

[01:38:34] And this, I'm going to read the summary straight off to try to get the explanation correct. Noelle, is this in our package? Can someone tell us? Yes, it is also on page 14, at the bottom of 14. Thank you. And what this does is it clarifies the roadways on which the bicycles and these other devices are exempt from the requirements to ride as close as safely practical to the right curb from those with a substandard width lane.

[01:39:06] And then it removes a requirement for persons riding these devices on a highway from riding, Sorry, on a highway to abreast to move into a single file formation and limits the requirement that such persons not impede the normal and responsible movement of traffic to only apply on roadways with only one travel lane per direction and the posted speed limit of 35 miles per hour or more.

[01:39:31] So what this essentially does is state code currently says that any person operating a bicycle or these other items on a roadway at less than normal speed of traffic at the time and place under conditions, then they shall ride as close to safety practical to the right curb or edge of the roadway, except under certain circumstances.

[01:39:54] And it adds to that circumstances to be when the travel lane is not wide enough to allow an overtaking motor vehicle to pass in the manner required as the same lane as the overtaken vehicle. So they don't have to move over if the lane is not wide enough for somebody to pass them.

[01:40:15] And then separately, it says that persons riding these devices shall not ride more than two abreast. That's existing law. And then it specifies that on roadways with only one travel lane in the direction of such person at a posted speed limit of 35 miles per hour or more, persons riding too abreast shall not impede the normal and reasonable movement of traffic.

[01:40:36] It does take out the language that said they shall move into a single file formation as quickly as practicable when being overtaken from behind. So they no longer have to go into a single file line when no vehicle's coming around them. It does say that they shall not impede traffic.

[01:40:51] Okay. I have to admit, I struggle to wrap my head around this one every single time we discuss it, but let me open it up, Supervisor Peerman. Can we get a diagram? I mean, that's actually a serious question. Can we get a diagram? This is, yeah. Next, next.

[01:41:14] I think Kimberly Balcom from the county attorney's office, I think I might be able to help you. I do the same thing every time I read the bill and I try to picture it in my mind. I think that currently in the law, if you're on one of these vehicles that qualify and you're on a roadway that qualifies, an overtaking vehicle has to pass you with three feet to the left.

[01:41:33] So there has to be three feet in between the bicyclist and the vehicle. What this is saying is if the road's too narrow to allow for that three feet margin, you don't have to ride all the way to the right to let people pass you. You just can ride because there's not a place to safely pass. So the idea is to prevent people from passing you when it's too narrow to safely pass.

[01:41:58] That's my reading of it. Doesn't that contradict the part about not impeding the flow of traffic? The part about not impeding the flow of traffic is a separate portion of the bill that talks about when you can ride to a breast, and it allows the current version of the bill forces people who are riding too abreast to go single file, this would allow them to remain too abreast as long as they're not impeding the flow of traffic. So it's two different things that the bill accomplishes.

[01:42:33] I guess the question is, if you're riding too abreast, how can a car pass you? I mean, isn't it in essence the same thing? You're going to be impeding the flow of traffic either way, right? I think it depends on the width of the road, but it seems strange to me that two people could ride bicycles plus have enough room for a car to pass them. Yeah. So right now the status quo is, no matter the width of the road, bicycle has to pull over to allow cars to pass. That's the status quo. That's the law today. Mr. Chairman, I'm not sure if it's pull over.

[01:43:10] Well, I mean, get over. To the far right. To the far right, yeah. I believe so. They, yes. Yeah. You got to be on the right edge of the road to allow vehicles to pass, even if the road is narrow and maybe it's unsafe to pass, that's the status quo. This bill says if it's too narrow and unsafe to pass, you can pull into the middle of the lane to prevent the car from passing.

[01:43:39] Mr. Chairman, I believe you can currently ride in the middle of the lane, but the law says that if somebody is trying to pass to try to move over, and this says if the lane is narrow, you don't have to move over a bit. Okay. Okay. Supervisor Smith. There was a bill we talked about last year, and I don't remember if it passed or not, that a car would be able to go over the double yellow line to get out of the way of a bike and pass a bike.

[01:44:03] Whatever happened with that one? Mr. Chairman, Supervisor Smith, I would need to go back and look into that one. I can't remember currently. It just is, I can't support this. Supervisor Stork?

[01:44:21] I'm a little confused about it, too. What about sharrows? I mean, how does that work with a sharrow? Mr. Chairman, I think if it's a sharrow, it's usually wider than 11 feet, which would be in effect here. The whole roadway.

[01:44:37] I mean, sharrows typically are ones that don't have double lines in the middle. I mean, they're more residential roadways. So that's part of my question is I don't know. I don't fully understand this either, and I want to understand that part of it better.

