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[00:00:00] Okay. Good afternoon, everyone. Welcome to the January 17th, 2025 meeting of the legislative committee, our first meeting of the session. Welcome back to the legislative staff fresh from Richmond. We do have a lot on our plate today, but we're going to be out of here by six o'clock, so we'll move as quickly and efficiently as we can. We're going to start, and board members should have the packet with all of the agenda items in it.

[00:00:32] We're going to start with the second agenda item, which will be an update on the governor's 2024 and 2026 biennium budget amendments. Ms. Arco. Thank you, Mr. Chairman. So we're going to have staff walk through some of these sections and call out some of the highlights just for the board's reference.

[00:00:52] The state already has an underlying two-year biennium budget, So the governor had the opportunity to recommend amendments to that budget that already exists in state law. And so he did that in December. You received some information from us at that time. And then you also received a budget chart that our staff works with, DMV, Transportation, Human Services, all the other agencies to put together.

[00:01:16] And so the chart that you're seeing in here, you all have seen most of. You have not seen the FCPS portions because we just got that information from them. but we'll kind of walk through everything a little bit. But just for your reference, that's really the new information.

[00:01:32] So I think Albana is going to start us off. Albana, Senovo Budget Office. Mr. Chairman, you have in front of you the state budget chart, as Claudia said. The governor's amended budget assumes revenue growth of around 4.1% in fiscal year 25 and 2.6% in fiscal year 26.

[00:01:54] this increases the revenue assumptions by \$2.1 billion in fiscal year 25 and \$1.2 billion in fiscal year 26 prior to any proposed tax policy modifications. Coupled with the increase in beginning balances based on the higher actual fiscal year 24 revenue, the introduced budget assumes a total of \$4.7 billion additional general fund resources over the biennium.

[00:02:22] On page two of the state budget chart, just to explain that the governor's budget didn't make any changes to compensation. As a reminder, the adopted budget had included a 3% salary increase each year for state-supported local employees.

[00:02:42] There's no additional funding included to address staffing standards or the restoration of prior salary reductions to unfunded or underfunded positions at the local director of finance offices. This is an item that the 2024 General Assembly also failed to address.

[00:03:01] If state funding for these positions is restored, it is estimated that Fairfax County would have received a reimbursement of an additional \$620,000 in fiscal year 25 and approximately \$680,000 in fiscal year 26 from the Compensation Board.

[00:03:19] The governor's budget includes \$1.3 million in each year for supplemental pay provided by localities for public defenders. This is positive, as Fairfax County currently provides salary supplements to 40 positions at the Office of the Public Defender at a cost of \$600,000.

[00:03:39] The amended budget does not provide additional funding in fiscal year 26 for the state aid to localities with police departments, also known as HB 599 program. The adopted budget provided the same level of funding in both the years, and our legislative program supports full restoration of HB 599 law enforcement funding.

[00:04:01] On page three, the budget provides \$2.5 million to assist localities with purchasing public safety radio and communications infrastructure equipment and \$5 million to assist localities with purchasing protective equipment for firefighters.

[00:04:18] However, it prioritizes the funding to localities that score above average or high on the Virginia Department of Housing and Community Development Fiscal Stress Index. So it appears that most likely this will have no impact as Fairfax County does not score high or above average on this index.

[00:04:39] So on page three, the same is true for the \$3.5 million that is included to reimburse local law enforcement agencies for time spent transporting individuals under temporary detention order and emergency custody order, as it is prioritized to other regions.

[00:04:58] And most likely, there will be no impact on the county. The Fairfax County Police Department spends over \$500,000 annually on this function. Flipping to page four, I wanted to know that no additional funding is included for the Virginia Housing Trust Fund.

[00:05:18] The adopted budget includes \$87.5 million each year. And also, no additional funding is included to fund the Stormwater Local Assistance Fund.

[00:05:33] On page five, there's a list of tax changes that the governor proposed. The first one, the governor proposed a new CAR tax credit, which is a refundable income tax credit funded by \$1.1 billion

from the fiscal year '25 projected surplus.

[00:05:55] The credit would be available to individuals with federal adjusted gross income under \$50,000 and to married couples filing a joint return with federal adjusted gross income under \$100,000 would be capped at \$150 and \$300 respectively. The \$1.1 billion would fund credits for taxable years beginning January 1st, 2025 and ending by January 1st, 2028. And then after that time, the projected state revenue reduction would be \$360 million annually. And while there's no

[00:06:34] impact on county revenues directly. It will impact overall state revenues. The governor also proposed the elimination of the state income tax on TIPS. In fiscal year 26, it would be a reduction in revenue of \$35 million because it's half a year, and then the projected annual reduction is \$70 million. Again, there's no direct impact on the county revenue. Another tax change is that the proposed budget includes makes permanent the standard deduction amounts for income taxes which

[00:07:12] were scheduled to expire in 2026. And now turning to page six, public education, we know that the governor's budget does not provide additional funding to address the JLARC study recommendations which were previously estimated to provide an increase of over \$568 million to FCPS.

[00:07:39] And since the release of the July 2023 study, the Joint Subcommittee to Study Elementary and Secondary Education Funding convened several meetings to discuss potential reforms. And the initial recommendations have emphasized prioritizing near-term recommendations with a focus on the elimination of the support cap and enhanced support for special education.

[00:08:07] And FCPS has indicated that they would get an additional almost \$45 million if the support cap were to be eliminated. We also mentioned that there was no change in the compensation included in the governor's budget.

[00:08:24] It still provides funding for a 3% salary increase. fiscal year 26, but this only provides 18.2 million of the 91 million cost to FCPS to provide such a salary increase. And so the net cost to FCPS is almost 73 million, which is 80% of the cost and the state would only cover 20%. And then in the following pages, there's

[00:08:58] a number of technical updates and updated projections that the governor's budget included. It updates sales tax projections, school enrollment numbers, and the cost of the English Learner Teacher Standards of Quality program.

[00:09:17] But there's no policy changes or additional money provided in the governor's budget. So if you flip to the bottom of page 8, you can see the overall impact of the governor's budget amendments on FCPS budget, their fiscal forecast had already assumed 23.7 million in additional state revenue compared to their fiscal year 25 approved budget. So compared to the fiscal forecast, the governor's budget is actually a decrease of 0.6 million in fiscal year 26.

[00:09:54] And not included in these numbers is the proposed Virginia Preschool Initiative cap removal in fiscal year 26, which would result in a loss of approximately \$5.1 million. And there are some details on this item further down in the state budget chart in early childhood section.

[00:10:15] So with that, I'll stop and see if you have any questions. Okay, thank you. You know, just a couple points that I will make. First on page two, the governor's effort to defund local law enforcement agencies.

[00:10:31] You know, there are items in here that are going to be the subject of negotiation between the governor and the General Assembly. And there are some items that I think it's been made pretty clear by General Assembly leadership that they're off the table in the defund local law enforcement effort. Thankfully, General Assembly leadership has already been quite clear that that's not going to be the subject of negotiation and is dead on arrival.

[00:10:52] One item that perhaps won't be on page three, the reimbursement for local law enforcement agencies transporting under TDOs. We really have to engage there and it notes here the funding priority is going to agencies who must travel far distances.

[00:11:11] I've talked to some of our police officers who have had to travel pretty far distances. I know others have as well, so I think maybe there's an opportunity for us to engage on that. I hope that something like this that includes all of Virginia will be ultimately included. On car tax relief, we sent a letter to the governor last year, I think it was, outlining what he could do to keep the Commonwealth's commitment to funding the existing car tax relief.

[00:11:39] Maybe he'll take a look at that letter at some point. We didn't hear back from him. But the best thing that Richmond, the governor, General Assembly can do to help local taxpayers, including local car taxpayers, is keep their commitment to funding our schools so they're not bearing that full burden.

[00:11:58] Obviously, the last point here that was made is important for board members to understand. The FCPS fiscal forecast that we heard assumed these modest adjustments that are in the governor's budget and actually overstated it by \$600,000.

[00:12:17] So if the governor's budget amendments were adopted in whole, FCPS's fiscal forecast would be \$600,000 in the red. So they're working out of a little bit of a hole there, but they did assume some of these increases.

[00:12:34] Any other questions or thoughts on what we've heard so far before we move on to Health and Human Services? Supervisor Lusk? Thank you, Mr. Chairman. on page two item 40 I do appreciate this I know that Don Buderak has presented to our Public Safety Committee in the past asking for additional funding to support public defenders and I note the point here that this could result in additional funding do we have a sense of what that might mean to Fairfax or we just not yet aware yeah we're not sure so we'll get track of this but yeah we

[00:13:11] know how much we spend. Okay. Thank you very much. Okay. Supervisor Stork. Page 5, item 414-255. I'm sorry. It's further down. 414, the item, which is the governor's standard deduction change. I didn't get the math on this, and I don't know if anybody else does, but allowing the reductions to go into effect would increase state revenues by \$57 million in FY 2026 and \$1.2 billion.

[00:13:46] And I realize maybe the first one's a half year and the second one's a whole year, but how could that, it's not really for us, but if that's where we, if we got that from the state and something doesn't make sense, I just want to understand the logic that they used to come up with.

[00:14:02] Yeah, we'll look into it. Makes no sense. Thank you. Okay. All right. Seeing nothing else, let's move to Health and Human Services on page nine. Mr. Chairman, members of the board, Arielle McAloon, Human Services Legislative Liaison.

[00:14:20] Starting on page 9, under behavioral health, their item 288, or one of the items 288, authorizes coverage for services provided to Medicaid beneficiaries during short-term stays for acute care in psychiatric hospitals or residential treatment settings that qualify as institutes of mental disease through an 1115 serious mental illness waiver this is something that we had included support for in the county's legislative program and is helpful positive in expanding crisis services and reimbursement for community-based crisis stabilization services

[00:14:57] so wanted to highlight that um moving to page 10 um i towards the the top of that page i wanted to note that there is an amendment that increases some flexibility for funds that were provided for school-based mental health. So that is also something that the county has supported in the legislative program, and this would provide schools with additional flexibility to use funds for school-based mental health services intended to reduce barriers to mental health in primary

[00:15:35] for students. So another helpful item. There's also \$1 million provided in FY 2025 to create outreach and educational campaigns related to mental health, substance use, and social media on youth and adolescents. So another positive item as far as youth behavioral health. And then moving further down the page on page 10, the governor's amendments also provide \$35.2 million in FY2026 to allow the Department of Behavioral Health and Developmental Services to provide

[00:16:13] funding to private hospitals for special conservators of the piece. This would potentially relieve law enforcement from maintaining custody during a period of emergency custody or temporary detention. And so that is something positive in terms of relieving some of that pressure on law enforcement.

