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[00:00:02] Good afternoon. We are going to start with the February 13th meeting of the Legislative Committee. And welcome back, as always, to our legislative team. But before we get started, I am going to pass it over to Chairman McKay. Thank you very much, Mr. Chairman.

[00:00:17] And we do have a member of the board who has requested to participate remotely. And so let me first ask if Supervisor Sizemore Heiser can hear me, if you can just state your name and general location for the record. Hi, I can hear you. I'm Rachna Sizemore Heiser. I'm in Boston, Massachusetts.

[00:00:34] Excellent. Very good. With that, I move that the Legislative Committee certify for the record that Supervisor Sizemore Heiser's voice can be adequately heard by all persons assembled in this conference room, and I further move that the committee approve Supervisor Sizemore Heiser's remote participation in this meeting as it fully conforms to the Fairfax County Board of Supervisors policy for remote participation in meetings.

[00:00:57] It's been moved and seconded by Supervisor Pouchek and Supervisor Smith. All those in favor, please say aye. Aye. Any opposed? Any abstentions? And that motion carries 1, 2, 3, 4, 5, 6, 7 to 0.

[00:01:13] And with that, I will turn it back to you, Mr. Chairman. Thank you, Mr. Chairman. In the two weeks since we last met as a committee, there have been several developments in the General Assembly

that I'd like to highlight. While the news this week surrounding gun violence has been deeply disheartening, There is real progress being made on legislation that will make a difference in protecting our kids and our communities.

[00:01:38] I am happy to report that six firearm safety bills passed the House last week with our support, including measures that strengthen standards of responsible conduct for industry members and establish stricter regulations around firearm manufacturing and sales.

[00:01:54] On a separate note, I'd like to highlight a bill the Fairfax County also supported HB 196, sponsored by Delegate Josh Thomas, which also passed the House earlier this week. One thing I think we can all agree on is that we need more housing in this county and in the state.

[00:02:14] And this bill creates a new state fund to help local governments like Fairfax County pay for infrastructure necessary to support and create housing. Additionally, the environmentalist in me was thrilled to see the progress made on two Senate bills, both sponsored by our partners and good friends, Senators Saddam Saleem, Jennifer Boisco, and Mr. Servo.

[00:02:37] SB 89 encourages and allows localities to take stronger action against evasive species, while SB 226 gives communities more room and tools to manage waste sustainability. Finally, SB 288 died in finance late last night.

[00:02:56] This bill would have required any locality that purchases insurance to waive sovereign immunity. To say the least, this is an exciting win for Fairfax County. With crossover just around the corner, we are beginning to see wins take shape.

[00:03:12] And I have to say it is very exciting to watch the hard work of this committee, of our staff, and our state partners come to fruition. We still have work ahead of us, but there is real momentum, and we have to and will continue pushing these bills and these wins home for our Fairfax County residents.

[00:03:32] With that being said, today's meeting will look similar to previous week's meetings. We're going to start with reviewing updates on our initiatives, transit, and housing. Then we will move into bills for discussion and bills with updates. There will be an opportunity for comment after the initial updates on county initiatives, housing, and transit.

[00:03:53] Additional comment periods will follow each bill presentation, and we will open the floor for broader discussion as we have at the end of every meeting. Please feel free always to reach out to myself or to Jennifer and her team with any additional questions or concerns. as mentioned at last week's board meeting i want to express my appreciation for the increased efforts to strengthen communication amongst our board with that being said i will now pass it over to our legislative director jennifer vanney thank you mr chairman jennifer vanney fairfax fairfax county you know that legislative director sorry i'm in richmond mode um so wanted it our

[00:04:30] team wanted to bring a little richmond to you so happy valentine's day they do it big down in Richmond, so enjoy a little candy. So we'll kick off with talking about our initiatives. As we talked about last time, SB 285, which was the Urban Public Private Partnership, was turned into a study bill, and it did pass this in that form. Again, the House version had failed, so we'll see what happens with that, but that one did pass, and then I'm going to hand it over to Lori to talk about our latest win. Excellent. Thank you. So just coming back from Richmond just now,

[00:05:06] actually, HB 250, Delegate Watts, is a bill that she is carrying for us on behalf of the Park Authority for our Park Authority to be able to gain the ability to ban sex offenders, has passed unanimously through the subcommittee. And then just now in a block vote, it reported out of the full committee so the HB 250 is moving right along with no issues in sight and we are supporting Delegate Watts as she goes through crossover on it over and Christine's

[00:05:43] going to give the update on the other one good afternoon Mr. Chairman Mr. Chairman and members of supervisors HB 55 is headed for its third reading on the floor of the house this is our noise pilot that includes more of our friends. So, you know, we're very excited that it's moved as far as it has, and we're getting ready for crossover and wanting it to sail through in the Senate. Thank you. That's the update on our initiatives. And with that, just real quick, we want to make sure and go down the line to see if anyone has any comments or questions at this

[00:06:19] time on that. All right, with that being said, let's move on. Thank you, Jennifer. All right, I'm going to turn it back over to the transportation folks to talk about an update on the transit funding? Mr. Chairman, in not as happy news, most of the transit funding bills are no longer. They have been continued to 2027. I'm sorry, Noel Dominguez with Department of Transportation. I apologize. Yes, so all of them except for, and I'm trying to remember the number, SB 1179, which was the House version of the SJ28 bill that was carried by Delegate Tran. They have all been

[00:06:58] carried over to 2027. I think they wanted to take a longer look at tax reform in general. Delegate Tran is currently in the House Appropriations Committee. However, that is expected to meet the same fate. I will say I think people have transitioned over to see if some sort of assistance can be provided in the short term.

[00:07:20] So we're talking with our other stakeholders, with our partners, and seeing what else can happen over the rest of the session to at least provide some help with the transit funding situation for the next year. Thank you so much.

[00:07:37] Mr. Chairman, I want to start with you. Do you have any comments or questions before I pass it on to our colleagues? I do not. Thank you. Supervisor Alcorn. Yeah, I have a little bit more updated information on that. I spoke with several people this afternoon, and frankly, the idea of getting a longer-term financing solution for at least some pieces of the transit funding needs is not dead, and it will be a matter of discussion in the budget, as you said, Noel.

[00:08:14] The point procedurally, I think, is that the budget traditionally includes primarily budget matters for the biennial, for the two-year period, but it also can contain other permanent legislation, which could include revenue sources.

[00:08:36] Those discussions are still very much alive, and I would very much encourage my colleagues in their discussions with individual legislators to remind them that we, at the county level, not just here, but other jurisdictions, are on the hook to pay for this.

[00:08:55] And frankly, the tax hit for us locally in terms of real estate taxes would be extremely painful. We're talking alone \$153 million annually for Metro, which was paid for out of the state general fund last time.

[00:09:15] And we also are talking about our share, a similar share that we paid two years ago, anteed up additionally that we have not gotten any relief from, which we were seeking relief from as well, in addition

to VRE and other expenses that are going up. So yeah, let's keep pushing this, but it is going to be very much a matter of discussion in the budget deliberations.

[00:09:46] Thank you, Mr. Chairman. Thank you, Supervisor Alcorn. Supervisor Bierman and then Supervisor Palchuk? Yeah, not to completely pile on, but just so people, if you're watching at home, understand. Last year, our metro bill was about \$65 million out of our general fund. Our connector bill was about \$47 million out of our general fund, and we spent about \$7 million on VRE out of our general fund. The promise or the hope of these transit bills was not only that we would cover the necessary metro capital costs so that we could avoid the capital fiscal cliff, but also

[00:10:24] that we might be able to cover some, cut into that general fund contribution a little bit. If we're going to do this in the budget, which it sounds like is something that is going to be considered, it's worth it to also remind our delegates that that is part of the hope that less of your property taxes here in Fairfax County are going to pay for the metro subsidy uh and and for connector and for uh the cost of vre so hopefully we can continue advocating in that manner thank you thank you supervisor bierman supervisor palchuk thank you mr chairman

[00:11:01] i think in the vein of what mr bierman has said um you know just this week i was meeting with some of our transportation leaders on the business side and explained to them it's not just our residents but just how important it is uh even if they're not the biggest supporters of transit per se that anything that we have to fund locally for what has become the gold star of transit systems. It has had the biggest recovery. People are trying to get the Canadian-born Mr. Clark to run for mayor office. He has declined, thankfully. But we absolutely, I think whether or not people

[00:11:38] are supporters of transit as we are, have to make sure that it's not just coming from us, but coming from those impacted, the business committee and our residents, that the bill is coming due and the localities will have to pay for that bill. Thank you so much, Supervisor Palachuk, and thank all three of you for your comments. Absolutely, getting the word out to our delegation is imperative, and I think that to Mr. Bierman's point, I think that letting them know more specifics other than just we want to see some of this funding, but why it's important to our residents is clearly very important. With that, Jennifer, we want to continue. Thank you, Mr. Chairman.