[01:44:54] Mr. Chairman, I can go back and check with our team. I do think sharrows tend to be, because they can be shared by both, I do think they are wider, a little bit wider than what they're looking at here. And sharrows, you know, typically a bicycle has as much right to be in that roadway as a car, so theoretically you don't.

[01:45:14] Do you have to move over because a sharrows means that there's no other real option for a bicycle rider? So those are the questions that I have about wanting to understand this better. Okay, Supervisor Herdy. Well, I was just going to say on the 11 feet, I know that staff is asking me to put sharrows on Popeshead Road, which is not 11 feet wide.

[01:45:37] It's not up to current standards, and it's not anywhere near where a bicycle should be riding with two double dips and a bunch of other things. So I don't think there is an 11-foot requirement for sharers that I'm aware of. Mr. Chairman, Supervisor Harry, I'm sorry you are right.

[01:45:52] I'm not sure this provision about moving over does not reference 11 feet. It says when a travel lane is not wide enough to allow overtaking the vehicle. This has none of the age restrictions or anything like the last bill did that I'm reading.

[01:46:08] I mean, I'd like to meet these brave people. I mean, honestly, as someone who bikes all the time, when I know a car is behind me, I move over as far to the right as I can to protect myself. There is no way, if the law tells me I can hang out in the middle of the road, that I'm going to continue to do that with a car behind me and expect the driver of that car to know that I have a right to do that before running me off the road.

[01:46:32] So, I mean, to me this just seems like a good idea maybe, but in practical real terms, would be a very tiny handful of bicyclists that I think would be confident enough to do this. I mean, for my entire life, I've moved over to the right when I'm on the road with cars just to protect myself. So I just think the instances of this are so small that I sure wouldn't want my kids to think they can ride down the middle of the road and not run the risk of getting hit because the motorist will understand the law behind them.

[01:47:05] I just think it's this one I have trouble with. Yeah, so I'm going to recommend that we stick with the position that we established last week on this bill. I think we have just a lot of questions about what this change would mean.

[01:47:21] We're kind of bumping up against the capabilities of the legislative committee to dive deeply into these issues. And I'll just recommend maybe to the chairman of the transportation committee that it might be a good agenda item at some point this year to kind of look at the spectrum of issues and how the legal framework fits into our overall policies and plans in terms of making it easier and safer and more accessible for people to bike in Fairfax County.

[01:47:54] because we just we don't unfortunately this this this is a 30 minute discussion on one topic and that's not the time we have here in the legislative we'll we'll find some time in the transportation yeah all right it's rare that i get to give somebody else an agenda and i'm usually receiving them but um so so we will we will look to do that um okay that takes us we yes so on the chart we only have a few position changes and then maybe you'd like um updates on initiatives okay okay So on page 7, we'll give updates on the county initiatives.

[01:48:27] We're on page 7 of the thick packet. Yeah, so the thick packet. Sorry about that. Yeah, whoever's first. On page 7. Noelle, it might be you.

[01:48:44] I'm sorry, Mr. Chairman. I got confused because it's been incorporated. Our initiative, HB 793, was incorporated into HB 1071, which is on page 8. And that bill has passed the Senate 2317.

[01:49:03] It may be a seven-day bill, which essentially means if bills are passed early enough in the session, the governor has seven days to take action, whereas towards the end of the session, they have a good month. So they need to wait to, you know, bills still have to be signed and presented to the governor.

[01:49:20] But if it's done with enough time, this may be completed before the end of the regular session. And VDOT is not opposing it. They're not supporting it, but they're not opposing it. Mr. Chairman, at this point, they have not taken a position on the bill.

[01:49:36] Great. So our other initiative is on elections, moving the deadline back on certification, and that officially passed off the Senate floor this morning.

[01:49:54] Oh, sorry. It's right on page 7. In your thick packet, Supervisor Store. Sorry, I got so excited to tell you it passed, I forgot to mention page 7. So it's HB 988, and it passed off the Senate floor.

[01:50:11] So it's officially on its way to the governor as well. All right. Okay, congratulations. It's 998, right? 998. Okay. I'm so sorry. So then, Mr. Chairman, we have a few position changes and just a couple of updates.