[00:16:35] And finally, on page 10, also provides \$1.5 million in FY2026 for two regional pilot hubs through the Medical Society of Virginia for the Adult Psychiatric Access Line.

[00:16:51] That's also positive in improving access to care and allowing primary care providers to obtain expert consultation. So I wanted to highlight that as well. Moving on to page 11 on the Children's Services Act, a couple items I wanted to highlight there.

[00:17:12] The governor does have an amendment that simplifies the current funding model for reimbursement for services provided through CSA. That is something that would be positive in streamlining the process and easing some of the county's administrative burden.

[00:17:30] There's also another item that would cap the reimbursement rate to localities for private day educational services to no more than 2.5% over the rate for those services provided the previous year.

[00:17:50] There are some concerns with that as far as while the costs for special education and private day services rise annually, and so cost containment efforts could be helpful, the cap only applies to the state's portion.

[00:18:09] and so it doesn't limit the local liability, and providers could continue to charge higher rates beyond that cap, which would mean that the locality would be left with funding the difference there. So, an item of potential concern. Under early childhood, also on page 11, and moving on to page 12. The governor does add additional slots for the child care subsidy program, but also makes a

[00:18:43] variety of other changes. And so while increasing the slots is positive, there are some concerns with some of the changes just in wanting to look at them a bit more closely to see what the overall impact

would be for families accessing the slots and ensuring that those changes don't create additional barriers for families. So, for example, family co-payment rates in 2026 will be \$5 per month for households whose income is below 100% of the federal poverty level. Those families

[00:19:21] currently do not make co-payments, so it would be important to determine how that could affect families accessing services. Moving on to page 12, there's also certain job search requirements that would include a time limit of 90 days. So it's unclear if those unable to find a job within 90 days would lose child care subsidies. The governor's amendments also limit new child care subsidy program enrollments to birth to five-year-old children unless they qualify as hard

[00:19:57] to serve. Hard to serve will be something that's defined by VDOE, the Virginia Department of Education, by July 1st. And so while that birth to five age group serving them is critical, there's also a need for school-age children to access child care. And so it could pose a risk for those school-age children either being left unattended or potentially decreasing work participation for families that are no longer able to access child care. Kind of going along with that amendment, there is a work group in the governor's amendments that would look at

[00:20:36] school-age options for school-age children. So they are continuing to look at that. And then finally, in early childhood, just wanted to mention briefly the removal of the cap on the LCI for VPI, for the Virginia Preschool Initiative. And so that is something that would be negative.

[00:20:58] So we are looking at that, that we'll continue to monitor that. Moving on to page 14, under the Department of Medical Assistance Services, DMAS, I wanted to highlight one item that allows DMAS to change the reimbursement methodology for adult-day health care from a daily rate to an hourly rate.

[00:21:29] This would be a budget-neutral change for the state, but it would be an increased administrative burden on the county. It would require more staff time to bill hourly while having the same amount of revenue. So that is a potentially problematic -- or that is problematic.

[00:21:51] Further down on page 14, I wanted to note that while the governor's budget does provide some additional funding related to allowing the department to comply with state and federal requirements related to Medicaid waivers -- or not -- developmental disability waivers, It does not include increased funding for support coordination services, which is an issue that was highlighted in the county's legislative program this year and something that we'll be looking at in terms of budget amendments.

[00:22:29] And on page 15, under the Department of Social Services, the governor's budget provides \$1.5 million general fund and \$1.4 million non-general fund in FY2026 to raise the maximum on payments for foster care families and adoption assistance by 3%.

[00:22:50] That's positive, as Virginia's payments for foster care and adoptive families are typically some of the lowest. And I think that that was all. Okay, questions on health and human services items?

[00:23:07] Supervisor Palachuk. Thank you, Mr. Chairman. Thank you so much, Ariel. Excellent job. First of all, going back to page 11, I think the beginning, Well, number one, CSA, thank you. That third item, definitely concerning.

[00:23:24] As you know, I feel like every year they're trying to find a different way to offload the state share or put the CSA funding, which is currently about 50-50 state-local, into containing the cost of the state. So, yeah, to me, definitely let's continue to monitor that.

[00:23:44] And then for the early childhood, I believe several of those, including the third item and probably the fourth and fifth, probably the fourth, are hopefully aligned with the report that came out from the Early Childhood Commission and the findings they did that really looked at the impact and the potential ability to expand services by just doing sort of a minimal, not the maximum ability to raise the co-appointment, but maybe having sort of a balanced approach. Is that accurate?

[00:24:21] Thank you. So, I do think that some of these are related to the Commission's report. Our early child care staff may have some additional details on that, but my understanding is that It is in some, you know, in line with some of the recommendations, but maybe not.

[00:24:49] I think that we're trying to take a closer look at just the overall impact. Okay. Yeah, if we have additional, and I'm happy to meet with Flora and the staff to see if it is aligned with that and what the impact would be, because expanding without having too much of a negative impact might actually be positive.

[00:25:08] Thank you. Supervisor Lusk. Thank you, Mr. Chairman. I'm running through these items on the behavioral health and just trying to see. I don't really note this, but inpatient treatment program services for children facing substance abuse issues.

[00:25:26] I didn't note that there was anything here that addressed that. Is that correct? Supervisor Lusk, thank you. Yes, I believe that that's correct. Okay, because that continues to be an issue. And I think the unfortunate thing is we certainly need help from the Commonwealth to support that initiative.

[00:25:47] And I guess we'll have to see what's coming up in the current legislative package. But just making sure I didn't miss something inside the budget itself. Okay. Thank you. Okay. Let's move on to transportation, page 17. Mr. Chairman, members of the board, Noel Dominguez with the Department of Transportation.

[00:26:07] There were not a huge number of changes in the governor's proposed budget. so I'll go through these fairly quickly. On page 17, there were updated revenue projections for NVTA funding. Those are all regionally derived revenue, so they just updated the revenue numbers on those. At the top of page 18, under WMATA funding, as the board knows, additional funding was provided for WMATA in last year's adopted budget. The governor proposes an amendment to reduce that by 11.13 million. That is based on what in December were the projected subsidy

[00:26:47] numbers. I will note that there is a budget amendment be offered by members of our delegation to right size that. So instead of it being reduced by about 8 million, it would be reduced by about, sorry, instead of it being reduced by 8 million, it would be about 8. Instead of 11, it would be 8. Sorry, those numbers are going back and forth. But that's just based on projected subsidy levels. No changes in the DRPT section except for that change to the WMATA funding, so I'll continue on to page 19. Under highway construction, they have about a

[00:27:24] \$400 million reduction in the highway construction program. That is, again, based on adjustments to appropriation amounts and revenue projections. So a lot of the programs you do see reduced funding. As the board knows, a lot of these programs are funded years in advance.

[00:27:40] So this is also based on the financial plan, what has been funded to date. Continuing on to page 21, highway maintenance due to updated projections does see about a \$543 million increase, and that's an increase for most road types, interstates.

[00:28:01] There is a slight decrease in primaries, but there is increases for interstates and secondaries um and operation services and um i believe that is really it for transportation okay supervisor alcorn oh thank you uh that's good news on the highway maintenance hopefully inflation doesn't totally eat that up uh particularly on our secondary road maintenance problems challenges um just one quick thing on the top of 22 it's interesting the governor's put in toll relief for the Elizabeth River crossing. So, you know, we have toll issues here. You know,

[00:28:40] I just point out a few years ago, former Senator Janet Howell did get some toll relief into basically what the people are paying on the Dulles Toll Road. So I guess there's not been any discussion of that recently or has there? So, Mr. Chairman, Supervisor Alcorn, actually, this program was put in place in the adopted budget from last summer. Yes. The governor's amendments changed some of the eligibility regarding the jurisdictions within Hampton Roads and like average income for residents within a jurisdiction. So it doesn't really change the

[00:29:17] number that was already offered last year. Yeah, I didn't think the governor would come forward this. I know who would, but that's okay. Yeah, my only point is, you know, we probably should start trying to get relief for some of our toll users as well, because it is significant.

[00:29:35] There are various, you know, we're always on the lookout for various bills related to express lanes and HOV lanes. I think there are a couple of out there. They just haven't been assigned yet, so we will take a look. Okay, thank you. Okay, all right. Anything else on transportation. All right. We have two handouts here. I don't know if we want to go through.

[00:29:58] The first is Senate member budget amendments, just a handful of the probably dozens or hundreds of budget amendments that have been submitted that we wanted to highlight very quickly. Yes. So, Mr. Chairman, I understand your point. So as we talked about, the governor gets to make his amendments to the underlying budget. The House and Senate each then make their amendments. And so members are allowed to put in any budget requests that they have and to submit them.

[00:30:27] The handout in front of you is only Senate member budget amendments, which were posted this week. The House has not been posted yet. As you all may have heard, last week was a little bit of a fiasco in Richmond, and so a lot of deadlines were pushed. And so we have not had a chance to go through all of them, but we did go through and try to find the ones that we thought were sort of high priorities for the county. And so that's why there's just a handful on here. We'll look at the additional ones, and Jennifer's going to talk about them in a minute. So we went through and kind of tried to pull out some of the ones that we thought were the highest priority, but obviously we'll look at all of the Senate member budget amendments and then the House ones when

[00:31:05] they come and bring back to you ones that we want to highlight. Mr. Chairman, Jennifer Vanney, I just wanted to let you know we had talked this fall about different budget amendments, and so So on the House side, it's not reflected here because, again, it's just the Senate.

[00:31:25] We have a budget amendment and a delegation member put one in for the linear weighted average with the JLARC recommendations and also to make sure that our local finance director's pay gets equity with the commissioners of revenue and tax. So those are coming.

[00:31:40] They're just on the House side. Okay. We also have and we'll treat this just as a handout a list of just some of the JLARC related legislation that legislation separate from the budget amendments that's

been introduced.

[00:31:56] Is there anything very quickly? Yes, so the only thing, Mr. Chairman, is that there are a handful of these that we were going to recommend that you all support because they are connected to the JLARC study. It's not on here, but it's the second one, which is bills from Delegate Simons and Delegate Aird related to standards of quality. The third one, which is one of the sort of omnibus JLARC recommendation bills, and then the very last one, SB 977 by Senator Hashmi, which is the Senate version of that sort of omnibus bill. So we didn't put it in the bill

[00:32:32] list, but we were going to recommend that you all support those. There are other JLARC related bills out there. We don't have a great handle on what everything is yet, but these are kind of the big ones that and we worked with FCPS staff to kind of make sure that you know they're looking at the same thing that we're looking at. Okay obviously if we're going to support some we'll have to make sure to identify all that we're supportive of to make sure that we're supporting them. We will yes Mr. Chairman. Start with these one two three are here. Mr. Chairman briefly just back to the budget amendments I did want to reference one that was specifically about Fairfax County on the handout

[00:33:07] The second-to-last budget amendment, Senator Survelle has offered a budget amendment to provide \$125 million for the Richmond Highway BRT. There are various amendments offered by various members for projects throughout every year, so I can't tell you how this will fare, but because it is specifically about a Fairfax County project, I wanted to make the board aware of it.

