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[00:00:01] Good afternoon and welcome to the February 27th meeting of the Legislative Committee. As our busiest time of the year gets underway with the county executive presenting his proposal of the FY 2027 budget last week, the 2026 legislative session is quickly ending, with adjournment now less than two weeks away.

[00:00:22] We did not hold the Legislative Committee last week, as many of us were in Richmond for the annual reception with our Fairfax County General Assembly delegation. It was a great opportunity to continue connecting, collaborating, and discussing our priorities. Last Sunday, both the House and Senate chambers presented their budget proposals.

[00:00:40] As such, our format will look a little bit different this week. After an update of our county initiatives, we will move directly into a high-level overview of both chambers' budget proposals and allow time for questions immediately following each presentation.

[00:00:56] There are no bills set for discussion today. We will instead immediately move to recommended bills and, finally, legislative updates. Before I pass it over to Jennifer, I want to highlight the progress on legislation related to our housing bills and our housing bills for local employees.

[00:01:14] HB 164, co-patroned by many of our Fairfax County representatives, eliminates current restrictions on home ownership grants that localities may provide to their employers. This gives local governments a practical tool to help our workforce afford to live in the communities they serve and support long-term workforce retention.

[00:01:36] On one additional note, and with perfect timing during National Evasive Species Awareness Week, Senator Saddam Salim's bill on evasive species passed the House and is awaiting vote in the Senate. This legislation aligns closely with Fairfax County's Evasive Species Ordinance that we adopted two years ago.

[00:01:53] With that being said, Jennifer, I will now pass it on to you. Jennifer Vaney, legislative director. Thank you, chairman. Welcome to two weeks before. So last Sunday was budget Sunday, but let's first give you an update on our three initiatives. The urban public private partnership fund is still in the exact same phase. It has been the last several times we talked. The Senate passed a study version. It will come before house rules. I have talked with that chairman. I am, I'm, I'm optimistic, but that is something where a lot of bills die. So we're hopeful a study at least gets through to use a tool for the future,

[00:02:32] but that's where that one stands, and I'll turn it over to Lori to talk about the Park Authority. Lori Sims. I just wanted to let everybody know that HB 250 that Watts carried on our behalf has passed the Senate unanimously. So just as a recap for everybody, it passed the House and it passed the Senate. So we're excited to hear about the legislation carrying all the way through.

[00:02:57] Good afternoon, Christine Prentiss, Government Relations Associate for Fairfax County DOT. Last night in Senate Transportation, HB 55, our muffler bill, passed out of committee 7 to 6 with two abstentions.

[00:03:23] It will be on the floor early next week of the Senate, and we will be pushing hard to get it through there. Thank you. All right. We'll roll right into the budget. I'm going to invite our DMB support up to the table.

[00:03:43] I just wanted to start off the discussion to give you a little bit of the lay of the land. So a lot of years when the House and the Senate will have different budgets and different priorities, this year they are actually very fundamentally different. And so we're going to go through some of the details, but it's very unclear at this point what of each budget we'll go into too, because not only are the budgets different in how they're choosing to spend money, the Senate put a tax proposal in to sunset the data center sales tax exemption, which gives them an additional

[00:04:17] \$1.2 billion to spend. And so that just means that these budgets are fundamentally different. But then on top of that, again, they also are choosing to spend on different priorities. So we'll go over the budget, but I wanted to set a little bit of a leveling of there isn't a lot of confidence, or we don't feel like these budgets necessarily give us a clear direction of how, what will happen when this goes to conference. So I'm going to turn it, so the very first portion of, there's a, the Fairfax County House and Senate Budget Overview Sheet.

[00:04:55] The first section is tax proposals, so you'll see at the top, the House decided to handle that a tax, a data center tax exemption, tying it to meeting certain environmental standards to qualify for it, the Senate gets rid of it altogether. The Senate had a couple other provisions in there, such as increasing

standard deductions and extending that sunset, as well as another tax re-rate program. And you'll see how that plays out specifically related to transit funding. So I'll go ahead and turn it over to Elbena at this point.

[00:05:32] Mr. Chairman, members of the committee, Albano Senovo from the budget office. So on K-12 funding, I just wanted to note that the handout that's posted online and that you have with you doesn't have the Senate impacts to FCPS because we were still working through the analysis.

[00:05:54] But since then, I've heard from them, and we work closely with the school budget staff. So I'll be speaking to the impacts of the Senate amendments as well. So on compensation, the House included an amendment in the caboose impacting fiscal year 26.

[00:06:11] They included additional funding for a one-time bonus of \$1,500 for instructional and support positions. These bonuses may be provided in fiscal year 26 or 27. And this bonus is instead of the proposed 2% bonus that was included in the introduced budget, FCPS is estimated to receive \$10.7 million towards the cost of this bonus from the state.

[00:06:42] However, the total cost to them would be \$48 million. So after accounting for the state share, the net cost to FCPS would still be \$37.6 million. And then in the Senate budget, the Senate included additional funding to provide a 3% compensation increase to teachers.

[00:07:04] This compares to the 2% that was included in the introduced budget. So FCPS would receive \$6.6 million in fiscal year '27 over the introduced budget for the 3% salary increase.

[00:07:21] And then the House includes a one-time flexibility payment. They included \$400 million in fiscal year '27 for a one-time flexible payment for school divisions, and this could be used throughout the biennium, either in '27 or '28, but again, it is a one-time funding.

[00:07:44] To access these funds, the school divisions must certify that they have provided 2% compensatory increases in each fiscal year. And FCPS is estimated to receive \$37.9 million in one-time funding in fiscal year '27 as a result of this amendment.

[00:08:02] And then both the House and the Senate budgets include additional funding for special education add-on, which was a recommendation from the JLARC study. The House includes a lot more-- \$74 million in each fiscal year to increase the add-on rates applied to basic aid for special education students.