[01:50:28] So on page 10, I think, Oriole, you have a position change? Yes, Mr. Chairman. HB 732, this was the bill that would require school boards to have naloxone develop guidelines around naloxone in schools we were looking for an amendment to make sure that our school health employees were covered the patron did amend the bill and it was reported from the subcommittee yesterday or recommended for reporting from the subcommittee with that amendment so we are recommending changing the position to monitor I did

[01:51:05] also want to note that at our last meeting a question had come up about kind of what whether this was in line and I think with current practices or what exactly the requirements would be so I did talk with our schools and they meant they did say that this is in line with what they're doing I think that they're you know like sort of still working through some of the things in the bill but um overall in line with current practice okay great oh and I should know there was a set there's a Senate companion that bill is still

[01:51:39] alive we are still working on getting the amendment in that version. So next Mr. Chairman on page 11 Kristen. Yes thank you. Kristen Kanasky assistant county attorney. This this bill was one that we sought to amend to make it clear that the new authority under HB 878 would not interfere with the already

existing authority we had to purchase affordable housing and Delegate Boliva accepted our amendments. They were reported at a committee, and it's currently awaiting the third reading

[01:52:19] in the Senate. Okay, great. So then, Mr. Chairman, on page 12, elections. So, on page 12, HB 940, we have asked for an amendment on this bill.

[01:52:36] Basically, it's you have to put up notice if a polling place has changed where someone can find where they should be going, if they go to the old place. We had concerns of what if it's a private property, or What if it's destroyed or things like that? And so the patron did very willingly take our amendment to say, to accommodate reasonable efforts.

[01:52:55] So we recommend monitoring that. Okay, good. So, Mr. Chairman, those are all the position changes. We just had two updates that we wanted to share. One is on page 16 on accessory dwelling units. Kristen? Yes.

[01:53:11] So as of this morning, in the full committee, the committee voted to continue the bill until 2025 and, like its House companion, to ask the Housing Commission to study accessory dwelling units over the summer.

[01:53:29] This, just as a refresh, we had spoken quite a bit about it being a statewide zoning ordinance. This bill and the House bill would have allowed ADUs by right, including detached structures.

[01:53:46] So at one point in time, the bill said up to 1,500 square feet of the original house could be constructed in your backyard. And the issue is, because it's by right, it eliminates the public from the process.

[01:54:02] It gives no opportunity, even if your property is affected next door or behind, to be able to weigh in at all into the process. And so we adamantly opposed, along with several other localities, and to really point out why it's so important that you plan, why we plan, and that you're not accounting for some of the adverse effects to the sewage system, water.

[01:54:32] Is the current structure or the current neighborhood equipped to handle other structures being built. And those are questions that can be answered, but they weren't answered in this bill. So we're looking forward to studying this summer and anticipating Fairfax County being a big contributor. Yeah, I would say, Mr. Chairman, that this bill was a little bit of a challenge because it changed a lot as it went through the process. I think it passed the Senate because there was an understanding that a grandfathering amendment had been added that would eliminate the effect on Fairfax County and a lot of other localities. It turned out not to be

[01:55:11] the case. And so there were a lot of mixed messages about whether they really meant to grandfather and if some language was going to be added like that. And so the bill changed a number of times. And fortunately this morning it was sent to study because I think that that committee ultimately felt like the fact that it was being amended every time that it appeared somewhere meant that there was probably a lot out there that hadn't been looked at. So that was a good resolution. Yeah, and this is a topic that has come up over the last several years in the General Assembly, and I think one of the things we should think about doing in advance of next year's

[01:55:45] session is reaching out to the entire delegation and offering to have them sit down with our staff to learn more about our policies as they relate to ADUs and the work that we did to establish them and

the thought that went into it and the effects that it's had because I think it's news to some of them that we have tackled this issue.

[01:56:09] Okay, Supervisor Palchuk. Thank you. I just want to add to what you said. I was in the, when there was a House bill that was looking at something similar and you did an excellent job. Kristen, I know they gave you a little time. And actually our policies were brought up as that balance that is working and that should be looked at.

[01:56:28] So are they combined, I forget what the number was of that House bill with the Senate bill. They're both going to be studied. They both are getting the, well, maybe they will combine it, actually. I think they were planning on sending separate letters to the Housing Commission asking them.

[01:56:44] And in that letter, they also planned, the one today, SB304, planned to ask localities to provide some reporting data. They want to see what everybody is doing, what they're not doing. And I think based on all of the research we had done and with the zoning ordinance being changed, I think we'll be ahead of the curve for sure.

[01:57:06] And I know I've already confirmed with staff that we do keep that data and they're preparing a report that you'll receive in March already. This is standard for them. So we have quite a bit to be able to provide. Excellent. Sounds good. Thank you. Okay. And so then the last thing, Mr. Chairman, it's not really an update, but Supervisor Lusk asked about this bill.

[01:57:28] So it's on page 43, is Delegate Kriesick's manufactured housing bill. And so that bill has passed the House. It will be heard in the Senate. Normally the date for that committee is on Wednesday, so that's what we expect to be this Wednesday. There's not much time left in the session.

[01:57:44] But either way, we'll be working with him to try to help move that forward. Okay. That's all we have. And that's all we have. Board members have the watch list and some other items in your packet, and we'll see everyone next week. Thank you.