[00:33:29] Okay. All right. So that gets us through all of the budget and JLARC-related items. So we'll move to specific legislation on our agenda, and we'll first give an update on two of our county initiatives.

[00:33:55] Mr. Chairman, over here again. First, we have HB 2036, which Delegate Boulevard has carried for us regarding the street takeovers. That bill has had a good week. It was referred to a Senate Transportation Committee, which heard it on Tuesday evening and reported it out unanimously, or sorry, Wednesday evening.

[00:34:14] Thursday morning, it got out of the full House Transportation Committee, and it is headed over to the House Courts Committee. And somebody from PD went down to Richmond? Yes, Major Caldwell from Police Department went down to testify.

[00:34:29] All right, good job. He has a better batting record than I do, testifying. And then second, we have HB 2550 regarding the noise abatement modernity systems. That has not been referred to a committee yet, so we are still waiting to see where that goes.

[00:34:44] Okay. Any questions on the initiatives? Not a question, but a comment. The first one says, establishes a process for impounding or immobilizing those motor vehicles. So maybe some cyber trucks coming our way. Mr. Chairman, Supervisor Paul Cech.

[00:35:00] So yes, what the bill is written, it allows the impoundment for 20 days on an offense. I think what I've been told and what I have heard is a lot of these are about people enjoying their cars. So how do you hit it and how do you affect it is take away the car for a couple of weeks. Excellent. Good parenting. Thank you.

[00:35:20] Okay. All right. All right. Next in this packet, pages 2 through 6, are historical positions.

[00:35:36] So these are recommendations based on legislation that we have supported in the past, in most cases, many times. So I'm going to suggest that we skip over those unless there are any questions or concerns.

[00:35:54] So actually two through eight, or two through seven, I'm sorry, are historical positions. Two through seven, is that what, yeah. New bill starts on, maybe we have different page numbers here. We'll go to new bills, the first one being HB 1557. Yes, Mr. Chairman. So this bill, and we have quite a lot of staff in the room if the board wants to get into this, But it would require the state tax department to establish a registry for short-term rentals.

[00:36:21] We've seen bills like this in the past. They typically have not shared the information about what they're getting and who's paying what and what the addresses are with the localities. And so that's raised some concerns for some of us in terms of, are you all having problems finding this document?

[00:36:37] So we're on page eight. I'm so sorry. Are you all missing every other page? Oh good. Well, we were just trying to see if you were paying attention So they are posted online If that helps, but I apologize for that. So why don't we Can we just email board members the link?

[00:37:11] Does anybody need a hard copy? Yeah, this this is a good copy here Jimmy, do you have, Dahlia, do you have a good copy?

[00:37:42] Okay. Rodney? We've got two right here. Mine goes to the highest bidder. Okay. Okay.

[00:38:05] Everyone has it. HB 1557, the first new bill. Yes, on page eight, Mr. Chairman. So we have seen some bills in the past where the state would set up a registry for short-term rentals. In a lot of those cases, they would not share a lot of detail or information with the localities about addresses or what was being done in terms of the rentals.

[00:38:28] And so we had a lot of concerns about how we would audit or make sure that the tax collections were correct. This bill tries to kind of like thread that needle a little bit. And so it does have the state establishing the residence, the registry, but it would share more information with us than what we've seen in the past.

[00:38:45] I think there may be some bills out there that take an approach that we don't love, and so we're recommending supporting this because it's certainly going in a better direction. Okay, so this is progress. That sounds good. HB 1570. So this bill is a bill that would basically repeal the provision that was established in 2020, allowing the use of project labor agreements on contracts.

[00:39:10] Obviously, that was a board priority, and we've implemented that here, and so we recommend opposing that bill. Okay, good. 1941. We're going to bang our head against this wall again. Mr. Chairman, Kristen Kanasky, Assistant County Attorney. This bill is similar to one we saw last year regarding invasive plant species and signage. The difference between the two from last year is that this is more focused on education and information, and it was pretty much by agreement with the industry. It puts the

[00:39:44] the onerous on the Commissioner of Agriculture and Consumer Services to designate the signage and also for the commissioner to issue stop sale orders and marker tag plants that haven't been complying with the requirement that they put signage next to the invasive plants. And to remove any question, they also included a list of 39 species so far that will be subject to this requirement. Okay. So you

said that this was developed in cooperation with it? It was, yes. There was no opposition to it in the subcommittee.

[00:40:21] All right. Okay. HJ 436. I have some thoughts on this one. Oh, I think you pulled that. That was... Oh, that milled. Okay.

[00:40:37] You may have our original agenda. Okay. I'm going to need a new... I gave my good copy to someone else, so I'm going to need one. We're going to get you a new... We're going to get you a new one. Is that me?

[00:40:57] Oh, good. Hi. Mr. Chairman, Jennifer Vanden, E.W.D. Director. We are on page 9, SJ259. Got it. This is a study being proposed for JLARC to look at the methodology used to determine judicial allocations.

[00:41:14] So this relates to our board, the section in our court's position in the legislative program that talks about making sure that we're not disincentivizing specialty dockets and making sure judges are allocated based on actual cases, complexity, things like that.

[00:41:32] And so this is a study that we're hoping to make sure that to re-look at the judicial formula for coming up with those numbers to really be able to address some of those issues. Okay. And we recommend you support. All right. Sounds good. SB 960.

[00:41:49] So, Mr. Chairman, you all may recall that we talked a fair amount about data centers in the fall. There's a lot of bills related to this. Today's actually the last day for bills to be introduced, so we haven't seen everything yet. And there are definitely a lot of others on data centers. The reason we brought this one is because this one directs the SCC to look at kind of the universe of electric customers and data center customers and try to get a sense of whether or not for customers as a whole are subsidizing data centers in terms of their usage and kind of get into some of those issues.

[00:42:23] So we did add some language to the legislative program in terms of trying to mitigate some of this. And so this seemed like it would be a helpful direction to at least consider. And so we're recommending support. Like I said, there are a lot of other bills, and so probably next week and in the coming weeks we'll bring more.

[00:42:39] But this one kind of jumped out at us. Okay. And there's obviously a fair amount of attention and coverage on these. And, you know, based on some of what I've read about, I think there's a number of bills that we probably will want to support. And I would like, if it's possible, to have as many of them as possible before us next week.

[00:43:00] Yes, we do try, if we can, to kind of bring a group at once instead of doing a bunch of one-offs. Because of everything that happened in Richmond this week, things have just been a little bit off this week. So, yes, we'll try to get all of them together if we can. Okay. All right. But this one looks good.

[00:43:17] Let's move on to HB 2538, Early Childhood. Mr. Chairman, HB 2538 and SB 756 would establish and maintain a funding formula for early childhood care and education services.

[00:43:34] That is helpful in providing a more predictable funding formula for early childhood that would anticipate fluctuations in parent demand. However, the bills also include language that prioritizes child care deserts in the funding formula.

[00:43:55] And so we would recommend supporting with an amendment to ensure that child care funding is increased and provided equitably to localities throughout the Commonwealth and kind of just work on some of that language a little, if possible.

[00:44:10] Does it define a child care desert or? It does not as far, yeah, it does not, but we think that we wouldn't be considered, or that we're not considered a child care desert, so we did have some concerns about just how that may impact us.

[00:44:27] Okay, yeah, obviously, you know, you have, to me, a child care desert sounds like a place where there are no child care options, as opposed to a place where there are child care options, but they're oversubscribed and too expensive, right?

[00:44:45] Both are problems if you're trying to get child care. And I think one of the concerns we have, or at least one of the questions we have, is are there places where they really have no or little child care? Or would parts of, say, like the county be able to say, you know, yes, there's child care in the county, but in this particular area, either they're oversubscribed or there's not adequate facilities and things like that.

[00:45:13] And so the way it's, because it's not really defined, we're not clear on what that means. Okay. All right. Housing? So, Mr. Chairman, HP 1760, which is at the bottom of page nine. I have 1706.

[00:45:28] I'm sorry. Okay. I'm dyslexic for a moment. I apologize. You're right. HP 1760. So this, so last session, you all may recall that we talked about airplane noise for locations near airports. And so there was some legislation trying to get at that issue and whether or not there were local ordinances that tried to get at that, potentially affecting, you know, proffers and things of that nature.

[00:45:55] This legislation is a little bit of a compromise among the stakeholders, which would basically just add a section to the buyer beware portion of real estate contracts when you're buying your house that just says there's no representation made about airport noise.

[00:46:11] But there is a requirement that information be posted that would be publicly available so a homeowner could go and look and see where there might be flights or how close they are to an airport or where that could impact them. I will say that even though it seems like just including something in buyer beware isn't a big thing, it is very difficult to get additions to that section of code.

[00:46:35] And so we do recommend supporting this. It's the same as the bill on the next page, SB 1210. that does the same thing and so this seems like at least a better way to go and the stakeholders have kind of all endorsed this. Okay. HB 1832. Thank you Mr. Chairman. This bill will look familiar as well. It's the accessory dwelling unit bill from last year but technically there were some tweaks made to it and dare I say that the bill is more negative than it was last year

[00:47:08] which I know is a unique opinion compared to what we heard at the local government committee earlier this week. The reason why is because it actually doesn't provide any limitations for the size of the accessory dwelling unit.

[00:47:24] So as long as the accessory dwelling unit is the same size or less, then it can be okay. We can't require that it be a certain size, and so really there's nothing accessory about it. It is a statewide zoning ordinance that provides very strict parameters to what's allowed.

[00:47:45] And it treats attached and detached units the same. And as the county knows from the study from 2021 when adopting zoning ordinance, there are different impacts if you're working with your

existing property and wanting to convert space in your existing property to be a true accessory living unit.

[00:48:10] versus building a whole separate structure that, in form and substance, looks like a house on your property. And so there is a house companion bill to the one we saw in the Senate, too. They, at local government, they express that the whole purpose of it is to not require a special use permit.

[00:48:30] And so I think the goal is going to be to educate about what the special use permit does and that it is the county's only real protection against the impact to everybody's neighbors and to the infrastructure and so on.

[00:48:46] So the recommendation is to, again, oppose. Supervisor Alcorn? Yeah, I totally support the staff recommendation on this. I guess, is this going to pass? So, you know, I can't make those predictions. But, however, it was sent back to the committee, local government committees, which suggests that it didn't have the votes in the Senate to pass.

[00:49:08] All right. Okay, good. All right, thank you. Supervisor Palchuk? Thank you. Thank you. A separate question. I was there. You did such an excellent job last year speaking and giving those recommendations and looking at policies like ours that have been effective. It sounds like they took none of that into account.