[00:08:24] And FCPS would receive \$10.5 million in fiscal year '27. In the Senate, there's \$12.8 million in each year. It increases the add-on percentage slightly. And FCPS would receive \$1.4 million in fiscal year '27.

[00:08:43] And then the Senate also includes additional funding to increase the at-risk add-on, \$49 million in both years, general funding, and then additional revenue of \$20 million in '28 as a result of the skill games revenues.

[00:09:04] From that, FCPS would receive \$1.4 million in '27. The Senate budget also includes additional funding of \$60 million as a result of the skill games to provide an increase to the infrastructure and operations per pupil amount.

[00:09:23] This is only in fiscal year '28. And FCPS would receive \$5.5 million in '28. There's also, as Jennifer mentioned, the Senate proposes to eliminate the sales tax exemption for data centers effective January 1, 2027.

[00:09:47] As a result of that, there's additional sales tax revenue that would also go to public education funding. So the Senate budget recognizes this, includes additional funding, and FCPS is estimated to receive \$9.3 million in FY27 as a result of this.

[00:10:04] The Senate also included additional funding to support school breakfast to increase the reimbursement amount, and FCPS would receive \$700,000 in FY27. However, this doesn't go to their operating fund.

[00:10:19] It goes to their school nutrition fund. And lastly, on the school's items, there's a policy change that is proposed in the calculation of the local composite index for the next biennium.

[00:10:36] It proposes to add to the computation the value of computer equipment and peripherals used in data centers. And we don't know what the impact to FCPS's LCI would be, but obviously in Northern Virginia we have a lot more of the data center equipment, so it would likely be negative for Northern Virginia as a whole.

[00:11:00] And so to summarize, for fiscal year 27, the House budget compared to the introduced budget, FCPS would receive an additional \$10.5 million in recurring funds, and as I mentioned, \$37.9 million in one-time funds.

[00:11:21] So the total is \$48.4 million in operating funds. And then in the Senate version of the budget, compared to the governor's introduced budget, FCPS would receive an additional \$18.6 million in operating funds and \$700,000 for their school nutrition fund.

[00:11:42] And I would stop here to see if there's any questions on those school items, or I can continue. page two under compensation and the compensation board just wanted to know that the county's initiative to restore unfunded positions in local directors of finance offices was not included in the House or the Senate budget also not included is additional funding for HB 599 for aid to localities with police

[00:12:18] departments. The introduced budget had included level funding with fiscal year 26, so there's no increase there. And as a reminder, the House includes the same raises for state employees, teachers, and state-supported local employees as the introduced budget at 2%. And then the Senate raises to 3%. The salary increases for state employees and teachers, but leaves the state supported local employees at 2%.

[00:12:52] And I wanted to note, there's a House amendment that would direct the Compensation Board to factor into their next workload evaluation for commissioners of revenue and finance directors the work that is required to review applications for tax exemptions for 100% disabled veterans.

[00:13:13] And actually, we have noted on page 6, Under the other items of interest, a similar amendment that would actually establish a joint subcommittee of the General Assembly to analyze the rising cost of those mandatory property exemptions for disabled veterans and their families.

[00:13:35] And we noted that for tax year 25, Fairfax County provided \$63 million in real estate tax relief for disabled veterans and surviving spouses as a result of this state mandate. And actually since 2011, the cost of this program to the county has been \$287 million.

[00:13:59] And we've seen rapid growth in the number of applications and the amounts that we've been relieving. And since 2020, there has been an average annual increase of almost 30% per year. So then

going back to page three, just to go over some of the housing items, there's almost a full list of amendments in both the House and the Senate.

[00:14:31] I'll just mention the House provides \$25 million in fiscal year 27 to capitalize the Virginia Housing Revolving Loan Fund that was established by HB 820. And also the House provides an additional \$12.5 million in fiscal year 27 to deposit into the Virginia Housing Trust Fund, which our legislative program supports additional funding to this housing trust fund. And actually

[00:15:06] the Senate includes more, an additional \$50 million for the Virginia Housing Trust Fund. However, a portion of it, \$20.6 million, is earmarked for a pilot program for mixed income housing development. And then there's a couple of smaller items. However, I just wanted to point out, in the House, there's \$363,000 each year for HB 804, which was related to the statewide housing targets. And this is a legislation that the county opposes unless it's amended

[00:15:46] to address our concerns around the limiting local flexibility. And then there's an additional funding, \$161,000 each year for HB 374. That was related to Manufactured Home Lot Rental Act.

[00:16:08] HB 374 is legislation that the county supports. And then in the Senate version, there's additional \$261,000 each year to make available data on new and existing housing developments in each area.

[00:16:25] And this is legislation. It's SB 666 and the county seeking to amend to address our concerns around overly burdensome reporting requirements. Well, thank you so much. I think in between these sections here and before we jump into health and human services and transportation might be good just to take a quick pause.

[00:16:49] Mr. Chairman, do you have any comments or questions? I'm good. I want to ask our board. Supervisor Raschner Heiser. Thank you. Just a quick question on the school funding. Just a little confusion I have. It talks about the 30, the one-time flexibility payment, right, the \$400 million that FCPS is going to get \$37.9 million on in that one-time funding in fiscal year 27, but that's only if they provide the 2% compensation increases each year, but then it looked like the 2% compensation increase was changed to a bonus. Is it a different 2% compensation increase that we're referring to here?

[00:17:24] So the bonus is included in the caboose bill for fiscal year 26, and then the introduced budget had included 2% each year in 27 and 28. So that is the one that... Is that still there as a requirement, the 2% compensation?

[00:17:39] The reason I'm asking that question is that if that's still required in fiscal year 27 and 28 for a 2% compensation increase, and that runs through the LCI, that would mean it would be very difficult for FCPS to give that 2% compensation increase if it's running through the LCI without additional funding, which would then mean that they potentially could not utilize this \$37.9 million because it seems to require the 2% compensation increase.