[00:12:18] The next, we wanted to do a quick housing update. So on Monday, I shared a list of the bills that, as we had rated them, as we talked about our strategy. In your packet is an updated version of that. You'll see bills that are struck through, which are changes to those bills have died in the past week. So this is, we'll continue to keep this updated and share with you each week as we go through so that you can see how the bills are doing, the volume and things like that.

[00:12:50] The other thing I wanted to mention about these specifically is some of the, as bills change, they might move categories. So if you're looking for a specific bill, if it gets amended, it might change categories. So just wanted to provide you with an update there, and then we can get into the specific bills as we start talking about bills.

[00:13:10] Thank you so much, Jennifer. And let us go around and see if anyone has any questions around some of these as you all look through it. Obviously, we send this around electronically, and it is being updated thanks to Jennifer and her team. Lots moving always on the housing front, especially as we come close to a crossover.

[00:13:28] So something worth paying attention to between meetings. Supervisor Alcorn. Thank you. Yeah, just very quickly, there are actually a number of bills that I know are really, well, our challenge here. Senate Bill 717, Senator Saleen's bill, the transit-oriented development one, it looks like it did pass the Senate, it looks like, and is going to the House.

[00:13:56] I guess it would be helpful to get a read, and this doesn't have to be right now, but in terms of our processes, specifically our zoning and how we would implement that, Because, frankly, I think I'm hoping that there can be some additional amendments to that bill.

[00:14:21] I think the overall idea, I get where he's coming from. You know, we want to have more housing around our metro stations. But I do have a concern about the crosswalk. So I don't know if you have any additional crosswalk between what he's trying to do and how we do it.

[00:14:36] So we can definitely get that. I will say I had a long conversation with the senator this morning, and he has several amendments he was holding until it got to the House. That'll lay some of our concerns, but we can definitely, we'll keep you informed as the process goes. Yeah, that would be great, particularly once those amendments are out. Thank you.

[00:14:55] Is there anyone that would like to speak on the housing bills and initiatives? Yes, Mr. Chairman. Yeah, I just, you know, some of these that are in the red, specifically like House Bill 804 and 816, particularly bad.

[00:15:13] I mean, these are really bad bills, and they look like they're passing. And so, you know, if they're getting through the body, the first body, without any challenges, what is the strategy? I mean, what should we be doing at this point further than we've already done?

[00:15:30] Because I don't think the patrons of these bills understand what's going to happen when they hit ground level. Definitely. And so I know VACO is doing a lot of work to oppose these, but is there anything in additional, you know, we should be doing to give a real world example or something to prove why these bills are so bad. I'm just concerned because they're sailing through under the guise of affordability. And they're going to be a real huge problem if they pass and they're imposed upon us.

[00:16:01] And what will happen is there'll be a particularly bad land use case that comes forward. And we'll have to explain why the public can't have any input in it, because the General Assembly took the public's voice away from them. And then they'll have to go back and try to fix these later after the damage is already done.

[00:16:18] So what else can we do between now and the end of this session to prevail the significant damage that these are having, will have on our community? I mean, we are supporting the vast majority of housing bills that are in down there. But these ones that are below the red bar are really bad.

[00:16:37] Definitely. And we are working with staff to get examples and talking. I will say for SB, sorry, HB 816, sorry, no, 804, that one is specifically around what we call the targets bill. As a show of good faith, the Senate has killed their version as we negotiate through the Senate's version of HB 816 to make it more feasible or in line what good counties are already doing.

[00:17:08] Because that's the stated goal, they said. There are counties that are doing this work of allowing housing, doing that thing. And so there's ongoing negotiation on SB 405, which is the companion to HB 816 with both Delegate Helmer and Senator Van Volkenberg.

[00:17:27] So we're hoping that we can get the least impactful bill we can out of those four, but that is kind of the strategy right now. But we are definitely engaging with staff to give real-world examples. For HB 8888, which is the parking bill, staff has done a great job of pulling together what this would mean by division with what we adopted two years ago, two or three years ago, and what it is.

[00:17:55] So staff's on that, and we'll continue to do that. I think a big thing that's helpful is if you are talking with delegation members, giving those concerns, and definitely at a reception next week, addressing those. I know at least what Delegate Helmer plans to attend, and if we can have real-world conversations about the impacts of these, I think that's really helpful.

[00:18:16] Yeah, I think we need to be ready for that, and we need to be doing that because these are significant. Again, I mean, some of these that just allow for administrative approval of things that otherwise would go through a full-blown citizen process are really dangerous because all that means is you're going to have a very flawed development proposal come in.

[00:18:34] No one will put any work into it, and if they know that ultimately if it's denied or doesn't get approved by this board or is administratively reviewed anyway, you know, then they're meeting only the site plan requirements and none of the other things that address the, you know, the impacts to the communities around them.

[00:18:53] And so I think we need to be focused heavily on these, and I think they should be the primary talking points that we have for our delegation next week. And I'm open to any other things that you might need from this board to help emphasize how dangerous some of these are, including some of the real-world examples, if we need to put something in writing.

[00:19:11] But I'm concerned that these seem to be sailing through, and when I look at the numbers in one house or the other, You know, that gets your attention. Right before I call on Supervisor Bierman, may I make a suggestion to our legislative team is hopefully most of us, if not all of us, are in attendance next week in Richmond is it wouldn't be bad to have a couple bullet points on some of our major priorities.

[00:19:42] That way, if someone's on their way and perhaps not driving, they can be reading some of these bullet points for the county as they go up. It just might be helpful. I don't think we need, like, an entire booklet, but I think just some quick, you know, glance down, look at, and then, you know, we're at the reception.

[00:19:57] We can kind of remember, oh, this is one of the highlights. What are some of the things we want to push for as a county? Supervisor Beerman. You mentioned SB 717 and that Senator Salim had some potential amendments. My understanding from county staff is that in a lot of our transit-oriented development zones, we actually typically get more density than the bill provides.

[00:20:22] Can the amendments potentially create a carve-out, if you will, where a county is already within its comprehensive plan or its zoning ordinance achieved more density than the bill itself?

[00:20:41] Yes, that's definitely under a discussion. Great. That's a great amendment. Thanks. Supervisor Alcorn. Yeah, thank you. Just very quickly. Yeah, thank you on that. I think it's complicated by the fact that a lot of our higher density is in our comprehensive plan, not necessarily in zoning yet. But the effect would be a down planning of some of these areas if we're not careful.

[00:21:01] And that was part of my thinking on the crosswalk. Thank you so much, Chairman McKay, for your comments. Those two bills in particular, I mean, frankly, I'm referring to those as the crappy communities bills. Because it is basically a recipe for crappy communities.

[00:21:17] And it's very troublesome, I know, to those of us that have worked, you know, for a long time to try to make sure we have good communities that, you know, that work well. And I would just also encourage everybody who might be getting a call from, say, any of these patrons who's seeking higher office to let them know how they feel about these bills.

[00:21:38] And I certainly intend to do that. So thank you. Thank you, Supervisor Alcorn. We will absolutely be watching out for those CCBs as we move forward. With that being said, we are now on to bills to discuss. Jennifer, you're up. Definitely. So let's dive into some of these housing bills.

[00:21:54] I'm going to invite the Housing Task Force members here who are here to support as we go through these. But these are the agreed-upon ones we talked about last time of bringing the ones that are more policy decision versus implementation problems. So the first one is HB.

[00:22:11] We're going to go to page two. I'll talk about, I just realized we had these first. So we're going to go to page two, the startup page two. We'll discuss these first. So SB 531, and this one has changed greatly in the last 48 hours.

[00:22:27] So this one was requiring specific ways that localities had to do affordable accessory dwelling units, which we would call ALUs, and setting out very specific criteria. In the last week, it has been amended to carve out people who already have provisions.

[00:22:50] So we have an ordinance around this, so we would be carved out of it. And the patron has made ways that he says makes it more permissive. I don't know that we would agree on that point. But the big number would be that we would be carved out of this, essentially, since we do have an ALU ordinance.