[00:49:25] Well, and I'm glad you brought that up because the Housing Commission studied this issue extensively this year. There was actually a separate work group, which we were invited to attend and were part of. And a bunch of localities shared how they address ADUs and how they allow.

[00:49:42] And the recommendation from the Housing Commission and what the Housing Commission discussed was there can't be a one-size-fits-all. Even the chair of that work group was saying, like, she represents three districts. There's no way she could make an ordinance that would fit all of those, let alone for the whole entire state.

[00:50:03] So the Housing Commission did not back anything for this bill, and they did study it. And so there's another bill I'll discuss later that it works with the comprehensive plan, very permissive, which is consistent with what the housing commission was thinking. Thank you.

[00:50:19] Okay. Let's, so HB, I'm sorry, SB 1210, we already covered. So let's move on to page 11, SB 773. SB 773 would require local departments of social services to develop housing plans for individuals leaving foster care due to age.

[00:50:41] And that includes a description of the housing options being pursued. And then it also does a couple other things which raise some concerns. The bill directs the Virginia Department of Social Services to enter into an MOU with local public housing authorities and local departments of social services to secure federal family unification program housing choice vouchers for individuals leaving foster care for 90 days and certain individuals leaving within the past five years.

[00:51:14] and also directs local public housing authorities and departments of social services to take any action required by HUD, the U.S. Department of Housing and Urban Development, to administer the Foster Youth to Independence Initiative. Our housing department raised a couple of concerns about this as far as they are already working with HUD on related to the family unification program waivers. And so they had some concerns about the state inserting themselves into that

[00:51:46] process. And because the county currently has allocations of those waivers that they work with HUD to both secure and then administer, and so had some concerns about how these requirements might relate or potentially interfere with what kind of the county already has set up.

[00:52:11] And so, and also the county currently doesn't administer or doesn't use the foster youth to independence vouchers and so had some concerns about being required to use those since they decided or doesn't, don't currently use those for a variety of reasons.

[00:52:30] So our recommendation would be to amend to encourage local housing authorities and departments of social services to seek these vouchers while ensuring that localities can continue existing arrangements with HUD to secure the vouchers and just really making it a little more permissive.

[00:52:51] there's language in the bill that says these localities shall do this. And so we were thinking something that would be more permissive and allow counties to do that. Okay. All right. That sounds good. SB 839.

[00:53:08] Yes. Thank you, Mr. Chairman. This bill would require by right residential in all areas zoned for commercial. And it's so far sweeping. it would take away local government's ability to comprehensively plan and zone for appropriate uses. And as you all know, not all commercial bases are suitable for residential. And it would require by right permission and remove the ability for the county to accept any proffers to offset

[00:53:41] the impact to new development. So, and these are areas that already are not, there are no schools or infrastructure to support it anyway. And the other point that staff had made was that these are areas that are not identified in the comprehensive plan for residential, and it also takes out the community involvement for where most type of rezonings they would be able to come out and address whether it was appropriate.

[00:54:16] The recommendation is to oppose. Okay. you know, among the unintended consequences would be more residential, closer to data centers, for one thing, which I suspect the patron maybe hadn't considered.

[00:54:35] It also doesn't, would not allow, presumably, the locality to require that such development be mixed use, right? That's, it's true, because it's not going to change the rezoning.

[00:54:53] It's always going to be commercial. It's just going to allow residential and commercial. So I think that that's interesting because if residents don't like certain establishments that come up, they really won't have much of a say because they're the ones residing in the commercial districts.

[00:55:10] Okay, Supervisor Palchuk. Just a question. Has anyone ever brought forward bills like these that are more like incentivizing localities to do this? I think the reason for this is because a lot of localities do not have – or do not, I guess, gear towards the mixed use.

[00:55:30] And that's something that Fairfax High has been doing for ages. And so I don't know if this is to incentivize mixed use, and that could be, but I agree. I don't – Incentivize localities to do it if they haven't, right, would make sense. No one's done that. Okay.

[00:55:46] Sorry. Thank you. Supervisor Alcorn and then Beerman. Yeah, just very quickly. This is a horrible idea. And we have jurisdictions in the US that – Houston has no zoning, for example. But they

have other mechanisms to manage growth and make sure that their compatibility. So this is so far outside of our tradition in Virginia. I would hope this dies a quick death.

[00:56:15] Supervisor Behrman? So I know we're past it, but I noticed in the governor's budget that the adopted budget included 87.5 million for the general fund for the housing trust fund. Now, of course, here in Fairfax County, we put about a penny towards our housing every year for affordable housing.

[00:56:35] That's 33 million. And I'm just wondering, it doesn't seem to be on any of the Senate budget amendments that you brought up. But in addition to all of these attempted changes in zoning to get us to build more housing or affordable housing, are there any budget amendments to help with the funding of this housing?

[00:57:00] So, Mr. Chairman, Supervisor Bierman, we're still kind of working through the member budget amendments. You're right about the governor's budget. I think the request that we had and a lot of stakeholders had for this year was more like \$300 million for the housing trust fund. So obviously significantly more.

[00:57:18] I think one of the challenges with a lot of this and one of the things we try to highlight in a lot of localities do is that you're right, we need more money into this system, whether it's through tax credits or cash or, you know, all different kinds of things. And I think there's been sort of an effort, maybe a philosophical effort among some to try to use land use policies to kind of get at this issue rather than putting the financing in that is really what we need.

[00:57:46] So, yeah, I think you're hitting on the right issue. And so we are talking about it. But, yes, it's definitely lacking on the funding side. It would be nice to get some of those kind of budget amendments as well. Thanks. Okay, I think we're on the same page on 839. Let's move to 975, a similar conversation.

[00:58:05] Yes. And this bill would require each locality to increase its housing stock by 7.5% with certain adjustments for affordable and underutilized units in the five years from 2026 to 2031.

[00:58:22] It also requires the locality to establish a housing growth plan. One of the most problematic parts about it, though, is that it creates a new state body that, starting in 2031, could review and approve residential land use cases that a locality had previously rejected, unless they met certain criteria.

[00:58:43] And regardless of whether or not we can achieve 7.5%, it would give this new state body, starting in 2031, the ability to approve residential developments rejected by a locality, unless the locality either increased its housing stock by 7.5% between 2026 and 2031, and that's regardless of any economic conditions at the time, or it approves at least 75% of proposals for new residential development over the same time span, again, regardless of the merits of the proposals.

[00:59:23] Okay. Obviously, a lot of flaws and concerns that we would have here. One is it presupposes that a local government planning and zoning for housing means that housing is produced, and we know there are cases where we have tens of thousands of units in the county where we have done our part. They're planned and zoned and not built. A lot of different reasons, interest rates, macroeconomic, decision of the property owner. So if there's going to be a metric for local governments, it would need to be planning and zoning and entitlement of housing. Obviously,

[01:00:02] one size fits all percentage across the Commonwealth has a lot of flaws. You have some jurisdictions that are green fields and they could build to their heart's content and there are others that

aren't. But, you know, I don't know whether it makes sense for us to try to connect with Senator Van Valkenburg and explain at least some of the on-the-ground realities that we face here that are maybe a little bit different than the academic perspective on these issues.

[01:00:34] Maybe that would be fruitless. I'm not sure, but Senator Alcorn, Supervisor Alcorn. I demoted you. That's all right. So to build exactly on your point, you know, in Reston we have 11,000 units that are zoned and not built. In Tyson's we have more than 20,000 units that are zoned and not built.

[01:00:52] So, you know, we have no ability to force landowners to make the business decision to build those. So this is a fundamental misunderstanding of the process for getting housing built. So thank you for your comments, Mr. Chairman. Supervisor Breerman?

[01:01:08] I mean, furthermore, I think Supervisor Palchek hit the nail on the head. I mean, this is happening in part because there are other jurisdictions where there's the perception that localities are doing too much to get in the way of adding housing.

[01:01:23] But the answer is not to try and top-down impose a one-size-fits-all thing for housing. The answer is to try and figure out how to incentivize those localities that badly need more housing to build more housing, which might take money. But, you know, I think it would be worth trying to reach out to the senator and see if there are any of those opportunities or other opportunities just to – Because actually, I think a lot of us share some of the same overall goals.

[01:01:57] We want to see more housing stock, more affordability, but this is not the way to go about it. Thank you. Supervisor Patrick? Very briefly. I was trying to do a really quick review of JLARC studies that have been done on housing. Because to me, I'm wondering, right, if the goal is to try to increase the amount of housing being built and not just, quote, unquote, affordable.

[01:02:18] Have there been studies or, you know, perhaps there's an opportunity to try to get a bill to actually study the issue statewide to figure out what would help at the state level? And I don't know if JLARC has done a study. I know that the Housing Commission is routinely looking at ways to increase density and add housing stock, and they'll continue to do that, too.

[01:02:41] That could be a recommendation for this bill. Okay. Yeah, I would maybe have a, if we're going to keep seeing these bills just to react to that, we think of a proactive approach to, hey, this is what would help from the state. Yeah, and we have had a lot of conversations within our delegation and urged them to do exactly what you suggested, which is look at ways to incentivize local governments to entitle housing units.

[01:03:07] And I think that's probably the best approach for us to take. And we do have a bill coming up later that kind of sort of goes in that direction, which is a positive step. Let's move on to SB 1351 on page 12. Yes, and just for completeness, the SB 1256 is the one I hinted at, the comprehensive plan.

[01:03:33] Oh, I'm sorry, I skipped it. Okay, yep. I put it as recommended for monitoring because I don't imagine it will change. The patron was pretty clear he wanted it permissive. But it would just allow, it kind of clarifies that a locality may provide for accessory dwelling units in its comprehensive plan.

[01:03:54] Okay. All right. SB 1351. Yes. Now, this bill would essentially exempt from most or all legislative review by the county of any affordable housing development on land owned on or before July 1, 2023 by a religious or nonprofit organization.