[00:18:04] So I'm trying to understand, is this actually \$37.9 million that the FCPS can utilize without having to give a compensation increase for which the county would be on the hook for because it would run through the LCI? That's what I'm trying to figure out. So I believe that their advertised budget already includes compensation increases that are above 2%.

[00:18:24] Well, that was my question, is that is it compensation increase that they give or additional, a few years ago the state required an additional 2% compensation increase on top of what they were already given, and we couldn't actualize that because of the LCI match, and that's what I was trying to understand, is this just if they give 2% compensation increase regardless of the funding bucket or required to give the state required 2% compensation increase?

[00:18:46] That's what I'm trying to get at. So my understanding is that it's not in addition to what they're already giving. They would qualify for this funding. That's what I was trying to clarify to make sure it wasn't a separate increase that the state was required. No, they didn't note additional expenditures to them to be able to.

[00:19:04] That's what I was trying to clarify. Thank you. Supervisor Bierman. So Christina might know the answer to this. I believe that their budget already assumed that they were getting some extra money due to the 2% compensation increase, but this says that there would be additional money if they went up to a 3% compensation increase, and I believe that their budget already predicted more than a 3% increase, so it would, so in other words, their budget assumed 2%, so the 2% they already factored in from the state, going to 3%, this would be an additional,

[00:19:44] this would be additional money as long as they go above 3%. Additional over what they already thought they were getting and factored in, correct? Yeah. So, you know, Albena mentioned that, sorry, Christina Jackson, CFO, that under the Senate amendments, they would get another 6.6, which would be the state share of that additional 1% going from 2 to 3.

[00:20:07] Got it. Please continue, Jennifer. All right, Jennifer Vini. I did also want to call out that for additional details in the back of your packets, We're not going to go over them, but there was included both the Senate and the House's presentation high level on both budgets.

[00:20:25] So we did also include that if people would like to look at the front of them are colored green and blue. So going into human services, not on the sheet, but just wanted to verbally call out that both Medicaid and SNAP and the implementation requirements around H.R.1 did receive some funding in the budget for new tech or work to try to get the error rates down, so that is included in the budget.

[00:20:52] And again, when we give you a more full update, a full analysis next week, those will all be listed in there, but I know that's a big priority and a big concern. And the state is covering the cost for the administration fee, which is the one that we had concerns about. So I wanted to highlight those.

[00:21:07] Again, that will be in the full packet we give you. On page four, it talks about the CSA, the Children's Services Act CAP. We discussed this when we talked about budget amendments, and so basically this is the state, again, they did not remove the 2.5% cap.

[00:21:24] So you might remember last year they had a 5% cap for all private day placements. Now they've lowered that even further to 2.5%. Private day is considered a mandatory service, which means it has to be paid for, which means any gap between them will have to come from us versus a shared responsibility with the state.

[00:21:46] So we have concerns about that. They did include some language requested by VACO that is around studying why private day placements continue to go up, as that is a huge driver of the cost increase for CSA across.

[00:22:04] And so we're hopeful that that could present future solutions instead of them continuing to cap their portion of it. And then one budget did put in \$10 million for the CISNA, and I'm going to fail at what that stands for, but it's special funding from the federal level for the very specific and high needs, special needs in the school system.

[00:22:32] So the House includes additional money and a request to broaden the characteristics of what that covers, which they think will help address some of these private day. The Senate asked the Department of Education to study how we could go about doing that and doing CISNA better.

[00:22:50] So that's the CSA. The other thing I wanted to quick highlight is right below it as the child welfare reform we've talked about. We'll talk about the updates to the bills, but you'll see here the House still assumes that they're moving forward on the centralization of intake, but just staggered, so they kept a lot of the money in.

[00:23:09] The Senate assumed that they are waiting two years so that they took that \$30 million in that was put there and redirected it to other priorities. The other thing I wanted to highlight was on page five, middle of the page, under natural, the last bullet under natural and historic resources.

[00:23:29] I did want to just draw attention to there was additional language requiring Virginia and agencies to get back into RGGI. No, that's been a priority, so I wanted to call out to that before I turn it over for questions or to Noel. Well, thank you so much, Jennifer. And just real quick before I pass it over, see if Chairman McKay would like to comment on any of this.

[00:23:49] I just wanted to comment real quickly on the RGGI victory that we've had. And seeing a governor that's willing to put his back into RGGI is something that I'm really excited about. Obviously, when we left RGGI, it was bad.

[00:24:04] And the whole country saw that we were stepping away from that. We need to be leading. We don't need to be stepping backwards. And so I think that with our new governor is an opportunity to get back into Reggie, get back into leading on environmental issues throughout the Commonwealth. Obviously, and this morning I actually published an op-ed in the Richmond Times with House Majority Leader Sean O'Harring on the importance of getting back into Reggie.

[00:24:28] So I'm really excited, glad to hear the good news, and looking forward to the signing from the governor on this. Mr. Chairman, do you have any comments or questions? Yeah, I just want to go back to page four for a minute under the child welfare reform. I'm looking at the bottom of page four, and I'm looking at what's in red.

[00:24:47] And I know we talked about this before. I know the county generally does not support moving to a centralized CPS intake system. I guess the question is, does it look like there's broad support in the state to move to that?

[00:25:04] because I still think that's in the interest of everywhere in Virginia except us. And I don't want to look cold-hearted here to the realities that there's room for a lot of improvement in other parts of the state, and I don't want to appear like we don't care about that because we do.

[00:25:21] We just want to protect our interests. So can you give me an update on where it's tracking legislatively and what the likelihood of it being approved is? Yeah, and if you want to look at where the bills

are in the packet, I can also call out the numbers of that as we do that update. If you want to just tell us verbally on that, it's fine.

[00:25:37] Okay, so basically the bills right now are doing the fund dance of the Senate's conforming to the House and the House is conforming to the Senate. The basic differences are the House version assumes that we're moving forward with centralization no matter what, but they do do a work group and a study about how do we do this well, how do we do this better.