[00:23:07] So we recommend monitor on this one specifically. Anyone have any comments, questions on this? Okay, please move on. Great. So the next one gets at what the chairman was talking a little bit. So HB 594 is to create an expedited approval for affordable housing developments. But this would be taking what we currently have as a legislative process into an administrative process. And so I have talked with

[00:23:41] the patron. They have some awareness of why that's a problem. They haven't accepted, partially because it was passed so quickly out of the House and out of the committee. She didn't want to deal with any changes until they got to the Senate.

[00:23:59] But this is one that we feel like could be a great tool, but the problem is around the zoning aspect. And so that's, again, that's a board policy discussion to be had about it. And so that's the first one we wanted to bring to you to discuss.

[00:24:15] Real quick, Supervisor Berman, please. So I have a question about this one, and it actually goes back to some of the other ones that we were discussing as well. Like the – we didn't talk about it a moment ago, but the Yes in God's Backyard Act one where you get affordable housing by right.

[00:24:35] One thing I have a concern about is that every year we have about \$43 million in our housing that we spend. I see Tom coming up and he goes out and he spends this in in various on various affordable housing developments.

[00:24:51] But we, of course, want to have, you know, some say and some ability to figure out where it's best for us to spend that money. These bills that make things by right or that are an administrative process, what is that going to do or what does that do to when those same people get, say, approved on a affordable housing plan?

[00:25:13] but they're also trying to access FHFRA money to help finance or fund that. Do they approach that at all? Or do they just assume that the financier is going to be able to do it entirely without help from the county because usually we're helping?

[00:25:34] I'm going to turn that over to the expert. Okay. Sorry. Mr. Chairman, thank you. Supervisor Bierman, the question of the entitlement process versus the financing process, they generally tend to be very separate.

[00:25:50] So an applicant comes through the land use process, and then typically they come to us as the housing finance agency to put together their deal. So really we very much see them as two separate processes, certainly some of the costs associated with entitlement and are part of the cost of the overall deal. But again, we look at them as being very separate. Yeah. The reason why I ask is because there's a finite number of dollars that we end up contributing to these affordable housing

[00:26:26] developments. And I do think that there's potentially a time down the road where you've got buy right that has been in certain places, and then you lose the ability to spend on the affordable developments, or at least you get pressured to spend it in areas where you wouldn't have thought that was the right place for affordable housing. And then you might end up with a situation where the affordable housing you get isn't as good for the people who need to live in affordable housing. Anyway, sorry. Yeah, I mean, to be clear, Tom, correct me if I'm wrong,

[00:26:57] But if there's a development that comes forward that chooses to be by right and it's not one that we support, we're under no obligation to help finance it. So we would still control financing assistance for the projects that we support as a board.

[00:27:14] That's correct, Mr. Chairman. Well, that's good. I still think that I'm still worried about finite dollars and ending up with situations where we could have actually had better affordable housing for the people who live there if there had been a better process. But thank you.

[00:27:33] And one thing I didn't mention, just Mr. Chairman, Supervisor Behrman, is this is a permissive. So this isn't something that we would be required to do. This is an option a locality can have. So I think the conversation is a little bit more, what can we do to improve this so that it would be a useful tool?

[00:27:57] I did forget to mention that, so that's my apologies. Just this bill. The other ones are not local option. All right. Please continue. All right. So HB 1130 is an interesting bill because I think it's being driven by a school board because it essentially would allow for localities or school board to lease their surplus

[00:28:31] property to build affordable housing for workforce. So specifically targeted affordable for workforce on their property. I've kind of asked staff and I've asked the patron about, we've done this already a little bit in our parking lot, and so I think it is being driven a little bit more by the school side of things.

[00:28:53] Again, this is permissive, so we could be supportive and choose not to use it or not use it sparingly, but wanted to bring that one since it's more of a policy consideration. Just one question.

[00:29:09] Is this even necessary? Is there a prohibition on schools doing this today? It's an excellent question. I mean, to me, this would be local flexibility. We should be supporting it. I don't know that we would ever use it. But if it's giving local governments, and in this case, a local school board, flexibility to do what it needs to do with its property, I mean, obviously, they would still have to come through a process, presumably, a zoning process, a public input process.

[00:29:41] But to me, this is giving local flexibility, and that's something that we had a high level in our package support. So for me, I would be supportive of the bill. I don't know that it's necessary, though. Ryan Wolfe with the county attorney's office. The sort of the technical distinction to the bill would be that the authority the school board would gain here would, as opposed to current law, if the school board has excess property where locality controls it, it comes back to the locality or locality has to approve whatever the school board does first. The authority into this bill, the school board could proceed to develop housing on their surplus property effectively on

[00:30:20] their own. They'd probably have to come back for funding, but sort of the approval of the transaction itself would not have to come back to the locality for approval. So that's a distinction that this bill would introduce. So how does it do that, though? Because right now, schools, even though they own their property, to do many things, they still have to come through a process to get county approval, a zoning process. I mean, to expand a school or to do other things. I mean, the schools have quite a bit of excess property. And as it stands right now, to do anything with that, they would have to come through a process. So this is specific to affordable housing that this allows them to bypass entirely the zoning process?

[00:30:59] Apologies, Chairman. Not the zoning process, but the separate transaction itself. Within the zoning process, we would have the ability to approve sort of the rezoning aspect of it, but the transactional elements of the process. Oh, okay. So then what I said earlier, I still think stands. I mean, that's a transactional thing that I think they should be allowed to do but we would still control the zoning process that they would have to go through to execute if they wanted to do this the zoning piece would still come back to the yeah okay supervisor Alcorn yeah just a question for Mr. Wolf um so yeah I just

[00:31:34] want to make sure I understand so there's say it's excess uh surplus property right now the school system before selling it off, they would have to come back to the county, to the board of supervisors. Is that correct? Correct. Okay. And this would allow them to sell it off without coming back to the board. Is that a ground, only a ground lease structure would be permitted under this. Yeah. The transaction itself and the details of the transaction to the extent they did not impact a zoning case would no longer be subject to the review of the board to the extent that the

[00:32:12] ground lease out would require a rezoning or other land use action to be built, the authority of the county as a regulator would still... I guess I am worried about, I mean, I'm thinking of one parcel in particular in Hunter Mill where, frankly, the schools have sat on it for years and are probably not going to use it. And there have been some discussions about the park authority assuming it because that's basically its purpose. In that situation, the schools could decide to sell it if this law is in place.

[00:32:44] Is that correct? Ground lease. Or ground lease, sorry. Yeah, right. Thank you. More affordable only? Correct. So subject to the limitations, other limitations, this has to be for workforce housing of up to

120% of AMI, revenue from the ground lease has to be directed back to the locality or the school division for basically capital costs or workforce housing stipends for employees.

[00:33:13] Affordability has to remain for the duration of the lease. So it's limited to workforce housing as opposed to, say, And the overall program would still be optional to our, it would be optional to us as accounting, or would it be optional to the school system? Optional to the school board.

[00:33:28] The school board would not have to do this. It would be an option available to them. Okay. All right. Yeah, I want to think some more about this. But, I mean, if everybody else wants to support it, it's okay. All right.

[00:33:44] So the next grouping is on page three. Um, the first bill, HB 655, is very similar to SB 346, so I'd say we talk about them together. This has to do with manufactured housing and where it can go. Um, and right now, I believe, and I'm going to call on the experts to back me up or correct me, um, this is something that goes in specific areas.

[00:34:09] This would allow it by right throughout different parts of the county. So I'll turn it over to Tracy Strunk to provide any other detail if needed. Sorry, I was still stuck on the last one. Give me a second.

[00:34:34] Sorry, Tracy Strunk with the Department of Planning and Development. And this is the manufactured housing that would allow you to put a manufactured house on any lot where you could have a stick-built house.

[00:34:50] If I've gotten it right, they've taken out the provision that said that would have potentially allowed them a sort of a detached accessory living unit because it says it has to be on a parcel. That's there. And this is also the one that allows you to put them on any lot in the parks that was not today. If there's a manufactured home in a park, for example, and someone went and even if we wouldn't allow it to be there today, if it was there and that house needs to be taken out, they can replace it.

[00:35:21] This would allow, even if there's not a house there today, as long as they could put a unit there. We think that it does cover, does not supersede floodplain, which would be one of our biggest requirements. They would still, whereas today we might not allow someone to put a new house there, this would allow them to put a unit in a floodplain.

[00:35:43] But we do think that they would have to comply with the floodplain regulations, so they would have to be raised. It's not great, but there's probably not a whole lot of places that it's going to be a problem. We have some, obviously, and we do have some concern with some of our manufactured home parks that do have significant floodplain.

[00:36:09] Supervisor Smith. So I'm curious about the definition of manufactured home. We think of our manufactured home parks that have a certain type of housing, but there are other types of manufactured housing. What's the intent of this bill for the definition of that?