[01:04:18] under this bill, only 40%, just 40% of the housing units would have to be affordable, and they would be allowed by right with unlimited density, essentially, to build affordable housing on property that they own. The bill's language itself has a number of issues in that certain terms aren't defined. You know, religious institution, what constitutes affordable housing. And additionally, we were looking at different examples of how this could, you

[01:04:57] know, actually take effect. And if residential use is allowed only by special use or a special use permit or special exception, which would be the case in a commercial or industrial district, this bill would allow them to build accessory dwelling units by right without going through that approval process. There's another bill we can talk about, too, that also discusses religious organizations and wanting to build affordable housing. But this one is

[01:05:32] extremely prescriptive and would take away all local zoning authority to make those decisions. So I have had a lot of difficult meetings with advocates who are supporting this bill from around the state and a lot from Fairfax County who are very passionate about this issue and this opportunity as we all are. And, you know, I've explained to them our philosophical opposition and concern to Richmond legislating local land use and our commitment and the steps that we've

[01:06:09] taken to work with faith communities to build affordable housing on their property in several cases successfully. Obviously, this is not a bill we can support. This fundamentally is something that we have to oppose. I do think there may be an opportunity to work with the patrons to see if there can be a carve-out for jurisdictions like Fairfax County that are doing this, that have dedicated programs to work with faith communities to build affordable housing, that have processes in place to expedite planning and zoning and entitlement for faith communities who want

[01:06:48] to build affordable housing, as we have done. I don't think this is an issue that's going to go away. So we should, my recommendation is we should oppose the bill, but try to engage with the patrons to see if there's an opportunity to point out that we're doing this, and if they're going to move forward with this bill, we shouldn't be part of it.

[01:07:10] Supervisor Alcorn? Yeah. I have another idea for next year's legislative program. Maybe we should put something in that all state legislators have to serve local government, you know, at least the planning commission. So, all right. Thank you.

[01:07:27] Okay. Let's move on to IT HB 2046. Thank you, Mr. Chairman. Jennifer Van E. This section, both HB 2046 and SB 1214 and then HB 204094, is the result of a very comprehensive work group this summer to go through AI and start thinking about how do we regulate AI at a state level.

[01:07:58] So the first two bills, the companion bills, those are for public. And so there was a bill up last year that we talked some about that was basically going to impose these limits on us and do a lot of requirements that weren't necessarily feasible for a local government.

[01:08:15] So over the summer in the work group, we got the public bodies excluded from it. And so this, and instead inserted is a work group that will include VACO and VML and a local technology, chief and technology officer from a locality to go through what would it look like for local localities and local governments to come into some kind of compliance.

[01:08:42] What does that compliance look like? How should the parameters be? The second bill is based on a bill that's being passed in, I think, about six other states about the public sector and what's going to be

required of them to do AI development in the state.

[01:08:59] We're recommending monitoring from both. We don't have any big issues. We reviewed it. We want to watch it go through the process, though, to make sure that none of this changes, that things aren't going to be added in, that we like adding us back in or things like that.

[01:09:15] So that's why we recommend monitoring these two to make sure they stay kind of the same where we did on them. Okay. HB 2438. Actually, I'm going to flag one quick thing.

[01:09:31] It's not on here, but I wanted to let you know that this morning at the Crime Commission, the new license plate reader law bill came down. We have staff looking at it now. I don't have a bill number even, but I was handed a draft of the bill. And so that is being looked at, and we'll bring that to you next time.

[01:09:48] But I just wanted to let you know, because I know there's interest in it, that that is being looked at and was dropped this morning. Supervisor Beerman? In the House, I believe it's Delegate Herring. In the Senate, they hadn't decided last time I talked to them. But I can let you know.

[01:10:04] Okay. Thanks. Okay. All right. HB 2438. And this bill would, it's addressing solar facilities, but it would supersede our zoning ordinance and provide provisions regarding ground-mounted solar facilities in agriculture, commercial, industrial, or institutional zoning districts.

[01:10:30] Currently, Fairfax allows utility-scale solar by right in certain industrial districts. This would require that they be a special exception. It's on this list again because it is, again, an attempt to take...

[01:10:47] I'm sorry, just so I'm understanding, this would require that there be a special exception? Yes. For what is now by right in Fairfax County? Correct, yes. Okay. I don't think that's their intent. I don't think that's what they were trying to do. Okay. Well, it might be that they want to limit the solar facilities.

[01:11:04] I don't think Senator Van Valkenburg wants to limit the solar facilities. I think the goal here is to encourage rural counties to accept solar facilities. And this bill would also set the criteria that a county has or locality has to consider for a special exception, too, that wouldn't be left up to the locality.

[01:11:32] And so the recommendation is, again, to oppose, but certainly discuss. Okay. All right. Yeah, I think that makes sense. I mean, unintended consequences here, obviously, and maybe the impact would be different here in Fairfax County than it would be in other jurisdictions.

[01:11:50] All right, HB 1560. So, Mr. Chairman, this is a bill that would redefine retail sale for purposes of transient occupancy tax. So right now you can charge TOT up to 90 days. This would cap it at 30 days.

[01:12:07] So anything between, or it would be less than 30 days. So anything between 30 days and 89 days would not be allowed to be charged. And so we recommend opposing that. Okay. Before we totally go away from that, there is a tax bill that's pretty straightforward. It's just not on here.

[01:12:22] I think we must have just missed it when we were printing. But it's HB 2004 from Delegate McNamara. And it would try to cap the meals tax for every locality at 4% starting in 2028 unless you went to referendum.

[01:12:40] to get up to the 6%. Obviously, that would affect localities like Fairfax County that have the authority or some that have already imposed it. Cities don't have limitations, and so it applies to everybody equally.

[01:12:56] So I can imagine that there are going to be a lot of people that have concerns. We recommend opposing it, so I wanted to go with that. Okay, now SB 1305. Thank you, Mr. Chairman. an important aspect of development for both the county and the development community is some Sense of finality and being able to rely on certain approvals. This bill would delay the effectiveness of a zoning text amendment or a rezoning

[01:13:27] For at least 30 days and if the action is contested it will delay it until after final resolution of all actions contesting it Which could be never I mean Exactly. And it can take years even just for litigation, but there's also a provision in the bill that would apply retroactively. And so that would cast doubt on reasonings that went through the litigation process. Or even for prior approvals that went unchallenged, it would cast kind of a cloud over their actions, whether or not it could be later contested. And so for those

[01:14:05] reasons, the recommendation is to oppose. Okay. SB 852, transportation. Mr. Chairman, this is a bill is similar to a bill that we talked about last year. This allows retired sworn law enforcement officers to essentially look at the camera infractions. It was written to a different code section and it also specifically states that the retired sworn law enforcement officer does not need to be required to keep up-to-date certification if they're just sitting at a desk. So that could theoretically be help with resource issues. So we are recommending support.

[01:14:45] And then SB 1097, just a little bit of background on this. So as the board may know or remember, in DRPT funding, the way it goes is for the past several years, all of the transit agencies compete with funding against each other, except for Metro. Metro was taken out about five, six, seven years ago. Two years ago, there was a bill, I believe, that we supported to also have VRE taken out. Those rail systems are fundamentally different than the connector or other systems.

[01:15:18] This year, Hampton Roads Transit, the Hampton Roads region, has put in a bill to take out the light rail portion of HRT. The difference is they have one transit system that operates both rail and bus, light rail and bus, similar to Metro, and they want to take out just the light rail portion. The difference here is, and this is why I'm going to recommend amend, when Metro was taken out, when VRE was taken out, we essentially looked at historical figures and said, Metro got about 46%, they should get about 46% moving forward. VRE got about, I think, 3.5%, they should

[01:15:55] at 3.5. HRT kind of looked at needs as well. So per the bill, they would get 2.5 and be taken out of the system for their light rail. However, according to the fiscal impact statement, their light rail currently gets less than 1%. So that would be a significant increase. They kind of looked at needs too. So some would compare apples to apples and the mechanics may be, however, projective versus historical, there is a big difference there. So we would recommend amending it to have the set-aside be less than 1%, which is what is listed in the fiscal impact statement.

[01:16:32] I would hope and expect that DRPT would share our view, because having gone through the VRE process to get to the 3.5%, they supported us because it was consistent with the historical average. Honestly, I can't remember if they... The bill was supposed to be heard yesterday, and it was passed by for the week.

[01:16:54] So nobody has spoken on it. Various transit agencies throughout the Commonwealth, localities have voiced similar concerns. And I think we worked, for VRE and Metro, we worked with the state to get that number right. So the question is, the number should be right or much closer to right.

[01:17:15] So that's where they are. I think DRPT has also run the numbers and understands. All right. That's the end of new bills. So we're on to page 14, legislation provided for discussion, and we'll start with SB 982.

[01:17:34] So, Mr. Chairman, this is a bill that the board will be familiar with to some degree. It's legislation that would authorize a casino in Fairfax County. As the board is well aware, there have been bills the last couple of years ago.

[01:17:51] Legislation was introduced and then pulled pretty quickly. Last year, we did have quite a bit of discussion here about that, and the General Assembly had a lot of discussion. Ultimately, in the Senate, it was decided not to move forward with the bill. Last year, there was obviously quite a lot of opposition and feedback from county residents to a number of legislators.

[01:18:11] At that time, the board sent a letter to the General Assembly, which is included in your packets for your reference, just because, you know, that's the position that the board kind of discussed and staked out last year. This year's bill is largely the same with some changes.

[01:18:28] The location of the proposed casino would be probably more specific than what was included in last year. So some of the parameters are the same near a silver line near a mall, which is like Tyson's Corner Mall. But now it also includes a project that would be a mixed-use development of at least 1.5 million square feet.

[01:18:53] And so it has sort of tightened the group of or the area that this could really exist in. It also would require the county to put a referendum out there and so has and does not change the revenue split, which is one of the things that the board talked quite a bit about last year, the split for the state versus what the county would get under this proposal.

[01:19:20] so we've included it here for discussion it has not been heard anywhere yet and the board doesn't necessarily have to take a new position you've certainly staked out one but we wanted to talk through it a little bit with you all I will also say that in your packets the governor made some comments this week publicly about his sort of lack of interest in a casino proposal until there's a gaming commission that's stood up and so there was a study that came out of last year's session relative to a gaming commission they met quite a lot they reported out over the summer and yesterday there was a presentation in

[01:19:56] one of the committees or maybe two days ago and one of the committees about sort of the overview of that Commission and so just because those issues are a little bit related it is included in your packets again for your reference we weren't going to walk through it but we wanted you all to kind of see what they're talking about in terms of this Commission okay Supervisor yeah just very quickly. The letter makes it clear we never asked for this. I've been a Richmond to oppose this personally, as has Supervisor Bierman. Just a quick question for the county attorney. Last year

[01:20:30] in the legislation that was initially introduced had some provisions relating to labor. It had, For example, a provision about authorizing labor peace agreements with one or more labor organizations for employees in the gaming or hospitality industries.

[01:20:53] Absent that kind of, and that's no longer in any of the bills, absent that kind of authorization, if, God forbid, we ever get to the point where this is on our doorstep and we are looking to select an operator,

a casino operator, as the rest of the law talks about, would we be able to require such labor provisions in any sort of procurement?

[01:21:19] As you know, Virginia is a Dillon rule state, and our authority largely derives from whatever the state conveys upon us through state legislation. And so in the absence of a provision allowing for such labor practices, we would have to examine closely whether the locality, Fairfax County, had the authority to require those measures.