[00:25:59] The Senate delays everything two years, puts in very specific language about needing a neutral third party to do a study and then doing a work group to see if this is actually the solution, because I think there's a lot of concerns that the McKinsey report that came out that had a lot of this data, it kind of assumed that this was the only solution, that there was a problem and this was a solution, but it wasn't necessarily one for one, which is what our concerns were.

[00:26:26] And so the Senate approach, which is our more favorable, the one we favor more, is actually stepping back and taking a look of like, would this actually solve the problem or are there other problems we need to solve. And one of the considerations they've talked about is, could we do either phased in or do we do regions? Or is it a, you can do your own, but you could also have the ability to do a state. So kind of a hybrid approach of some people like Fairfax being able to keep their own system that they're really proud of and they do a lot of really great work in. While other systems that would actually like the state support in taking

[00:27:03] this over would have that option too. I mean, to me, it sounds like, like you said, the Senate version is a lot better. I just, I know this is for us. I just want to be, I still think we need to be careful about the declarative. We do not support moving to it because to your point, we don't have all the data and information and frankly, it should be studied and there should be an analysis done and there should be opportunities for jurisdictions that do this well to continue to do what we're doing while they can still make improvements in other parts of the So I just want to point out that nuance because I think it's if we're asked for our position It shouldn't just be we're opposed to this. It should be we think doing the study makes sense

[00:27:41] We like what we're doing, but we recognize that there's a lot of room for improvement in Virginia in this area and the our official positions on the bills are monitor Yeah, okay. Thank you. Thank you. Mr. Chairman. Does anyone on the board have any comments or questions on these sections? Yes, mr. Stark Page 6, and I just don't recall this, and I don't know if anybody else can recall it.

[00:28:06] The Disabled Veteran Tax Relief Program, is that strictly for a homestead, or is it open-ended, or is it they have to reside in that home or that dwelling in order to get that benefit?

[00:28:22] So that exemption was the constitutional amendment that passed a year ago. I believe it's homestead. I'm not 100% sure, and I can follow up with you on that, but this is the existing one, and this study is basically going to look at how do we – the acknowledgement of localities are struggling with this loss of revenue, and so how do we better think about how do we do this?

[00:28:47] I mean, I support the study. I mean, anybody who's talked – I know the impact on us is significant, almost \$300 million, but you go further south, and as a percentage of their budget, it's even more impactful. So, yes, thank you. Thank you. Supervisor Stork, Supervisor Alcorn.

[00:29:04] Yeah, just very quickly, a repeating theme we're seeing in this is basically what the Senate is looking to do in terms of data center and the sales and use tax exemption going away. I know the House is also looking at conditioning that tax exemption. I'm not suggesting we take a position on this, but I, for one, I'm very happy that the General Assembly is looking at that.

[00:29:25] Because, you know, if you think about our JLARC discussions and how much money, you know, they could make a pretty good dent in that with almost \$2 billion a year that the data centers are getting in terms of tax rates. So happy they're looking at that. Thank you, Supervisor Alcorn.

[00:29:41] Supervisor Bierman? Can I ask a question on the data center tax exemption? So there's actually a local component to the data center tax. So do we know if that tax exemption went away, what the – sorry, there's a local component to the tax exemption.

[00:30:00] So do we know if that tax exemption went away, what would actually go to the locality? Supervisor Chairman, Supervisor Bierman, do you mean that we get some of the funding or – I guess I'm not understanding the question.

[00:30:17] So, there's a sales tax, there's a local sales, there's a local tax related, I think, to the local, Jay, Jay, come on over, you know which it is, right? You were telling me about this yesterday, so I'm trying to understand whether we know what the, there's a local tax on data centers that is exempted, but then if you took away the exemption, then that local tax would be in there, right, Jay?

[00:30:46] So, Mr. Chairman, Supervisor Beerman, Jay Doshi with the Department of Tax Administration. The 6% sales and use tax statewide has two components that are of interest to us locally. One is 0.7% for transportation, and the other is 1% that is a locally adopted sales and use tax that is part of that 5.3% that is the base rate statewide.

[00:31:19] So the answer is yes. The challenge is, because this is an exemption at a statewide level, we do not have any data on what the impact to each local government would be. Because that would be on point of sale where we would get our revenue from the low.

[00:31:40] So depending on how much is here versus obviously it could be a lot more in Loudoun or Prince William County. Whereas the school's funding from the sales tax is distributed differently, and so they will be getting that share that I mentioned, the \$9.4 million, is the result of that additional revenue.

[00:32:01] But there will be several buckets that will be impacted for transportation, the local option, for schools, and the stuff that goes to the general fund in the state. Thank you. Great. Thank you so much. Mr. Chairman, Noel Dominguez, Department of Transportation, and that kind of goes directly into what I was going to talk about, which was the WMATA funding sections of the state budget.

[00:32:27] Down on page five, I'm going to take these backwards since we're already talking about it, how the Senate addresses WMATA funding is on the regional sales tax component, that 0.7 we were just speaking of, that the Senate bill would direct the proceeds from the elimination of that exemption to the WMATA capital fund.

[00:32:51] Per their report that they've put out over the weekend, they say that should provide about \$156 million over the biennium to the WMATA Capital Fund. They also increased the regional transient occupancy tax from 3% to 4% beginning January 1, 2027.

[00:33:11] The House, on the other hand, provides \$153 million in general fund for the state share for increased operating WMATA support. similar if they essentially did what they did the last biennium. So just a summary, they both do provide funding for WMATA. The House goes to operating while the Senate goes to capital.

[00:33:32] One thing we wanted to make sure was that since the current 0.7% goes to NVTa, we wanted to make sure that wasn't impacted. And how I will word this is it is only the new revenue, so it should not impact the current collections or therefore NVTa's existing six-year program or our TPP.