[00:36:27] And Tom can correct me if I get this wrong, but manufactured housing is very specific. It's HUD certified. This does not cover modular homes. Modular homes are just treated like any other house. Even I think the sort of 3D printing homes that we talk about just have to meet today's building code.

[00:36:44] So that stuff is all just a single family house that you could build today. You can have modular housing today anywhere that you can have stick-built housing. you could you have to meet the building code for those manufactured homes have hud regulations and they get a sticker in the factory and as long

as they don't you know cut a hole in the wall or or do that then that that you don't have to go back and do the building code because it's um it's certified through that process with the hud process so that's the difference in those and even if those it's my understanding that even if those get put on a foundation some of these bills

[00:37:19] talk about converting to real property by being put on a foundation they still are treated as a manufactured home and that HUD certification if I'm getting the terminology right is what governs as opposed to the building code. Supervisor Patrick. Sorry it led to another question. Are there manufactured homes that are approved manufactured but essentially look like a modular or a home like newer versions that fit the HUD definition, but are easier to sort of build?

[00:37:57] I don't know that they're necessarily easier to build, but yes, there's certainly a lot, you know, a manufactured home today is not kind of the, is not only the sort of traditional single-wide. I mean, we do see a number of different sort of structures, but they all have to go through that process where they're approved in the house, and Tom's going to answer better than me, I think.

[00:38:22] Supervisor Palachuk, I think really the distinction very much is whether or not this can be treated, you know, as a manufactured home with a HUD seal on it under all of those requirements, or if it can be treated as, you know, as a permitted, you know, piece of real property.

[00:38:38] So this definitely, you know, definitely falls within the first as opposed to the latter. Okay. Thank you. Supervisor Lusk. I just want to go back to the point about the floodplain, because I think this issue, in my own district, we see it pre-pronounced for a couple of the manufactured communities.

[00:38:59] So thinking through, how do we maybe ensure that they're not going to be placing these units in the floodplain? Do we have the ability then to have some restrictions that would pull out floodplain locations, or how do we protect that from happening here in Fairfax?

[00:39:23] And I will apologize if I'm getting the wrong bills, but in the bills that have that provision, and I might have the wrong one. It currently doesn't, but that has been something we've been talking with Jennifer about for that. The bill that says that you can place units on a lot, and we have the floodplain question, we have been discussing making sure that that is, we think that would be a positive amendment to the bill to specify.

[00:39:47] Right, and if I could just follow up on the point that I know that in some cases we can try to elevate the structures, but then it becomes a question of like, what is the amount of elevation that would protect the structure in the floodplain? So, I mean, I would argue that you don't want to necessarily put the unit on a stilt if it's going to make it almost impossible for the residents to access it. You hear where I'm going. Yes, I'm not sure that we have. There are floodplain, you have to be about a certain level above the floodplain, and that sort of is

[00:40:24] what it is. So if the requirement is to be the certain level above the floodplain, and that means that the unit is 15 feet in the air, or what you see down at the beach with stilts, then you have stairs and a deck to get up to it, which clearly does not make a whole lot of sense with a manufactured home. Thank you. And do I see someone trying to come up? Well, he sits down. I was going to clarify. So the floodplain is specifically on HB 1463. So that's the one that gets into that

[00:40:57] HB 655 and SB 346 are the ones dealing with the buy right in different places and then also converting to real property. Chair Jimenez, Supervisor Lusk, Jerry Stonefield, Land Development Services.

Thank you for the opportunity to come up. I was just standing there if Tracy needed me to help her on the floodplain question. Yes, I do believe we're talking about a couple of different bills and the language here. This particular one is allowing the manufactured home wherever

[00:41:30] a single family detached dwelling is allowed. So the way I read this is, yes, the same floodplain regulations would apply. To get to the elevation question, the current floodplain regulations in the zoning on its require the lowest part of the lowest floor to be 18 inches above the water surface elevation. So yes, if the water at that point is deep, it would require the structure to

[00:41:59] be that high above. Thank you. Thank you so much. Moving on, Jennifer. All right. So on the next page, on page four, we have our last two. The first one is parking, HB 888. So as I said, staff's been really doing a really big deep dive on what would this look like versus parking reimagine. I think there are some areas where it's similar or a half a spot less, and then there's

[00:42:32] some areas that it's more of a spot to a couple spots, or even places where we said none is required that now would require. And so there's definitely a lot of variation. I think staff would recommend we try to amend this one to be as close to us as possible, as it does seem like this one has legs since they killed the other two. I don't know that everyone is sold on doing something around parking. So I think we can definitely express our concerns heavily while still trying

[00:43:04] to make it as livable as possible. No questions? All right. And then the last one is... Jennifer, I'm sorry. Can I jump in on that one? You do. Tracy Strunk again. I would just note that that bill in particular refers to... The way it refers to transit stops would include basically all bus stops. So for, although it says it's related to transit, it would basically apply to pretty much the entire county. Mr. Chairman, just, just to be

[00:43:39] clear, um, we, how close is this? We, you said we're, we, we've looked at this against our new parking re-imagine. How close is it? And are we recommending to the patron those numbers as a, as a substitute? Is that what you're saying? Yes. Okay. I mean, with that, I'm fine because that's what the board has already approved and and i you know i think that's what we should be doing with this and i'm sure the patron is is willing to work with us on something if it's not that then something else but we need to do something here that gets it as close to as you said to what our current regulations are as possible which have been amended to be more

[00:44:15] aggressive and allow less parking especially in your transit all right the last one hb 1212 has gone through a lot of different revisions this is essentially requiring localities to have a zoning district that addresses small lot distinctions given the current form it is we do think we already qualify for it so i'd recommend monitoring it just to make sure that we are already meeting and i want to require change any comments questions on that okay let's move on

[00:44:51] all right well that comes to the end of the housing ones um now we're moving on to sorry we're going back to page one and we're going to talk about some bills that have to do with the Procurement Act. And so I will ask our great staff to, again, join me at the table to help.

[00:45:14] So it's HB 850, HB 1046, and SB 324. So HB 850 is specifically around apprenticeship for the most part. HB 1046 has to do with moving and SB 324 are slightly different, but essentially making things that have been non-mandatory that you can do in your contracts moving them to mandatory what i will say is um our recommendations is all based on the versions that have been out there but in the last 24 hours the money committees have slapped new versions on them that are not posted so what

[00:45:52] they are currently we cannot say i've been we think they are better than they would be but i wouldn't say it's something that we'd monitor or support but wanted to bring them to your attention And I'll turn it over to our experts to explain more. I'll start.

[00:46:11] So these bills have been changing rapidly, and we've been trying to keep track of the various changes in them. But essentially, we think that we have the authority to do the things that are in these bills.

[00:46:35] And if we are being told as a mandatory provision of the Virginia Public Procurement Act that we have to do these things that it could very well not be in the county's best interest right now, we have the ability to make decisions based on individual projects, that type of thing.

[00:46:56] We also now, we have project labor agreements that we're piloting. We have prevailing wage requirements in place, et cetera. So we think a lot of what these bills are trying to put forward are things that are really already addressed and the county's abilities.

[00:47:19] Jennifer? So given what we said, and again, they are very correct that these are changing rapidly and the money committees have done that to a majority of the bills that have gone through their committees in the last 24 to 48 hours. We are still recommending opposed unless amended just to make sure that we are able to express the concerns about mandating these things for counties to do, especially if it increases administrative burdens and funding. Great. All right, then we're going to go back. We're going

[00:47:51] to skip forward again, and we're going to go to page five, and that's SB 334. So this has to do with, it's grown mostly out of a data center issue and utility lines related to data centers. Unfortunately, it scoops in a lot more than that, and so this is, and it includes public hearing requirements. And so, for the most part, we feel it has gotten better. You can see a trend. But we still have a lot of concerns around the requirements, especially for distribution lines

[00:48:26] in the right-of-ways versus just transmission lines. And so, essentially, this bill says if you're doing work in the right-of-way with utility under a certain voltage, over a certain voltage, you're going to have to have two public hearings. And so the concern with looping the county in, especially the distribution lines, is this is a number of, there's a lot of just routine work we do, like with our solar project at the landfill, that would get now lumped in here and you would have to have those public hearings. As I said, it's gotten better. The voltage is

[00:49:01] still probably too low to cut us out or make us feel comfortable. And so, and they have added in a lot of language around data center specific. It used to say public utilities, and thankfully that has been pulled out. So again, much better. But we continue to be concerned around that.