[01:21:44] Okay. Well, that language is no longer there. So anyway, all right. Thank you for answering that. OK, Supervisor Beerman. So I'm looking at the letter from last year, and we say that Fairfax did not seek such authority.

[01:22:02] Just want to ask a question. Did we seek authority this time? We did not. And there's also something in the letter last year about how we haven't been substantively involved in the development of the casino concept. Were we substantively involved in the development the casino concept this time? No. And last year, he said it likely comes as no surprise to you that the location concept and reported has generated significant community concern and opposition. And we talked later about how it's close proximity to the silver line, to our four silver line metros.

[01:22:41] Has the location and concept become more expansive or even less expansive? I think it's become less expansive. Yeah, I do too. And last year, we talked about how, as the law stands, the Commonwealth would receive over 70% of gaming tax revenue generated by Fairfax County Casino, which was relevant given that the location can generate significant local tax revenue without a casino. And we said that we did not believe that our residents would accept the revenue share Share prescribed in the current statute in the pending legislation has any change been occurred with respect to

[01:23:18] The percentages of gaming tax revenue. No, the bill doesn't contain any changes. Yeah, I didn't think so either Um, I think our letter is pretty clear. Thank you, Mr. Chairman Thank you Jimmy because I I particularly love this lighter since I signed it But I think you're exactly right.

[01:23:40] Nothing really has changed, and so I think it would make sense for us to recirculate the letter. One thing that has changed, though, that is disturbing and I think should be recognized in the letter is I've seen several statements from, in this case, at least two senators in Richmond who suggest that this is a way to prevent future real estate tax increases that have burdened our residents.

[01:24:07] And I think we need to make it clear in here that real estate tax increases, at least in the last couple of years, have been to overcome the state's negligence in funding public education. And so I'm very concerned about the line of thinking here.

[01:24:23] And frankly, I'm increasingly concerned this could be a distraction away from all of the work on JLARC, that the state will suggest somehow that instead of adequately funding public education, they'll just sprinkle things around Virginia to different jurisdictions that they underfund and somehow suggest that magically is going to solve our problem.

[01:24:43] And so I'm very disturbed by that line of thinking, especially from legislators who absolutely know better. I don't even know where those words came from, but they were written on paper attributed to two state senators who are very well aware of what the problems are with public education funding and why that burden is borne by our real estate taxpayers.

[01:25:04] And so I would suggest that we clarify that, point to JLARC, and that being the driver of many of the real estate tax increases that they're concerned about, that it's totally within their authority to solve that problem for us unrelated to this and then continue with the rest of the letter.

[01:25:25] There may be a couple tweaks in here that we might want to adjust now that we're a year further away, but I don't think substantively we need to adjust any of the criteria of our concerns that are in this letter, maybe just update it. So what I would suggest we do is make some modifications to this letter and perhaps recirculate it either at the next legislative committee meeting or at the next board meeting to us to once again send this.

[01:25:54] The last thing I will say is I've heard characterized in Richmond what the board's position is incorrectly by several people. This could not be any more clear. This has been our position now for a year. For a year, this has been our position that has not changed.

[01:26:12] And so I think we need to clarify that with at least certain members of our delegation that seem to have not either don't remember getting this letter or have chosen to ignore it. So that would be my recommendation at this point, that we update the letter, circulate it to the board, and resubmit it.

[01:26:29] Okay. All right. SB 917. Mr. Chairman, SB 917 is a little bit of a cousin to a bill that we saw last year. It has changed in some ways, but I think it still raises concerns for us.

[01:26:47] So you all may recall that last year there was a bill that looked at collective bargaining and tried to set up kind of a statewide system and kind of a labor relations board at the state level that would have overridden our local ordinance that we adopted here and that you all spent quite a lot of time on with the public in developing.

[01:27:09] And at the time, our position was that we wanted to sort of grandfather ourselves out if they were going in this direction because we'd already adopted collective bargaining um as they kind of played around with grandfather clauses um what sort of ended up happening is that the um the bill was amended so that um yes it would grandfather existing units that existed like the ones that we have but any future units that we created would not be grandfathered and so you'd potentially have a little bit of a two-tiered system um this year's bill seems to be a little bit different than that and i think um still envisions that yes we have some that

[01:27:48] potentially could qualify, but I think staff still has a fair amount of concern about it sort of superseding our ordinance and some of the requirements, for example, the bill would not allow us to include things like retirement in the negotiations, and you all have included retirement.

[01:28:09] And so we don't necessarily have to take a position on this, but we did want to flag it for you because it does sort of get into some of the things that you all have already done. Yeah, I think we have to be crystal clear that collective bargaining is working in Fairfax County under the existing legal framework that the General Assembly established. A lot of time and effort and energy has gone to creating the structure based on that framework, and we are opposed to any change to it that we're involved in.

[01:28:47] It would just be disruptive, whether it's disruptive now or disruptive at some point in the future. If there's a need to create an additional bargaining unit, it will be disruptive. So I think we need to oppose it if we're involved in it.

[01:29:05] If we're out of it, good luck. And we can certainly include, we can oppose it, but include a note, you know, that it really is to do with our situation. Yeah. Okay. All right. SB 876, FOIA. So, Mr. Chairman, this is a bill that was put in with initially a lot of restrictions about, and we have a lot of staff here who could probably talk about the technicalities, but it included a lot of restrictions and requirements about the type of agenda that the board would have to post, or any public body would have to post prior to a meeting, when things could be changed, how close you could change them.

[01:29:44] you couldn't change them much at all. And so it created a lot of concern in terms of your meetings and also just BAC meetings, which are also public bodies, and what kinds of agendas they may or may not post or how you could react to things that change in a time-sensitive manner. This bill was amended this week to make it a lot better and to remove a lot of that and kind of acknowledge a lot of that so we had it on here for discussion to flag it because initially it was very bad now it seems like it's probably okay and so we wanted to flag it for you all and we can keep we could take

[01:30:20] a position on it and monitor it or we could just kind of keep watching it but we did want to share it mr chairman this of course the general assembly is subjected to these same requirements they would not be so i i'm literally at this point where if we're seeking to amend it we're seeking to include the General Assembly in these requirements.

[01:30:40] I mean, this is crazy that this keeps happening, and honestly, I have a hard time steering constituents to how they can participate in General Assembly activities, including all their special meetings and caucus meetings and all the things that the public doesn't even have access to.

[01:30:57] So this is getting tiresome and old, and unless they're willing to live by the same conditions they're imposing upon local government, who already provides sufficient notice and has many of the challenges that they haven't yet to even experience, that we should be absolutely opposing this and suggesting that maybe they try to spend a year living under these same conditions so that they can see what it's like.

[01:31:24] Understood, Mr. Chairman. So it has been modified substantially, but I think we can certainly express a lot of Well, we can certainly oppose it in whatever form you all would like, or we can just, you know, express that sort of feeling. But I understand your frustration.

[01:31:41] Yeah, I mean, I'm glad that they've modified it, but obviously the purpose, if it's going to move forward, is to add some additional layer to the requirements that already exist for local governments.

[01:31:56] Obviously, at least based on what I'm reading here, perhaps it's changed, but no committee or subcommittee in the Senate of Virginia could operate and meet this standard that if something isn't on the posted agenda, it can't be acted on.

[01:32:17] You know, everybody in the world amends agendas all the time. Can I ask a clarifying question? Yeah, because in addition to that, we had recently, because all of our commissions and community groups have to abide by the same rules, and it's becoming harder and harder and harder with them as well.

[01:32:40] So I assume this would also apply to them. It applies to all public bodies, yes. So I agree with the chairman. Not all. Well, yeah, right. So I agree with the chairman. But it would apply to our BACs, for example. To all BACs. This has become ridiculous. It's already, as you said, very challenging, and not just for elected bodies, but for volunteer citizens as well.

[01:33:00] That's true. Yes. Okay. All right. Well, we appreciate the patron working with us, but I think it sounds like we're opposed to any additional FOIA requirements. Mr. Chairman, this is very quick. I believe the background, I missed the first part, was from a fight over a casino proposal.

[01:33:17] I was going to say somebody put something on an agenda very late in the process. anyway, yet it rises again, so thank you. Supervisor Stork. I do want to echo the chairman of the board's comments because I think that should be part of our response and should be included embedded in any response we provide because of the importance of transparency for everybody in the state and frankly the ones who can most impact that are in Richmond.

[01:33:52] So they're impact I think that's a good point, and we'll certainly include a note in here with some language to that. Okay, all right, let's move on. HB 2153, I hinted at this earlier, but I do think this is promising.

[01:34:13] And as I was reading the description from LIS, it sounds very permissive. I just want to point out it's actually not. The text of it requires, yeah, I mean, I'm looking at this thinking, Wow, that's really an interesting way to phrase it. It requires a locality beginning July 1st during its next scheduled and all subsequent reviews of the Comprehensive Plan to incorporate strategies to support affordable housing development by religious organizations.

[01:34:45] And then it includes a list of four strategies that a county may consider. There isn't any provisions that say, you know, we can consider more strategies or less strategies. These are among, and they range from increasing residential density to a presumption that, a rebuttable presumption that increased density should be permitted.

[01:35:12] There's also a strategy for streamlined administrative approval processes and having a designated staff person to assist, and it says faith communities, developing affordable housing. Okay.

[01:35:30] I do think this is one where we should try to work with the patrons to see if there's a path to address the specific concerns that we have. I know one element of the bill is that it would allow local governments to create a new zoning ordinance policy specific to faith in housing.

[01:35:56] Now, I don't know whether that's something local governments can already do, so perhaps the bill isn't actually granting a new authority, but it does reference that. Am I right? You're right. It does.

[01:36:14] And you're correct that we already would have that authority. Everything is going to, you know, could be subject to litigation eventually. I think the state might be adding itself to that litigation with this.

[01:36:32] Okay. All right. All right. Well, I guess I'll suggest, I don't quite understand that, but I'll suggest we monitor this because relative to the other faith in housing bill, I think if we had to choose one, we would prefer this one.

[01:36:53] and it sounds like both have problems, but this one maybe we can work with. Okay. All right. HB 1743. So, Mr. Chairman, I'm hoping that Jay Doshi and maybe others are going to come up to help talk about this because this bill has changed a little bit, although I think maybe not to everyone's satisfaction.

[01:37:16] So this is a bill that Delicate Watts put in. The premise behind it is to try to address it. Well, first, it comes from the state, the Virginia Chamber of Commerce. The premise behind it was to try to get at a double taxation issue that they feel exists between how Virginia taxes certain things and other states

that look at things like gross receipts, corporate income tax, and things like that is supposedly what they were trying to get at.