[00:33:54] However, it would not grow if that exemption expired by that amount because that would go to the WMATA Capital Fund. I can continue on to others unless... Okay. So continuing on to page six, there were a couple of studies. I just do want to mention one specifically. At the top of page six, there is a study in the Senate bill that requires DRPT to evaluate the feasibility of consolidating DASH, Fairfax Connector, ART, and Q, which are the four regional transit agencies in Northern Virginia, into a, quote, single unified regional bus system. I think

[00:34:31] this, we believe that we need to make sure that this includes participation from the county, from our transit agency, and for the other, and that it does address costs, but also service coverage and service levels. There are a couple of other studies here that you all can take a look at that have been proposed. I do want to specifically note one more thing on page seven. The House includes \$10 million from the Transportation Partnership and Opportunity Fund to support the demolition of the parking garage at the Huntington Metro Rail Station that is contingent on the commitment of local or regional sources to complete that demolition.

[00:35:09] So since that is for a specific project in the county, I did want to call that out. Does anyone have any questions around this? Okay. Continue. All right. So that is the end of our budget.

[00:35:24] Next on the agenda was regional transit funding update, but you just received that with the budget update. And so the next is the general housing update. I, again, in your packets, again, is a list of housing bills categorized by the color scheme that we agreed upon.

[00:35:42] Again, it's updated. The strikethroughs mean the bill is dead. And we'll be talking more specifically about some of the individual bills in the next section, but did just want to draw your attention to that sheet. And then I think we'll roll right into the bills with recommended positions.

[00:36:00] So this is not a section we generally talk a ton about, but we're asking for some position changes either because of your instructions or because we've gotten some good changes on them. So I wanted to talk through some of those. So the first up is Lori. Excellent. Thank you.

[00:36:19] So, in the first page of your packets under Bills with Recommended Positions, you will see HB 650 and SB 351, Coulson and Salim's companion bills as it relates to prohibiting furtherance of federal immigration enforcement and certain protected areas to what we would say was our courthouses.

[00:36:45] And so with that being said, we are recommending support based off of our conversations in our last legislative committee meeting. And also understanding that the patrons of both bills are coming together to conform.

[00:37:01] So just this morning, although it says referred to Committee on Public Safety for SB 351 and referred to Committee for Courts for HB 650, The Public Safety Committee was this morning in the House,

and Salim, they did report out 15 to 7, so 15 yes to 7 for SB 351, and he agreed to conform the bill so that they don't end up in conference.

[00:37:28] So all of the Fairfax County concerns have been addressed and will be addressed as soon as I checked LIS to ensure that the conformance happens. But each bill does have our FCEPD issues addressed.

[00:37:46] So the next one is SB 783, also on page one. This is Patron Saleem as well. Senator Saleem's bill as it relates to agreements going into with our federal partners and ensuring that they have certain provisions and the necessary clauses.

[00:38:05] With this, we are now recommending to support, given that the patron also has addressed Fairfax County concerns, and is in agreement with ensuring that the localities are heard. And then the last one I will give you on page two is HB 1482 and SB 352.

[00:38:26] Those are on page two, and those are essentially the law enforcement ensuring that the masks are being open when they're engaging with the public, making sure that our law enforcement officers are not coming masked.

[00:38:42] And that's not something that we do anyway in Fairfax County. So now after monitor, we've been in close collaboration with the patrons and the bills will conform into one and also have addressed the concerns related to the motorcycle helmets and motorcycle sheathing mask.

[00:39:04] Over. Oh, it's awesome. So I'm going to go back into after those three. There is one more on my docket here, is PFAS, so SB 386 on page two. We did get the in-depth information from our partners at Public Works' last legislative committee meeting.

[00:39:27] But just letting you guys know, the update for SB 386, which was the non-workable option, Senator Stewart's bill has been worked out to more closely align to the Lopez 14386.

[00:39:43] And essentially, the Stewart bill now is something that the localities can do, although not a mirror image of the Lopez bill, which is where the localities are strongly aligned to support that. the SB 386 bill is now workable in a sense and we're recommending to change from opposed to monitor over all right just moving right along on page three so the very next page we did have an

[00:40:17] update on the reworld exception bill so that is bill SB 645 this was the bill that would create carve out the exemption for reworld which we use to put some of our trash in and they're a waste energy. This bill has basically gone from an exception or an exemption for reworld to an idea of how that they could become a biomethane plant to produce energy. And so because it doesn't really have anything to do with getting reworld out of VCEAs, we are just recommending monitoring on this

[00:40:53] bill as opposed to the support we had. And then the next one is a similar update. It's SB 609. we're just moving from monitor to support. This was the bills around the gaming commission and we had been supporting the other one. This one had just dropped prior to the last meeting. We hadn't had a chance to review so we had recommended monitor but it looks similar and so we're recommending support. And then the last one before housing I wanted to call out is SB 324 on page

[00:41:27] four. This is a bill we talked about last time around procurement and requirements in the Virginia Procurement Act. It's a longer name than that, but that's all that's coming to me right now. And so we had a long discussion about some of the requirements that were good things to do, things that we have

chosen to do that had been non-mandatory before. They have been moved back to non-mandatory again, and so we recommend amend, sorry, monitor on that one as well.

[00:41:56] And then, as I said, we'll jump into the fun housing bills next. So the first two are kind of pairs. They split over four and five. They aren't identical, so they are listed separate, but these are the faith and housing bills. So it's SB 388 on page four and HB 1279 on page five.