[00:49:19] And so we would, again, recommend amend to make sure the provisions only affect large-scale projects. Just a question, because it says public utility infrastructure, if we were building a sidewalk and that required us to move a line, would that trigger this? That was the original forms, so the public utility language has gotten pulled out. But even if it's electric transmission or distribution facilities, for the purpose of allowing those, if we were relocating them to facilitate construction of a sidewalk, that in your mind would not be triggered because

[00:49:56] of the public utility infrastructure removal? I believe so, but I'm also going to phone a friend. I just want to make sure, because we've had discussions at this board already about how dissatisfied we are at how long it takes to get things like sidewalks built and if this is adding another potential step to that

without you know indirectly i know that's not the target but if it's wrapped in somehow and that adds another step that's a problem chairman mckay joanna faust from the county attorney's office no it wouldn't the bill explicitly exempts at line 38 through 39

[00:50:31] any purpose of maintenance or replacement of existing facilities what about construction of new facilities that would be included if over 69 kilovolts but moving a line replacement of an existing facility no public hearing required construction of a new that isn't a replacement or maintenance yes okay all right thank you great jennifer all right so that's the end of our discussion section thank you so much for that feedback um we're going to move in on page six it starts the recommended positions and we just wanted to give some updates on some of the bills

[00:51:10] in there. The first one is on page nine, and this has to do with the Gaming Commission. So we have been supportive of the Gaming Commission per our package, and the patrons have been Delegate Krizik and Senator Ayrd. In the Senate, Senator Lucas, Chairwoman Lucas, has put in her own bill around it that has now kind of overtaken the Senate version, I think, as a negotiation tool. So it's now significantly different than what was in the House. So just

[00:51:49] wanted to give you that update. We have not been able to see the language as it just got dropped again in the last 24 hours to know exactly what the differences are. But in general, we were just, so we would recommend monitor on that one for now until we know what's in it. We have been we were supportive of the others too. The next one I want to give an update, another update on is similar. It's marijuana. And so again, there was an agreed upon framework that was working its way through and Chairwoman Lucas put in one of her own. The concern on this, so this one is going

[00:52:27] to stay with your original patron. So Senator Lucas essentially took, in finance, they took Senator Aird's bill and they laid Senator Lucas's on top of it. So the number will stay Aird's, but the language came from what was SB 826. SB 826 is officially dead, but the language was pulled out. And this one does not include any land use authority. And so this is one we would definitely say oppose or oppose unless amended to include land use authority. And then I'm going to turn

[00:53:03] to... One second, please. Supervisor Beerman. What number bill? I just didn't hear you say which bill was the bill that you were talking about. So the bill that was language, so the Senator Lucas that had been introduced is 826. That bill is technically dead, and so you won't see it in your package. The bills that are in the package are the original ones, which are HB 642.

[00:53:33] That's already, it's still in its original form, includes land use authority. Okay. SB 542 now reflects Senator Lucas's language that does not mention land use authority in it. Okay. So it's SB 542 we recommend the position change of opposed unless amended.

[00:53:53] That answer, thank you, Jennifer. All right. And now I'm going to turn it over to Lori to talk about some fun PFAS bills. Excellent. I have been working in collaboration with our public works, So I'm going to ask if Assistant Director Emma Gutzler could come on up to the table so that we can have a collaborative discussion about this technical matter.

[00:54:15] A couple of things, thank you, Emma. A couple of things that I do just want to talk about in general to give you guys a little bit of inside baseball. So there's two bills. There's a bill in the House and a bill in the Senate. Right now, the HB 1443 is the Lopez House bill.

[00:54:35] Essentially, that's the one that all the localities are championing, are coming behind, because we're terming it the local compromise. It is more workable. It's not as restrictive. And also, there are some other regulations in there that we feel as though we can get to a compromise of something that we could actually do.

[00:54:59] SB 386, Stewart's bill, is completely unworkable as it pertains to all of the localities. So there was in the subcommittee a vote in which obviously all of the localities came to oppose SB 386.

[00:55:19] However, it still passed through and it passed through the subcommittee and right now will be passing through the floor. There was going to be a vote on the Senate floor, I believe, on Tuesday. It got read today for the first time.

[00:55:35] It'll be read again, and then on Tuesday will be the vote. Why this is being put forward is essentially the Senate wanted to have their own version. They didn't want to seem as though that they were not, you know, putting something together or have any conversation around this topic.

[00:55:55] And so although the SB 386 has been opposed by the localities as a whole and deemed as unworkable by some of our partners and external organizations, it has gone through.

[00:56:14] And so with that being said, everybody is working together to support the 1443 to ensure that it is something that we can do within the county. It comes down to two things. This really comes out to be an unfunded mandate. This is going to be a significant amount of money to be able to do any of the options that are being proposed in SB 386 and time. The timeline is unworkable as well. And so with that, I'm going to pass it over to Assistant Director Emma to provide more context. Over. Good afternoon. Yes, that was a good layout.

[00:56:53] both of the bills are dealing with biosolids from sewage treatment plants. Our internal Nomenem coal water recycling plant, we incinerate our biosolids. However, our regional wholesale wastewater partners are doing land applications. So Alex Renew, Blue Plains, that's going to translate into a rate increase for our customers as a result of that. Additionally, so there are differences between those. It's both a tiered approach. So speaking with Alex Renu, the 1443

[00:57:28] is something that we feel that we can meet based on how those concentrations are broken out and also the levels at which they are established. 386 has the Senate bill version has a second tier, right? So starting in 27 and then it ramps further, tightens further in 29. And that is what's making it completely untenable. So essentially all of those biosolids would probably be transported out of state, so resulting in greenhouse gas emissions and not really addressing the problem,

[00:58:04] which is the manufacturers and the producers. Thank you. Does anyone have any comments? Okay, Jennifer. Thank you. All right. There's two other bills that are in the recommended positions that just wanted to draw your attention to that deal with prevailing wage requirements. Again, this is similar to the bills we discussed earlier around the procurement of something that we have chosen locally to do and would now be a mandate on us to do. I can say both bills are significantly better than where they are, and localities have been carved out in part, if not in whole,

[00:58:44] of either the House or the Senate version. But I did just want to make that clear. The bills are hb 569 and sb 518 again no text has dropped on these yep my bad and just make sure that when we're talking about those that were given a page number i'm looking page nine it's page two of the

[00:59:20] update section so we just wanted to make you aware of those we are monitoring them um given the positive direction they are going but again hb 569 and sb 518 they're not there okay okay 1263 and 569 is on page nine of the bills to discuss.

[00:59:59] Yes. So, yes, you're right. It's five, page nine, and then should be right by it. But I'll get you that information after session because we're having trouble finding it at the moment. So to be clear, on 569, you mentioned we are carved out.

[01:00:23] Is that what the remedy was? That is where we're moving towards. It is unclear because they have new language if we've got fully carved out or just partially. So we're still monitoring those. All right.

[01:00:43] So then we are going to move on to the update section. And I'm going to turn it over to Lori to talk about HB 1490 on page 11. Yeah, I just got to work this.

[01:00:59] Excellent. Thank you, guys, for this. It's not on the list.

[01:01:20] My apologies. Okay. Oh, this is CPS. 1490, yes.

[01:01:36] So that is Delegate Trans bill that had to do with the CPS centralization. And last meeting, we talked about the Senate version that was conformed to more of a hybrid study pilot. This was conformed to that bill.

[01:01:51] Again, we recommend Monitor, as we still would prefer it to be a study without an end date of centralization. So we recommend Monitor, and we'll continue to work with patrons on that. But it's significantly better. The next update I wanted to provide, I'm going to turn it over to Christine to talk about speed cameras.

[01:02:11] They are on page 28 and 29. Christine Frentis, Government Relations for FCDOT. I want to talk about them in sort of three blocks.

[01:02:31] The first block is SB84, which is Senator Williams' Graves bill. It was amended greatly in finance last week, and the new version dropped just within the last 24, 48 hours.

[01:02:51] And basically, it has not gotten any better. We had recommended oppose a few weeks ago. And basically, what it now has is even more onus reporting requirements on the police and the vendor.

[01:03:06] It changes a bunch of the names and definitions of the areas where speed cameras can be. It will greatly affect police and traffic operations. The good news is it does not currently contain a sovereign immunity clause in it, but it does represent a significant increase in oversight.

[01:03:31] The next group is HB 994, 1220, and 1330. These are Delegate Siebold and Delegate Delaney's bills. As a result of committee this week, all of them contain roughly identical sovereign immunity clauses.

[01:03:53] And they make significant changes to notice, signage, reporting, and then also additional requirements on both the police and on the vendors. Hi, I'm sorry. Can you repeat the page numbers?