[01:37:47] The original version of this bill had language that I think made all of us very nervous because it's... definitely spoke to gross receipts, and we were thinking it was going after our B poll. She heard from a lot of localities. I think a lot of subcommittee members, when she presented it earlier this week, also had concerns about it. She did make some amendments, but there are still concerns that I'm hoping our staff's going to explain. But she did try to clean up the language a little bit. I think she is not trying to go after us. That doesn't necessarily mean that the bill doesn't, though. And so maybe Jay and Dan can talk a little bit more about it.

[01:38:27] Mr. Chairman, members of the board, Jay Doshi, Director of Tax Administration, and Dan Robinson with the County Attorney's Office. When you have a business that has multiple locations and operates in multiple states or multiple states and a foreign country, there's two ways in which they can get a deduction from BPOL taxes. The first is that they have CITUS in that other jurisdiction, in which case those gross receipts attributable to that other location are not

[01:39:01] taxable. And in the second instance, if they're liable for a tax based on income, they're not taxable. In this instance, there are six. The District of Columbia and almost all states have a tax based on income. There are six states that do not have a tax based on income, and they're really the subject of the question here. They include states like Nevada, Ohio, Texas, Washington.

[01:39:30] In this instance, the tax commissioner's ruling was sought by the Chamber of Commerce, and the tax commissioner opined that what the chamber was trying to do exceeded the plain language of the law. So in this instance, this bill is coming back and attempting to expand the deductions allowed by referring to net income or a gross receipts tax, which are found in those other six states. We have estimated this is a case-by-case determination. You only know the impact when you audit for the deductions and gross seats, but our initial estimate is that

[01:40:09] we would lose about a million dollars in gross seats taxes or BPOL taxes as they're commonly called. And so just so I'm understanding, the argument that the proponents of this change would make is that that income is taxed even in those six states, and it just depends on your definition of taxing income. That is the argument that they would make, but the current language of

[01:40:45] the law is clear that the deduction is only allowed if either you have CITES, as I mentioned, in another state, or you are paying a tax that is based on income, and that is not the case with the six states that we mentioned.

[01:41:02] The other thing I would mention, Mr. Chairman, is that there's not been any change that has triggered this. I mean, there has been a tax commissioner ruling, but the law hasn't changed. Virginia didn't change anything. This has been in place for, I think, 30 years or something. So there's nothing that really sort of precipitated this in that sense.

[01:41:18] Okay. Well, it seems to me that the solution here is a meeting with Delegate Watts and Jay. And it does not have to include me. But if need be, I will attend.

[01:41:34] Because two people on the planet maybe who will understand this. Here's one right here. Yes, sir. And Dan. Three, yeah. So why don't we try that? Yes. There have been discussions with her. Not with Jay.

[01:41:49] But there have been discussions with her this week, and Baker and VML have been very involved. But yes, we'll certainly reach out to that. But I think it's important for her to hear from Jay. Yep, I agree. Here's how we see it. Here's our analysis. here's the impact that we've estimated, rough estimate, though it may be. Mr. Chairman, just very quickly, Tennessee is another one of those states with no income tax.

[01:42:10] There may be some legislators that are representing that part of Virginia that might need to be aware of. Dan, anything? Daniel Robinson, Senior Assistant County Attorney.

[01:42:26] I was just going to add to it, initially, I think one of the problems from DTA's perspective is If you add in a gross receipts tax as the opportunity for a deduction, it's measured differently than a net income tax. So you're going to have all of these states that it's very clear how they're sourcing receipts, whereas a gross income tax is going to have everything across the world.

[01:42:47] And so I think it could result in some confusion for both audits and equity for other taxpayers that have net income taxes. Okay. All right. Sounds like Dan should be in the meeting, too. All right. Okay. Let's move on to SB776. Mr. Chairman, SB776 is a bill that does a couple of things. It provides state and local law enforcement officers the ability to enforce federal traffic violations in planning district eight. And it also allows the localities to put in place photo speed monitoring systems on national park highways in planning district eight,

[01:43:26] as long as they've been authorized by the federal government or the National Park Service. The reason we have this up for discussion is we know the board has a history in liking the expansion of speed camera authority. However, I think there are concerns from our police. They don't know federal law.

[01:43:43] They wouldn't, you know, to pick up another level of enforcement of having to know all of the codes, there is some concern there. I think there's also concern in how some of that is written. and I'm actually going to ask if we have questions that I have staff up here to help me on this one.

[01:44:00] It is a complicated issue. We do have some roads that go back and forth between local and federal, so that is why I believe the patron put it in. He does represent an area that has a federal road, a heavily used federal road, but there are some concerns here as well.

[01:44:26] Supervisor Stork? Just for everybody's purposes, this is an ongoing long-term issue. The George Ashmore Parkway is a speedway. I don't know so much about the northern end, although it's busy as well, but the southern end is horrible, and there's been conversations for, I'd say, probably a decade or more to try to do something about it.

[01:44:50] There's not enough enforcement. There never will be enough enforcement. So the one thing that the discussion has been among all of us, local, state, federal, Don Beyer's office has been very involved, is to look at speed cameras as a way of addressing that issue.

[01:45:06] Don Beyer's office is, Congressman Beyer's office is very supportive of it. The problem is, and this is why it's being done this way, is that, and they can do it, but the problem is that National Park Service would not get any of the revenue.

[01:45:23] So they would pay for the cameras and have the cameras set up and they would do the enforcement, but the revenue would go to some general fund. So they would spend the money, let's say the

George R. Memorial Parkway folks would spend the money. There'd be enforcement, theoretically, that money goes into a grand pot.

[01:45:40] And so they have to come up with a lot of money to do it. So the question is, can something be done on a local level, the state, and this is an opportunity to do that. I support doing something. This legislation, I don't know how well it's written, and maybe there's tweaks or improvements we can make to that.

[01:45:57] But I know the community is broadly very much supportive of doing something there in speed cameras. As someone who drives that road all the time, I'm very supportive of speed cameras to try to keep the folks below 60 and 70 miles an hour on a road that's posted for 45.

[01:46:15] It seems to me that the implementation challenge from our perspective is we would be creating basically a new and unique speed camera program with all of the logistical and administrative challenges that that creates and the layer of the federal government being a party to it for only a handful of roads in the county.

[01:46:46] One more thing to add to this is some of the history is that I've asked this question of our FCPD and their support or not. And in general, we do not have an MOU with the parks. We, though, are over there all the time for accidents.

[01:47:04] And we are the ones typically there for every accident. And the National Park Service police all may arrive. But so we do a lot of work over there now. There's no MOU. I'm not even asking for an MOU at this point in time. I think that's for a later conversation because there is some – I understand that that could create some more expectation for our police force where we already – we don't have sufficient numbers of our police force even now.

[01:47:29] But I think the authorizing authority that would enable us to ultimately potentially do something is something we should look to support and try to find a way to ultimately get something that we eventually could use. Okay. I mean, there was a time where the only place in Fairfax County you would not speed was on the GW Parkway. And the feds have decided to not fund the appropriate park staff and law enforcement to maintain their own property. And that's the reality of what we're dealing with.

[01:48:05] And so in a lot of ways, in essence, this is us picking up an unfunded mandate in a lot of ways. But there's a very real problem out there. And I guess the question that I would have is, and the biggest concern I have with this bill is the enforcement of federal traffic violations in Planning District 8.

[01:48:24] That means, the way that reads, that our police could enforce federal traffic violations anywhere in the county. Is that right, or is the bill prescriptive that that could only happen on federally owned land? I mean, to me, that's a big difference, whether we're, you know, being asked to enforce this countywide or whether we could only enforce it on federally owned land.

[01:48:48] And if that doesn't need to be written in, is that what's implied? Sorry, Mr. Chairman, per the language as I'm reading it, it says enforce the provisions on any highway within Planning District 8.

[01:49:06] Yeah, that's a real problem. I mean, to me, at a minimum, this should be, if we're going to be helping the Park Service, this should be restricted to our being required to do that only on the federally owned land that we're on. I mean, to subject our entire police department to understanding that seems to me to be problematic.

[01:49:27] And so I don't know if that's something we can talk to the patron about. And the other piece of this is I'm understanding the problem about the revenue and the traffic cameras. That's if the park service installs the cameras, they want the revenue coming to them.

[01:49:46] And I guess have we looked at the inverse, that if we installed them for them, would the revenue come to us necessarily? The park police, if they are enforcing this, could easily have the revenue coming from our devices going back to them.

[01:50:04] And I'm just wondering if we've even had that conversation because I know on a typical traffic infraction, our police can write a violation to either state or county code. And if it's not written to the county code, the revenues that come from that violation don't come back to us.

[01:50:20] And so have we looked at a way that if we're paying to put these up, frankly, we should get the revenue. If the park system is paying to put them up, they should get the revenue. And I don't know if it's that simple or not. Mr. Chairman, the code section where it talks about the photo speed monitoring system, it references if several penalties are collected under the local or the state, and that's local versus the literary fund.

[01:50:45] It does not reference what happens if they're collected under this federal item, so that's something we'd have to go back and check on. I think we should. I mean, one of the fundamental questions I have here is why do we need to do this? I mean, if the park system has a challenge with speeding, we should be encouraging and wanting the park system to put up their cameras.

[01:51:03] And if they want to collect the revenue from that, fine. We're not looking to collect revenue here. But I do think we have to be careful about is what Supervisor Stort said is setting up an expectation that now we're going to provide end-to-end service on this corridor with regard to speed.

[01:51:20] And we've run into this on federally owned property. We had this with Jeff Todd. Before it got transferred over to VDOT, it's federally owned property. A road was built for years. We couldn't do enforcement on that road in the county because it had not been transferred from the federal government to VDOT.

[01:51:36] If we had had the flexibility at that time to do, to in fact, do enforcement of federal traffic violations on federal property, we would have been able to solve that problem too. So I think this is a worthwhile conversation beyond the parkway in a rare instance like that. But I think we should have that conversation because this makes me nervous to be subjecting our local police department countywide, and in this case, all over Planning District 8 because of one, what we know right now is one roadway challenge.

[01:52:07] And Mr. Chairman, I did just want to add, the patron did approach us before the session and shared some of this with us. We had PD look at it and they raised the concerns that we're talking about in terms of federal law and law enforcement officers kind of having to enforce potentially all over and whether they know about federal law or not.

[01:52:24] And so we did flag that prior to the session, but I think given this discussion, obviously we'll go back and have a little more discussion. And we didn't have the background exactly about, you know, we could sort of imagine what was being attempted, but we didn't really have the background about what was being looked at.

[01:52:39] And I think we're really appreciative of the effort, but let's make sure we actually streamlined this into doing exactly what we wanted to do as opposed to creating 10 new problems that we don't have today. Mr. Chairman, if I can, I did misspeak, and I wanted to correct that. I believe the code section is written in whether or not the summons is issued by the local law enforcement or state officer, so that might be covered. It may not be, but I did misspeak, so I wanted to clarify.