[00:42:18] So as I said, these are the bills addressing by right use for nonprofits, which would include churches to build affordable housing on their properties. These bills have not, we've not been able to get a lot of amendments on them. We've not been able to get, and they've kind of just flown through. In fact, the Senate version has already gone to the House and back to the Senate and was rejected. So it's already waiting for a conference, which is where we expect these bills to go. The big difference to know about these are really around how they're acting it out. But at

[00:42:56] basic, they're the same of buy right on church property. As I said, there seems to be some concerns that are now coming to the forefront of hearing that maybe this isn't the best idea. And so what we have been proposing to folks is to keep the reenactment that was on the House bill on it when it goes to committee or make it permissive. So we'll continue to push those options, but I am recommending, given where we are in session, that we formally oppose this bill versus seeking to amend it. The next bill is HB 804. It's on page six. This is what we've always

[00:43:34] called the targets bill from last year. The Senate version of this was stricken by his patron. It will go to the Senate. It should be heard Monday. We do expect it. We are hopeful that the Senate will do, what they did to their own bill on this one. But again, given its implications for local land use, we're asking to switch to oppose on that. And then finally, the last two pairs are HB 816 on page six and SB 454 on page seven. This has been where a lot of work has been done by local government coalitions. We worked really hard with the patrons and the group of

[00:44:13] advocates to try to get it to be a way that we could we could make this workable um a lot of effort uh how i would approach how i would explain their approach is taking a square peg to a round hole they're trying to get more housing stock and so they want to put it open up buy right in our commercial and business districts um we had recommended a different way to get there that would be easier and have a lot more local control but that was rejected over a number of times over the last couple of weeks. So this was up this morning. They have put forward a substitute that

[00:44:48] included instead of 75 percent, 50 percent. So a reduction of 25 percent of the land that would have to be by right. And they carved out some of the some things that we have brought up as issues such as historic preservation or noise or some of the environment. But again, this is there. It's all really trying to shave down a square peg to get in that round hole. And so we recommend oppose at this point because we just don't find that it's workable or that the patrons are willing to get there with us on this. So that's the update there. Thank you, Jennifer. And I want to pass it

[00:45:26] over to Chairman McKay. Yeah, so the faith in housing ones went through pretty much two to one, but we don't have any, you know, the 816 was referred to Committee on Local Government, but do we have a sense of where the folks who sit on local government stand on this issue, or do we expect the same outcome, or is this a closer call in your mind?

[00:45:52] So given the rumblings that I've started hearing over the last couple days and conversations I've had with delegation members as well as the new chairwoman, so let me back up a little bit. So because Senator Evans stepped down at crossover, and we welcome now Senator Bennett Parker back into our delegation, some of the leadership and things moved around on committees. And so the former chairman of general, of local government, which is where this bill will go, moved to general laws to backfill Senator Eben. And now we have a Senator LaCherise Aird, and she seems much more aware of issues for

[00:46:29] localities and much has greater concerns of some of these bills. Formally, the bill was the chairman's. So Senator Jeremy McPike was the chairman, it was his bill, and it flew. That's not the case anymore. And so the Senate had basically just passed out, as you said, without a lot of consideration. The House had already put an enactment clause on theirs, and then they put an enactment clause on the Senate's when it came to them. So we do think this will go to conference, but we are going to continue to really push to either keep that reenactment clause on it,

[00:47:06] and just to explain a reenactment clause basically means they have to pass the exact same bill next year um so it's it's it's passing a bill without but not really if you will um and then the the second option is to just make this permissive as an option for localities to create an administrative process if they would like to um and so those are kind of the two options we're really really advocating i mean the reason i asked it is because the position change that you're advocating is to go from amend to oppose, which I don't necessarily oppose.

[00:47:39] I guess the question is, does it put us in a strategic disadvantage to continue to work with them on elements of it that we still find very troublesome? I mean, the premise of the bill itself, what is trying to be accomplished is not a bad thing, but the bill is a very bad bill.

[00:47:56] And is there enough to be amended in it to ever get it to a point where, you know, we feel like we walk away from amending and we just let it ride? Is it too early to make that change in position right now, I guess is what I'm asking. And does it harm staff's ability to continue to work on other amendments to it? I don't believe so at this point in the session. We really only have a week to work on bills anymore before they're just on the floor. And so I think at this point, the full court press is where we're at with our coalition on it. And so that's kind of

[00:48:31] the reason I'm recommending oppose, to really come out strong and push for these amendments to get on. Okay. I'm hopeful with that, and I think we should still be stressing that while we oppose the bill, we oppose it a lot more if these other amendments aren't made, and we continue to work on those because I'm concerned that Racine is just opposing it, that they'll just let it sail through and say, you guys have given up, we've given up, we're just going to pass it.

[00:48:55] And so let's continue to work on that in the days ahead. Thank you. Thank you, Mr. Chairman. Supervisor Alcorn? Yeah, just quickly, thank you, Mr. Chairman, for those comments. I completely agree. One thing, on SB 388, it's churches, 501c3s, and then it looks like it refers to 501c3s that comply with 58-13609, which I think is just a restatement of the 501c3 requirements.

[00:49:27] I guess my point is we have a lot of non-church 501c3s in Fairfax County that own property, including ANOVA, MITRE, not to name names, but I am.

[00:49:45] And so do folks understand that? I don't know. It's definitely something we've kind of divided up talking points among the coalition, And it's definitely one of the ones we've really been hitting,

especially because it's a loophole then of a developer establishing 501c3, waiting five years, and then building on it.

[00:50:06] And so we've been talking with them a lot about that, that the hard part for them is you can't do just churches because of constitutional reasons. And so that's the way they're trying to funnel this. And they're just assuming good intent.

[00:50:21] And we keep pointing out the areas where that might not work. Thank you. This is one of those CCBs we discussed, I think, at a previous meeting. So hopefully folks can start to realize that this needs some more time, and for now it's not ready at all.

[00:50:40] Thank you. I would say I just had a long conversation on my drive back up with one of our senators around how this would affect a very specific project in her current program, and the concerns are now hitting. Thank you.

[00:50:56] Supervisor Alcorn, is there any other questions before we proceed? All right. I think we're ready to proceed, Jennifer. All right. So now we're just to the update section. So you'll flip. The first bill was the CPS reform.