[01:04:09] feel like there's a few of us that are looking around yeah it's kind of we're going between two packets which is confusing the board so now we're in the packet we weren't doing because that goes up to the higher number of pages and we're on 20 and it's confusing because the heading and be at both packets is bill position update my apologies the three in this group that are very similar are HB 994 HB 1220 and HB 13 moving forward if you're going to

[01:04:43] Reference a bill reference a page number. Yes, sir. Yeah, so just to be clear also for the lobbyists here the two packets It's the same header. However, if you look over to your left It's going to be either in the updates package for our board here or bills to discuss packet all of which right all of which Have varying page numbers. So the page numbers for these bills. She's discussing is page 28 and 29

[01:05:20] Can you repeat the bill numbers again? Yes, ma'am. The bill numbers are HB 994, HB 1220, and HB 1330.

[01:05:44] We're all very lost right now. You need to stop. We need to stop. Yes, sir. Take a breath. Okay. Let's figure out, like, let's refresh for a second. Let's go back to what bills they are and then what pages they're on. So we're all on the same page because right now, really not all of us are on the same page.

[01:06:00] If you look at your summary sheet, far left, let's see. This one, this sheet says updates on page 28. There's 994. On page 29, there's 1220. We're missing one bill.

[01:06:16] We're missing 1330 currently. Right. Thank you, Supervisor Stork.

[01:06:32] Save the day. Thank you. Thank you. Okay, I think we're ready to continue. Thank you. The situation for all three of these bills is fluid. It is my understanding that the general sentiment is that 1220 will be the bill that ultimately prevails.

[01:06:56] 1330 is an expansion of some of the types of monitoring that we can do. And then 994 and 1220 are basically covering more reporting and more requirements on what we're currently allowed to do with regard to speed cameras.

[01:07:15] We are working on collectively the localities on getting 1220 amended to not directly go after our sovereign immunity for the localities.

[01:07:32] but there are some pretty significant sticking points about how a vendor that may disregard the code and contract in terms of their operations, the concern is that there is some opinion that under current law, they can't be punished for what they're doing. So what we're trying to do

[01:08:07] is get to a place where we can at least move to monitor or move to support, but right now we're not there, and there is a lot of—there are concerns across the spectrum, across the Commonwealth, about what does this—what would these bills, if enacted, do, and what would the options that the locality would have to take, depending on exactly what they look—what it

[01:08:38] looks like at the end. So we're doing the best we can to get it to something where it does not have such a significant impact on operations and on liability. But the liability issue continues to be the big sticking point. Remind us again, which bill is the one that you think they're all going to be piled into? Our understanding is that it's going to be Chairwoman Delaney's bill, 1220, But because SB 84 is still alive in the Senate, we don't know.

[01:09:19] Supervisor Beerman. Quick question. You mentioned something about notifications. Like, there seems to be a distinction in some of these things. So you've got your speed monitoring devices. Right.

[01:09:34] I understand that you were saying earlier that you need to have, like, two different notifications on each side of the speed monitoring device, that there might be a speed monitoring device coming up. is that right? Yes, supervisor. They want us to have one of the electronic signs that tells you how fast you're

going and another sign saying you're about to enter a speed camera. So we have to have a sign that flashes your speed to have a speed camera? Yes. Okay. Could they just give us

[01:10:14] more money for those signs everywhere? Cause I don't know about you guys, but if, if, if you haven't, and I'm sure some, I'm sure everybody on the board knows this, but for the public, we have a limited number of those signs that, that flash our lights. They're very expensive. They're hard to maintain. I'd love them. Can we ask the general assembly to just give us more money for those signs everywhere? Cause I'd love them, but okay. I would be happy to do that. If that's what you guys, what, what the supervisors would like me to do. Maybe that's something in the budget um uh secondary question though um the 1330 is interesting because it also has um

[01:10:52] the pedestrian crossing uh violation it would be new technology it's allowing new additional types of technology to be used to protect pedestrians but the kicker is now that it has been amended to reflect 12 uh hb 1220 signage would potentially be required there too additional signage to what we would already put in under if if we were going to implement it we would have to do more so we need an extra sign saying there's going to be a crosswalk coming up i mean i'm just

[01:11:27] with the lights like like flashing lights and other see i love flashing lights on crosswalks these folks know that i love that but i'm just trying to understand because because that one was You know, we get a lot of complaints about people who fly through crosswalks and there's a kid on the side.

[01:11:44] So I thought that sounded awesome, but there's still challenges. It sounds great in theory. The question is, how are we going to operationalize it and how much would it cost? Okay. Got it.

[01:12:00] Got it. We'd love some money from the budget. Just throwing that out there. Thank you. Yes. I'm referring to the general assembly's budget, but that's, that's, yeah, good, good question, Brian. Thank you. Thank you for clarifying that. Supervisor Behrman, Supervisor Pelchek. Thank you, Mr. Chairman. Um, I guess I'm wondering more on the efficacy and I know I have many conversations we've heard from our police department in the past as to what would happen and what data is out there. Um, should you start to have too many of the speed monitoring signs, too many of the flashing signs? Is there, has Has anyone shared research with them?

[01:12:39] And do we have additional research on the lowered impact of requiring so much signage across the gate? Well, I want it to an extent. My understanding is at some point it stops being as effective. Mr. Chairman, Supervisor Palchek, I don't know if they've really talked about the proliferation of signage in regards to these bills, but all of them that have come up have definitely talked about having the two instead of the one.

[01:13:04] That was definitely part of the discussion all along. I'm not sure if police is here. They might have more information regarding the signage. And we also know these all, some of them do expand to the places where they'd be allowed to. So how that works, it may be a question, but they haven't talked about it to an extent that I'm aware of.

[01:13:25] That's something we can definitely follow up on. So thank you very much for that question. Jennifer, let's move on. Perfect. I'm actually going to turn it right back over to Transit to talk about SB 731, and this is on page 14 of the updates packet.

[01:13:44] And, Mr. Chairman, I'll go ahead and take that one. SB 547 and – sorry, HB 547 and SB 731, as Jennifer mentioned, it is at the top of page 14 of the update.

[01:14:01] These are the bills that would require localities that contract for transit operations to put in place certain requirements for those contracts. So as drafted, as you all may recall, it did put certain requirements in place for both localities who contract transit services as well as regional entities.

[01:14:28] Delegate Helmer's bill still does have that language for both. Senator Saleem's bill, SB 731, was amended earlier this week. It took out the regional agency. So this is no longer an issue for PRTC and VRE. It remains an issue for localities that have their own services, such as the connector, dash, et cetera.

[01:14:48] His bill also did a couple more things. It includes language, and we're double-checking on this, but his bill does have language says that this will only apply to actions occurring after the effective, so no contracts already signed would be impacted. the similar language is not. Delegate Helmer's bill is still as is. Senator Salim's bill also has DRPT convening work groups to talk about how some of these comparisons would work because it says we have to give, the contractor has to give the same pay comparable to what localities make.

[01:15:21] And it says DRPT will create a work group to talk about all of this and then report back at the end of the year. I would let the board know that I think our staff has tried to look into what the costs would be, but the comparisons have been difficult because it talks about both pay and benefits. We don't have a lot of, we don't have our own drivers or bus driver for most of our services. So what is a comparable, how to work that amongst all the, what we do currently have is comparable has been a bit more complicated than expected. But as mentioned, Senator Saleem does have these provisions. They both still would impact us. My understanding is Delegate Helmers

[01:15:58] may be confirmed or conformed to Senator Saleem's, which may be a bit more helpful, I'm going to say, just because it allows our current contract to remain in effect if it were passed. But that is where they are. I will say staff, and by staff I mean Christine, did share our concerns, has opposed in committee, but these bills are still moving through. And just want to be open and transparent. I did speak with the delegate 330 this afternoon asking him what was the purpose of this bill. He stated that this bill went through last year. It was vetoed by

[01:16:36] Yonkin. And if we wanted to talk about it, we should have talked about it last year and not come at the last minute. Mr. Chairman, that's nice. But these are bad bills. I mean, we need to understand. I know it's hard, but we need to have a number. And frankly, I would take it a step further and say, using that number, you can go look at our routes and tell us what routes would have to be cut and whose delegate and Senate districts those are in. I am wanting to be that specific because honestly, we know what this bill is. We know why this bill was put in. And the only

[01:17:14] way to stop this is to tell folks that the result of this will be operators will lose their jobs because services will be cut. And these are the services across the county that will be cut that we can no longer afford to operate. There is one key caveat in this bill that we're looking at to see when it would actually take effect.