[01:53:08] Okay. Supervisor Stork, and then I'll give PD an opportunity if there's anything we missed before we moved on anything else that we should know about this or concerns that we haven't surfaced sir major colo i'm the commander for the traffic department so we looked up planning district 8 when this originally came to us and it encompasses areas outside of fairfax county so theoretically if this passed an officer could write federal codes of manassas and areas down that way too which we obviously had a problem with okay all right supervisor stork anything else one just

[01:53:44] one clever get we national park service i mean georgia morgan parkway they are supportive they don't have the money theoretically if they got the money and could set these cameras up it would work potentially after that but and and constant buyer's office has said they're looking to try to find a way to get them the money but it is it's one of those like it's really frustrating and there are just a huge number of accidents that have just yeah yeah so anyways we we have a problem that that we're looking for solutions, and we're trying to fix everybody else's problem in this sense.

[01:54:16] Okay. All right. Well, I think we have a series of questions and concerns to raise. Let's move on to SB 919. Mr. Chairman, this bill, essentially it states that the governing body of a locality that contracts with a private company to provide a system of public transportation, so the county contracts for connector services, would have in its bid specifications, Project agreements and other documents require such company to provide an employee of their company with the same compensation and benefits that are minimum equivalent to those county employees.

[01:54:55] And if the county or city has adopted an ordinance or resolution providing for collective bargaining, it requires such company to enter into and adhere to collective bargaining agreement with employees providing such transportation services. So it essentially says the employees hired by the connector contractor would have to have the same or similar pay and benefits to county employees.

[01:55:24] That gets a lot into collective bargaining and in our contract. So I'm going to also ask for help on this one because I probably will not be able to answer all those questions that you may have. Well, I think, you know, one of the questions that this would raise, especially given that the bill mentions collective bargaining and the provisions of collective bargaining agreements, an employee of a private company that is contracted by Fairfax County to provide transportation services has the legal right to strike, as we've learned.

[01:56:02] An employee of Fairfax County under the Code of Virginia, right, does not have the right to strike. So I guess that would be a question. If the employees of these private companies have to be treated the same as employees who are subject to collective bargaining, would they also retain the right to strike that they currently enjoy?

[01:56:29] Mr. Chairman, I think that is a great question. Probably don't have a definitive answer for you, but the county is neutral to unions and we do have provisions in our procurements that require any company that manages the connector to adhere to collective bargaining agreements, including successor agreements, sort of following existing federal laws that allow transit employees to bargain to begin with.

[01:57:00] and the connector has always been unionized. So that's difficult to answer your specific question. But I think if we understand the premise of the bill, part of that already exists today. All right.

[01:57:15] Well, yeah, so it sounds like, among other things, this bill, if passed and signed into law, would supersede the existing collective bargaining agreements that those employees of private contractors have with their employer?

[01:57:34] Yeah, I don't think that it would because, again, we're not a party to those agreements and they're not actually county employees. But how would we ensure that their compensation and benefits were the equivalent to the compensation and benefits provided to a public employee if their existing collective bargaining agreement, for whatever reason, did not?

[01:57:54] Patty McKay from the Fairfax County Attorney's Office. I don't know the answer to that directly, but you're right that it does set up a conflict because, and one of the things that I would point out is that the language around this is unhelpfully vague. It says that it would be equivalent compensation and benefits, and so to your point, they have presumably spent time and effort with their union negotiating what those benefits are, and then we would have to figure out what the equivalency is at the county and then hopefully not put the county in a position of having to write a specification that would somehow lessen what those benefits are to your point. Yeah. Okay. Yeah. My concern is right now

[01:58:33] the employees of these companies have collective bargaining agreements, hard fought collective bargaining agreements and the legal right under federal law and Virginia law to strike. This seems to me that it could put some of that at risk. So I think we might need to communicate that TO THE PATREON. OKAY. ALL RIGHT. LET'S MOVE ON. I THINK THIS IS OUR LAST ONE. S.B. 1007.

[01:59:04] MR. CHAIRMAN, SO THIS BILL WOULD CREATE A NEW BICYCLE, PEDESTRIAN, AND SAFETY IMPROVEMENTS INFRASTRUCTURE FUND TO ADDRESS BICYCLE AND PEDESTRIAN NEEDS IN NORTHERN VIRGINIA. HOWEVER, IT IS A COMPLICATED MECHANISM. ESSENTIALLY WHAT IT DOES IS IT REQUIRES A tax of 50 cents on each parking space on an off-street parking facility in northern Virginia.

[01:59:34] It does not include, and I'm trying to get it here, off-street parking facility does not include any parking space or parking area located on a lot of a single-family dwelling, but multifamily dwellings and mixed-use, those parking spots would count. Additionally, the way the bill is written, the locality would have to figure out how to impose these taxes.

[01:59:59] This is an annual tax. However, the money would then be sent to NVTa to allocate to bicycle and pedestrian and transportation safety projects. The patron also reached out to us with a draft a week or two ago.

[02:00:15] Staff did provide some comments. I will kind of just mention some of those that I wanted to share. that it could impact commercial office buildings, which are already struggling. There was clarification on what, so that means that if somebody lives in a townhome, their spot gets, might get taxed, but if you live in a single family, it does not.

[02:00:38] How does, you know, how does that all work? Again, the tax administration, the burden falling to have to figure all of this out. And then just general questions of how many spots are there in northern Virginia?

[02:00:55] How does that all get figured out? NVTa, are they the right entity to look at this? Because some of these are so site-specific, and NVTa looks at regional projects. So I think the patron is trying to find a way to hit our backlog of bicycle and pedestrian projects.

[02:01:10] That's amenable. However, there are some issues, I think, with how this was presented. And I know the chairman also spoke about this at NVTa, so I did want to mention that as well. Okay. You know, obviously the Commonwealth of Virginia should have a bicycle pedestrian safety improvements infrastructure fund. I mean, it's a glaring omission. You know, among the challenges with this specific revenue, and I talked to the patron about it as well.

[02:01:40] So if I own a property with 500 parking spaces and what happens if I rope off 200 of them because I don't need them or I remove the striping from 200 of them so now I have 300 spaces and 200 spaces worth of it?

[02:01:58] I mean, it just seems like it creates a scenario where it would be you would have a lot of gamesmanship. You know, I do think there are probably better revenue options that NVTc has developed in looking at revenue options for Metro that would make a lot more sense if they're not ultimately utilized for Metro.

[02:02:21] I encourage the patron to take a look at that. To me, this one just seems unworkable. The chairman probably has and could speak to whether NVTa is the appropriate entity to administer these funds, but it strikes me as problematic, Mr. Chairman.

[02:02:36] Yeah, I would just say there was not great enthusiasm for NVTa being the entity. And I think it has less to do with NVTa and more to do with NVTa's members and their obligations to their jurisdiction. The last thing we need to have is just pick one, the mayor of Manassas voting on a sidewalk project in one subdivision in Fairfax County.

[02:03:01] And in addition to that, of course, as is typically the case, there's no resource allocation. In this bill for NVTa to capture the cost of administering the program as well. And the point of NVTa is to focus on regionally, you know, big projects, some small projects too, but ones that have a regional benefit. And so I think it's a misunderstanding in my mind of exactly what NVTa's mission is. I think it's right that we need a revenue source. And we've done that here in Fairfax, we've committed a lot of money to bike and ped. And this just seems to me to have many

[02:03:39] problems with picking this as the way that you raise the revenue. But I think we're all supportive of whatever we can do to put more revenue into bike and ped projects. And, you know, I wish this was a budget amendment as well at the state level to start getting serious about that. And maybe they should be matching local government money that's going into that. But I just think a tax on parking spaces brings a lot of problems one thing that they did say and I don't know if this is right or not I don't think I don't know if Jay left or not um but they they mentioned that our

[02:04:12] uh department of tax administration has readily available and easily accessible uh information about the exact number of parking places that exist in Fairfax County and I just wanted to see if Jay wanted to offer his version of that.

[02:04:27] I wish, I wish. Jay Doshi, Director of Tax Administration. Mr. Chairman, unfortunately the answer is no. And just as important, we care about the cost of collection and building a system jurisdiction by jurisdiction to enforce a parking collection mechanism, tax administration forms, website, material for

the taxpaying entities gathering the information on who would be liable. It would eat up every bit of the 30% at the 50 cents per parking space. So

[02:05:04] we care a lot about efficiency. If you're going to entrust us with the tax, we don't see a point if we're going to spend all that money administering the tax for the 30% that would come back to Fairfax County. So that's a piece we absolutely have to share with the patron because that was At our MBTA meeting, it was suggested without any rebuttal that every jurisdiction in Northern Virginia knew exactly how many parking spaces they had.

[02:05:31] It could provide that detail easily for the purpose of collecting the money. And I thought that was suspect when I heard it. I appreciate your reaction to that. You know, one of the things that I think we should also suggest is I would be open to a tax on any parking spaces for new developments that are approved that are in excess of the local ordinance.

[02:05:53] requirements, because I do think we have cases that people are building way too much parking than they need, and frankly, that's not helpful. But to do this on everyone, the way this is written, I think is really problematic, and feeling was felt at NVTa that many of these challenges need to be presented to the patrons.

[02:06:13] This, if it goes anywhere, needs a lot of work. Supervisor Patrick? Thank you, Mr. Chairman. I think I'm a little bit in a similar line in that I appreciate the desire to increase the funding. If it's going to be essentially a local tax, give us the authority.

[02:06:36] Otherwise, give us state funding. So I was like, can you amend it enough to make it work? I don't. But I appreciate the intent. Carrying it out, yeah, has a lot of issues. Supervisor Alcorn? This was discussed at the SJ28 Subcommittee for Transit Funding, and these technical issues were all widely shared, and MBTC did a little analysis of this.

[02:07:02] So there's nothing that's been said here that's not already known to the patron, at least as far as I'm aware. And is it not correct, Supervisor Arquan, that in SJ28 and the MBTC work, there are other revenue options identified that don't have the technical challenges that this does?

[02:07:19] Yeah, there are 10 other ones that SJ28 is looking at. This one was actually set aside because of the technical challenges. So, you know, I think we can share that, that there are much better revenue options and the funds that are generated in a locality should go to that locality to fund improvements in that locality at their discretion.

[02:07:46] Okay. All right. I think that's all we have. Mr. Chairman. Roger Alcorn? Yeah, the last thing, I just want to make sure, and I've talked with staff about this, a couple of responsible contracting bills, SB 962 and HB 2482.

[02:08:04] I believe staff is looking at that and can come back at a future meeting. Yes, we are reviewing those, and we'll have those on a future agenda. Okay, thank you. And our next meeting is next Friday. So we will see you all here at 4 o'clock next Friday.

[02:08:22] Thank you, everyone.



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