[00:51:13] So just so you know, that was on page 11 and 12, HB 1490 and HB 1366. But I've already given the update on that one. So we can just move right on forward on those. And I'll turn it over to Christine. Mr. Chairman, Christine Prentice for FCDOT.

[00:51:34] These are HB 547 and SB 731 are now alike. And that's on page 26. Page 26. And there have been the two changes that have lined up that are somewhat are helpful but don't get us exactly where we want to be.

[00:51:57] The year is a delayed enactment date of January 1, 2027 for the law. And there is also being established a work group led by DRPT to report to the governor and the General Assembly by November 1st of this year about how this could be put together and worked.

[00:52:19] It does not look like there's going to be any other significant changes to the bill, so it would definitely affect us. All right. Then I'm on page 27 and 28.

[00:52:36] Again, it splits the pages. It's HB 1301 and SB 122, again on page 27, 28. These were the two bills we talked about around diabetes care in schools. And so as we talked about then, the HB 1301 is the preferable method of going through.

[00:52:55] The Senate bill had been confirmed to that, but then before it left the Senate floor over crossover, the patron put an amendment on that is causing concern. basically the only difference at this point is that the House version requires that a school employee who is going to be doing insertions or reinsertions of an insulin pump has to be trained to the standards of the American Diabetes Standards of Care. The Senate version does not require that. And so again, we have concerns with the Senate version as we feel like that's a really

[00:53:31] important thing to have in there as a requirement. But at this point, it's looking like it's going to be going to conference. So we'll continue to advocate to make sure that the training requirement is included, but wanted to give you an update on those two as well. And then I'll turn it back to Christine to bring us home. Mr. Chairman, the first bill is HB 1220, which is on page 48. This is a photo speed

monitoring bill. It directs numerous changes related to placement and operation of the cameras. It also has a provision to require the Supreme Court to develop

[00:54:11] a uniform summons applicable across the state and makes a number of changes to what the summonses should include and how much notice citizens should get of the various things that are applicable to them in the bill. When we last met, we talked about the sovereign immunity provision that had been inserted in the bill. The language referring directly to sovereign immunity has been removed.

[00:54:39] However, there is still language in there that assigns a level of liability to the county and to the vendors and still leaves open the possibility of compensatory damages and attorney's fees in the new language. So those are the changes that have been made to the bill thus far. We're not recommending a change in oppose at this time. The next bill is HB 1330, which is on also on page

[00:55:18] 48. It contains many of the same provisions, but it no longer has a sovereign immunity provision at all. So it does not exactly match up with 1220. So it may be changing further. It and SB 84 may be conformed to each other sometime early next week. But it looks like it's going to be changed to the version of Senator Williams Graves' bill that also put in a significant number of guardrails

[00:55:56] on page 50. HB 1330 is on page 48. SB 84 is on page 50. They're not exactly alike yet, so there's still some operational and cost concerns related to those bills, but there would be some expansion available to placement of speed cameras. The last one is HB 994, which was an expansion bill, the sovereign immunity provisions have been removed.

[00:56:31] It contains the same guardrails as HB 1220, but it may also be amended further. We know with all of these bills and all the other speed camera bills that are still pending is that we're looking at additional reporting requirements, updated training requirements on all of the programs, new signage and notice requirements, as well as a new uniform summons and other issues.

[00:57:02] And that's my update. Thank you. Supervisor Palachuk. Thank you, Mr. Chairman. I think probably, like, all of us have concerns about this and the impact on our existing and very successful program that we've been rolling out and that our community very much appreciates.

[00:57:20] I don't know if you have recommendations at this point as to how we continue to hone that down. Maybe just very clearly this is what the impact will be on our existing programs here. I'll say that our team has worked very, very hard to communicate these concerns, but guardrails is the name of the game.

[00:57:43] I'll turn it over to them to discuss it in more detail. Mr. Chairman, I was actually going to say something similar. I think the team has referenced the concerns. They've been talked about at length, and there was little to no movement in regards to those issues raised.

[00:58:01] Again, they did come back with some changes to the sovereign immunity language, but it didn't exactly get rid of it in some of our concerns. And the other provisions in there that would make our programs harder to implement, they felt the guard rules were necessary, and that's where they landed.

[00:58:21] I would also note some jurisdictions got up yesterday in committee and supported them, and they're like, these sound great, let's move forward. So that's where several of the bills were heard yesterday afternoon, and they went through. I was about to ask VACO, VML, have they weighed in more, but I don't know if you...

[00:58:40] They were part of those discussions. However, yesterday during committee, VACO did not stand up in support, but again, other entities and other localities did. Mr. Fairman. Thank you. Just quickly, so just to confirm, we have been in discussions with the bill sponsors on this, correct?

[00:59:00] Christine and our team have been in discussions at length. They are aware of our issues, and things stand where they stand. Thank you. And they, if I may, Mr. Chairman, it is very clear that everyone knows that we try to operate a clean and proactive and transparent program.

[00:59:23] However, the guardrails are seen as completely necessary. So there may be some more changes in some of the subcommittees early next week. It's kind of hard to say what the code section will look like at the end of all of this because there has not been a lot of consolidation of these bills.

[00:59:45] So we don't want to ask any of you to make a final decision about anything today. too early but we want you to know that those concerns are still outstanding all right well thank you so much our we're going to now move into the final section as we do each week which is an opportunity for supervisors to ask questions or bring up comments that they have not heard of

[01:00:18] today and with that as always i will start with chairman mckay um i i don't have any additional questions. I would just ask, obviously, and I'm going to yield to Supervisor Beerman on this, because obviously there's been a lot of press around the casino issue. And I guess the concern I have, what I'm struck by is the vote. We looked at the vote, and largely the people who don't represent Northern Virginia supported the bill, and largely the people who do represent Northern Virginia opposed the bill and I just you know our folks who are watching

[01:00:56] regardless of how you feel about this I mean one of the big concerns about this bill from the beginning for a lot of us is that this decision can be being made in large part by people who represent none of the same people that we do and none of the people who are affected by this legislation and so maybe it might be helpful to just give us from your standpoint a factual update on where it is in terms of the process. Happy to. So earlier this week, I can't recall if it's Tuesday or Wednesday at this point, but it was in the general... It was Tuesday. It was in the Delegate Krizak's

[01:01:33] general laws. He's the chair of that committee. Delegate Krizak put some pretty extensive, I counted about 17 amendments onto the bill, including revenue split of 50-50%. It created a provision where if a referendum were to pass in Fairfax County, it would not only have to have the majority of the county as a whole, but that magisterial district would also have to have a majority.