[01:17:33] I'm not sure if it's going to take effect July 1 predicated on our current contract stance. So we will have to follow up on that to ensure that we can tell you when the date and once the date hits, what it's going to cost. I understand that, but I do know that these contracts expire and when we go enter the next contract this is when this will be applicable so it's not a it's not a hypothetical because we know the contract date expirations and we have a hard enough time frankly every time we go into contract negotiations coming up with something that is

[01:18:09] affordable to the county and doesn't require us to cut service if this provision is in place that will be that much more difficult and given the budget position that we're in we would be cutting services and people wouldn't have a way to get to work if this bill passes. So it's a nice bill, but the result of it is there'll be less transit service and there'll be less operator jobs in the county. Totally, totally agree with you, Chairman McKay. I just wanted to make sure that I'm not sure this would happen on July 1st of 2026 because that would make it very, very difficult, but we're trying to figure out exactly when it would come into effect and then we can have

[01:18:47] more information to provide to you and the board of supervisors thank you uh county executive and i i will say real quickly uh there's a potential of us seeing mr helmer next week at our reception so it might be a good time to uh catch his ear supervisor paul check uh do you have a question or comment yeah it's just a clarifying question i'm more concerned at whether this would apply not just the contracts we're thinking about but um any of the services that we do through our i believe it's called tips uh so providing services um for people who don't have access

[01:19:26] to transportation or need additional help um and are using vouchers and then if we were going to look at any micro mobility at some point as leesburg has done i could it wasn't clear to me whether this would also apply to different types of public transportation that aren't the common ones we think of um supervisor jimenez um or sorry mr chairman jimenez supervisor paul check it does reference public transportation and usually that means a specific thing in the code but i think that's something we should go back with attorneys and make sure that

[01:20:00] some of the other um uh items we procure would not be incorporated okay that would be helpful thank you supervisor alcorn yeah just very quickly you know we we need that number uh Chairman McKay's right. And I know we want to be technically perfect. We don't have time to do that.

[01:20:21] We need to know, are we talking about millions of dollars? And I think we are. Are we talking about potentially \$10 million? Maybe. Okay. We have to get at least a range because we need to be armed with that information.

[01:20:38] Because you're right, Chairman McKay. I mean, this is bad. This is going to really have a huge impact. Why don't we just run that at our current routes, all right? Just ask Dwayne to run it at our current routes, what it would cost to transfer everything over per the bill at our current route status.

[01:20:56] Thank you. Thank you. Jennifer. So one last bill we wanted to bring up. This is on page two. Actually, it's on page one, the very front. It's the bottom of page one. It is HB 1263 and SB 378.

[01:21:14] These are the collective bargaining bills. In the last time that the Democrats had the trifecta, they made local option for collective bargaining, and these are mandated both for state employees and local employees.

[01:21:30] So we have had a position of oppose unless amended to allow us to keep our current system. This bill is going through, and that amendment has not been taken. And so I just turn it over to Supervisor M.N.S., Chairman M.N.S.

[01:21:45] Thank you, Jennifer. One thing, you know, having been in Richmond recently talking about this issue and coming home and speaking with our lunch team, this is kind of like we had talked about a couple weeks back on the housing front. If we don't have a seat and a voice at the table, we're out.

[01:22:03] And this impacts Fairfax County. Obviously, you know, we've led in the state on collective bargaining. You know, this board led on making sure that our workers knew that Fairfax County was a place to call home. I think it would be very detrimental for us to take a step back and not even have a seat at the table right now, especially as our leg team tells us that this bill has legs and this could move.

[01:22:30] So we're either going to be with it, meaning we're going to be part of the conversation. I'm not saying with it, meaning support or oppose. I'm saying with it, meaning having a seat at the table with a voice, or we're out of the room. I don't want us to be out of the room on this very important issue.

[01:22:46] We've spent a lot of time, and the chairman has spent a lot of time working on collective bargaining. This board, even before I was here, obviously has worked very hard, making sure that our workers know that this is a place to call home. I would hate for us to not be in that room.

[01:23:01] And so I think that we need to at least make sure that we are seated in that room. Chairman Kaye. Yeah, Mr. Chairman, I agree with that. I mean, I think what's disappointing here is the two patrons represent the locality who led the way on this and didn't bother to ask us how we led the way and make this conform to our collective bargaining process.

[01:23:25] That's disappointing. I mean, you know, here we have two folks who know we've put this in place already and have put it in place in a model framework. So I guess what's unclear to me is what provisions of our existing collective bargaining process and or agreement would have to be amended or changed to conform to this bill.

[01:23:49] I don't know what the gap is. Are we talking about the gap is wide? Are we talking about there's just a few provisions that are different between what this bill prescribes and what we have already done in the county? because our collective bargaining process was established per the state code that the General Assembly put in place. We followed the rules that they put in place for us to do this, and now they're changing the rules. And so what I'm unsure of, first of all, I'm fully in support of requiring state employees to have collective bargaining. I mean, this local option, they should model it. The state should be doing the same thing. I have no problem with that part of it.

[01:24:28] I guess what I'm trying to figure out is what are the things that technically are different between what this prescribes would be the process or requirements and what we already do. I'm going to turn it over to our expert down there. Good afternoon, Chairman McKay.

[01:24:49] Marion Green from the Office of the County Attorney. So essentially, these bills would repeal the enabling legislation that allowed for our local ordinance. and would put us entirely under this state, uh, construct. What it does, um, at the very end, um, I'm looking at line 838, uh, of the amended, of the substitute bill is that it, uh, it allows

[01:25:24] us to keep our existing exclusive bargaining representatives. So we obviously have three that have been certified. And we'd be able to keep them and we'd be able to keep the agreements, the three contracts that are in place. But it creates an avenue for those exclusives to be decertified, which of course we have in our local ordinance already. Our exclusives can be decertified. And it's a little unclear to me because it also creates very different bargaining

[01:26:01] units. Looking at line 495, it talks about, this is bargaining units for state employees, but it breaks it into 18 different units. It also allows the localities to agree to what the units would be, but it's unclear to me how we would necessarily keep what we could keep based on the way the bill is written, but

it would essentially take it out of the hands of the county and put it all in the hands of the state. And is there, do you think there's any avenue to carve out the

[01:26:37] localities that have already instituted collective bargaining agreements? I think that in order to do that, it would have to, you'd have to substantially amend this bill because what they do, again, is they repeal the enabling legislation. So it would have to be sort of a bifurcated process where the localities perhaps that haven't yet enacted a local ordinance would be subject to this bill and other localities who have could still proceed. The enabling legislation would

[01:27:14] have to stay in place and allow for the local ordinance to continue to be operative. I mean, it seems like this is punishing the people who executed agreements under the state code that was in place at the time that those were executed.

[01:27:32] And I don't know how many of those there are in Virginia. I know there's a handful of jurisdictions that have already done this. And so I just, you know, I don't know what the simplest answer is, but if there's a way to carve out the jurisdictions who have already done this, we're not alone here. Or I would think we're trying to amend this bill to come as close to our own procedures as possible so that we, at the end of the day, have to change very little in terms of what happens.

[01:27:56] Because I'm where the chairman is. Like, the concept of this I'm supportive of because we've done it here. Why wouldn't we want it to be done in other places? We just want to maintain the authority that we had that set up ours or have this bill come as close to conforming to our process as possible.

[01:28:17] Thank you, Mr. Chairman, and before I pass it over to Supervisor Smith, what I would propose, given the timing and the fact that this is moving, is that we look at our alleged team to put together a few amendment ideas that would be beneficial and continue to stick with what county has been doing as a leader in Virginia around collective bargaining to make sure that, one, we have a seat at the table by doing that, by opening up dialogue and having a conversation instead of saying, no, no, no, because then we're out.

[01:28:48] and if this moves, then what? Can I just say something real quick? These are on the floor right now, so we will do that on this end, but I would also suggest that we pick up the phone like now. I don't disagree, but I do think having a path forward instead of standing still is going to be much more beneficial to us. Supervisor Smith? So this talks about the public employee relations board that would be a state board, and I thought when we talked before there was mention of binding arbitration. Is that still an issue with this?

[01:29:28] Yes. So this bill does provide for binding arbitration. Our current ordinance and our current structure does also provide for binding arbitration, although certainly the right of the board to appropriate any funds is preserved. And I know that's a priority, obviously, to keep that in place in this bill. And I apologize. I'm trying to find where it is.