[01:02:01] There were some things put in there about more protections for workers and requirements there. There were some things that were kind of dubbed as, like, transparency, that more information would have to be made public by the state when we submit our bids and our MOUs for approval.

[01:02:18] And then there was a sunset that if a referendum wasn't voted on within three years, the authority would go away. So, again, big, big sweeping changes. and then it passed out of that committee as that was. Then today at about 1.15, I got a text because as I was driving that it was in appropriations, the full committee, and a new substitute was again given that I have not had a chance to review, but the way that it was described was essentially all

[01:02:54] of those, but two of those new provisions that had been put on Tuesday got stripped back out, And the two that remained were the transparency ones and the sunset ones. Again, I can verify that. That passed out. There was four no votes.

[01:03:11] As Chairman McKay, it was our three delegation members who sit in appropriations and a delegate from Newport News who is just very not into gaming, to put it mildly. So that's the factual update from here. It'll go to the House floor.

[01:03:28] If the amendments stay on it as it passes the House, the Senate will have a chance to agree to those amendments. My guess is that the Senate will reject those, the House will reject the Senate, and they will go to conference. So that will take place then the final week of session, and we'll see what comes out of that.

[01:03:47] I appreciate that update. And I would just, you know, the changing nature of this by a minute by minute basis in large part is exactly not how you handle something like this. And so, you know, I know each of us may have a nuanced individual opinion about this, but we have a board position on this and we have a comprehensive letter that explains our position.

[01:04:14] And I would just try to encourage my colleagues to not freelance on this because we will get pitted against each other. There's no consultation that's happening in a formal way. There wasn't any for the last year. And to the extent our position is known, it was every person on this board voted to support the letter.

[01:04:35] And when I'm asked if our position has changed, I have said our position remains the same in a bill that seems to be changing every minute of every day. and it would be really behoove us on the in the interest of our county residents who were trying to protect in this process that we not freelance and acquiesce and weigh in on individual elements of a moving target that is a way to get a legislative defeat and end up with something that doesn't work and so I still have my concerns they're the exact same ones that are in the letter from day one while there may have been movement on some of those things don't change my position

[01:05:13] that is in the letter, and I would hope it doesn't change anyone else on this board's position of what is in the letter. And I think this is an area that we need to continue to watch very carefully, be very careful about weighing in on individual elements of it that is a strategy that is used that could divide and confuse what our position is on this. Thank you, Mr. Chairman.

[01:05:39] Supervisor Bierman? Thank you, Mr. Chairman. It's been a saga. It's been interesting. Let me just make some notes about what we just heard, though, about this piece of legislation. I think that Delegate Krizak really was trying to put lipstick on a pig, in my view. In my view of the substitute that he put in place, I still found there were certain things that were objectionable to it. But let's also be clear about what just got taken out

[01:06:14] that he tried to put in. So he tried for a 50-50 revenue split. That just got taken out. If you go look at our letter, we said we know our residents would not accept the revenue share prescribed in the current statute or previously proposed legislation. So we've been very upfront about that. He tried to put something in that would say that a referendum needed to pass a magisterial district. That's been something that a lot of us have been very concerned about, which is that the people who actually live near where they want to put a casino really, don't want this. By stripping that provision out, I think it's a pretty big admission that if you

[01:06:49] tried to go by magisterial district, it would never pass a referendum. That's something pretty, pretty clear. He also tried to up the tax rate to 40 percent, yet that tax rate has now gone back to the

original tax rate, which is much lower. That's pretty surprising. Wouldn't you think that you'd want to have a higher tax rate on a casino. Maybe though there are forces who have interest in actually operating the casino who might not like that tax rate, but it seemed like it was a pretty good provision there. We've heard that this is about labor. Of course, the labor provisions

[01:07:26] that Paul Krizak tried to put in were all just stripped out of the bill. So folks, this one's pretty clear. Our position is very clear. And I really, really urge our delegation to vote against this. And I urge folks from outside of our delegation to vote against it for the very same reason that Chairman McKay just pointed out, which is you do not want to set a precedent of people from outside your area dictating what you do. And yet that is what is trying to happen with this bill. It won't pass a referendum, and it really makes no sense, and I hope that it fails

[01:08:06] on the House floor on Monday. Thank you. Thank you, Supervisor Behrman, Supervisor Alcorn. Yeah, thank you. First of all, thank you very much, Chairman McKay. Appreciate your comments on this very much. There's one other amendment that survived. I'm looking at the bill right now. The eligible host locality shall select a proposed gaming operator that has voluntarily proffer the construction funding or dedication of at least one public safety capital facility such as a police precinct or headquarters so that this but this is not a land use bill so all right thank

[01:08:41] you thank you supervisor al corn and i want to open it up if anyone else before we close this meeting or adjourn this meeting has any other comments on anything that was not brought up today I'm not seeing any of this. So with that being said, I want to thank everyone for another productive meeting.

[01:09:00] We have two more to go, folks, that I know of. And our next meeting will be on next Friday, March 6th. I want to thank all of our legislative team for all the hard work they're doing in a very busy environment in Richmond. So thank you all so much for coming and reporting and giving us these updates, and I'm sure we'll be following.

[01:09:16] And with that being said, this meeting is adjourned.



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