[01:30:05] Mr. Chairman, while she's looking, this is why we need to know where the gaps are, I think, between what we do and what this proposes, because this is highly technical stuff. And it's obviously a very long bill. We don't have it in front of us. But I would suggest that our position is that we are seeking amendments to conform this as close to our own process as possible. And that the position of this board is if they're going to pass this bill, we want to be rewarded for good behavior, not punished. And we want this bill, all the procedures and provisions

[01:30:42] of this bill to be as close to our current process and procedures as possible. And that we consider ours to be a model. Labor and our employees consider ours to be a model. And we should be wanting this to come as close to conforming as that is possible because i don't know where all the gaps are here i'm going to rely on the technical expertise of our staff to do that and just to say that's the position of our board is that we want this bill to be as close to our current process as possible mr chairman i fully agree and given the timing and the comments by mr hill i think that it's imperative that we look at our legislative team to start making some phone

[01:31:21] calls to make sure that we have a seat at the table. Does anyone else have a comment on this issue? Okay, moving on. That is the answer. I was going to say, moving on, it's back to me. I was like, where are we? So this is the part of the weekly meeting where we open the floor up to any concerns, comments, additional bills that you want to discuss. And I will start with our good friend Supervisor Bierman. Thank you, Mr. Chairman. I was just wondering if we could get a quick update on

[01:31:57] And the three bills that I brought to the legislative committee meeting last two weeks ago, SB 351, SB 352, and SB 783, these are bills that deal with ICE in particular. Yes.

[01:32:14] So SB 351 was referred to the Public Safety Committee. SB 351, essentially right now we're monitoring it. There are some liability concerns, and so for everybody who may not necessarily have that in front of you, SB 351 pertains to certain civilian arrests prohibited in courthouses, so provides the party who is required to attend any court of the Commonwealth of such party's family or household member or persons attending the court for, you know, such party to serve as a witness,

[01:32:51] that they not be subject to any civil arrests defined in the bill while tending, going, and coming to and fro. And so that also includes the parking lots of our courthouse facilities as well. And so just to let you know that it is actually moving through.

[01:33:09] And we do have a couple of concerns as related to our sheriffs as who would be the arbitrator of being able to decide, like who's going to stop and say, okay, you're here for this purpose. So we are working with the patron on that as it crosses over into the other body. As you relate to, oh, go ahead. I'm sorry. It passed the Senate though, right? Yes, it did pass the Senate. It is now in the House Public Safety Committee, and I'll be tracking that for you. I think you just said public safety referred to the public safety committee, and I just want to make sure people knew it passed the

[01:33:48] Senate. Yes, it passed. And just to give you limited pushback. So we can expect that these will be flowing through with limited, I would just say, pushback either from public or localities. But we do have those concerns that we'll be working behind the scenes with the patron about our sheriff's liability. Just a technical question real quickly on that. Because our jail is attached to our court system, does that mean that the jail is also subject to, you're talking about the parking lots? Were we talking about the entire property here? So the jail also is subject to

[01:34:23] these provisions because of its attachment to the judicial center? It does not include specifically the jail. I can get back to you on that information. However, that was kind of brought up and the jail itself is not subject in this particular statute or clause. I can understand what you're saying they're connected, but right now it would just be the courthouse because they're going to support in due process. However, the jail is not included. Okay. Okay. All right. So SB 352, this prohibits certain state and federal law enforcement officers from wearing facial coverings

[01:35:03] while in their, the bill defined official duties and capacities. We did work with the patron on this to get particular exceptions for narcotics unit undercover. We also for severe extreme weather for individuals that have to do things outside. And then so there are provisions and exceptions that we have worked with the patron on this. This has also passed and the Senate is referred to the Public Safety Committee in the House. One of the things that we want to make

[01:35:42] sure that we clarify specifically in working in collaboration with our Fairfax County Police Department individuals, is that there is a provision there specifically for motor cycle helmets. However, it does not say or include the sheathing or the mask that is worn underneath the motorcycle helmets. So we did get all of our concerns addressed already because there was also some sovereign immunity issues in there. But one more change that we have to work with

[01:36:17] the patron on is the masking that goes under. And our colleagues from the FC Fairfax County Police Department can give you an update, but I believe it was anything under 50 degrees weather if they were rolling. Yep, I got a head nod, so I'm tracking. So anything under 50 degrees, if they're on the motorcycle unit, they have to put on that undercover sheathing or mask.

[01:36:40] So we are tracking that. And then what was the last one, sir? The last one was 783, which is, yes, sorry. I was just going to say, before we move to that one, if our issues are being addressed from our police department and they operationally don't have to do anything differently, because I just want to be clear, you know, our officers don't wear masks, except for the extreme circumstances you just mentioned, which we want to preserve.

[01:37:06] If the patron of this bill is preserving the rights of our current procedures within our police department, and we can get all of those in the bill, all those exemptions in the bill, we should support this bill. Agreed. Because it is the practice of our own police department.

[01:37:23] And so I just want to make sure, though, before we flip to support, that you can confirm all the operational concerns of our police department have been addressed. And if that can be confirmed, we should be supportive of the bill. Excellent. Thank you for that. And most certainly, we just discovered the sheathing about the under helmet recently at once the bill had been engrossed from the Senate. And so it's that last exception. And I plan to have that worked out by next week. Thank you for that update. And there

[01:37:57] was one more. I'm sorry. It was SB 783. Excellent. So SB 783 provides that no agency in the Commonwealth, essentially go into agreement, enter into agreements authorizing any law enforcement officer as defined in the bill or employee of such agency to perform a function of an immigration officer unless such agreement is in writing and includes certain provisions and conditions, obviously in conjunction with our county attorneys and all the likes. And so just to let you know,

[01:38:32] this has been reported in the Senate had been reported to the finance appropriations with a substitute. Wanted to let you know that this one here, and they're probably not prepared to speak to this, but our Fairfax County partners right now are not necessarily in any agreements at the current time in the support of any immigration officers outside of agreements that are already essentially made. So they're not any new agreements that are coming forth, not any that

[01:39:09] they currently have. And so just to let you know that that one is also moving, it reported out of the committee in the Senate to finance and appropriations with a 10 to 5 vote. And we'll be updating you guys on that as well. Thank you. Thank you very much. And I just want to thank our colleagues and thank

you, Chairman McKay, for this letter that we sent on Monday to the Governor Spanberger. It was specifically about Executive Order 12, which directed the Commonwealth law enforcement agencies to terminate Section 287G agreements. Those are agreements

[01:39:46] with Immigrations and Customs Enforcement. As a part of that letter, we mentioned that we were monitoring these bills and that they were likely worthy of your support to the degree that they outline, the actual line in the letter was these bills which set rules for local law enforcement agencies similar to those you have outlined for state law enforcement agencies are worthy of your support. We also pointed out, it's important to note that while we support the intent of these efforts, it's always imperative that the practicality and implementation reflect the realities of local law enforcement, which is always our position. And in that same letter,

[01:40:25] We always, of course, similar to the executive order, reaffirmed that we will work with agencies that get judicial warrants. So I thought that letter was very good. I want to thank my colleagues for all of you. Well, the colleagues who are here in the room and on television for signing on to that letter.

[01:40:44] And thank you for the update and the opportunity to speak. And with that, I'm totally done. Thank you, Supervisor Behrman. And before we go down the road, I just want to make sure that the chairman has any comments or questions that we give you time. I do not, other than having some explicit, specific information on the housing piece and the number for the transit bill.

[01:41:09] We need to have those as our main talking points for our reception in a couple of days. I think those are the things this board wants to focus on predominantly. And so if we can just make that short and sweet, easy to understand, and then we can approach and try to help with these.

[01:41:27] Otherwise, I have no other comments, but thank you. I'd just like to add on that it would be most helpful if we don't get those the day of. So I think that the earlier we can get those, the better it's going to be for all of us as we head toward Richmond. Do any of my colleagues, looking down the line, have anything they'd like to add or comment on?

[01:41:46] With that being said, I just again want to thank our legislative team for spending time in Richmond looking at all of these bills and then flying back here to tell us what is happening. So thank you so much.

[01:42:01] Thank you to everyone who came up to talk today and all the experts. And as a reminder to the board, we will not meet as a committee next week as we are hosting the General Assembly reception on February 19th at 5.30 p.m. the local government building. On that same day, on the General Assembly floor, there will be a joint resolution offered by Senator Boisco and Delegate Sullivan, honoring the life and work of Claudia Arco and her family. With that, I want to wish everyone a happy Valentine's Day. Have a safe weekend. Happy President's Day weekend, especially for Abraham Lincoln, Supervisor Stork.

[01:42:41] That's right. And with that, we are adjourned. Thank you.



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