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Loudoun County Board of Supervisors, Business Meeting, Tuesday, June 6, 2023

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Place Board Room, First Floor, Government Center, 1 Harrison Street SE, Leesburg, Virginia
Length 6h 40m (video)

- Official meeting video (county, Granicus): <https://loudoun.granicus.com/player/clip/7311>
- Agenda (Granicus): https://loudoun.granicus.com/AgendaViewer.php?view_id=73&clip_id=7311

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[00:08:34] Okay. Right. Well, good evening, supervisors. Good evening, staff. Good evening, Loudon. I'm going to call the order of the June 6, 2023 Loudon County Board Supervisors Business Meeting. This room has a hearing loop. If you need hearing assistance, please switch your hearing aid to the telecom mode.

[00:08:53] If you need a headset, we have those available as well. Please hear the clerk to request one. It is my turn to lead us in words of inspiration and the Pledge of Allegiance. And I'm going to say, because I think right now it just feels apropos, to say these words from Dr. King.

[00:09:14] Returning hate for hate multiplies hate, adding deeper darkness to a night already devoid of stars. Darkness cannot drive out darkness. Only light can do that. Hate cannot drive out hate. Only love can do that.

[00:09:30] Please join me for the Pledge of Allegiance. I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, liberty, and justice for all.

[00:09:49] Okay, I'm going to read the consent agenda as I know it. I don't know if I have everything correctly down here. Ms. Bricksman, if I read what you wanted to take off consent, then let me know because when I got that email, I was actually in D.C., and so I don't remember which one it was.

[00:10:09] So if I read it, it was four. Oh, then it is. No, it's not four. Is it four? Anyway, if you hear it, just stop it. Okay. Item R1, resolution to recognize the Dominion High School Titan Debate Team. They are state champions.

[00:10:27] That is for approval only. Item 2, resolution to honor John Fishbeck for his volunteer service of over 5,000 hours to the clerk of the court. That's for approval and presentation. And I will be joined, I believe, by Ms. Umstad down front for that one.

[00:10:42] Item R3, resolution to recognize June 19th through 25th is Pollinator Week in Loudoun County. As for approval only, although, Mr. Kirshner, I don't know how Ms. Umstad is not wrestling you to the ground to do the Pollinator Week resolution because she does, oh, she, you beat her this year?

[00:11:02] You beat her in the wrestling match. I'm surprised. Yeah, listen, she owe her a Johnny. Item R4, resolution to recognize the Virginia Department of Agriculture on June 11th through 17th is Virginia Agriculture Week.

[00:11:18] That's approval only. R5, resolution honoring the 25th anniversary of Stone Ridge for approval only. Item 1A, confirmations and appointments. Item 2, administrative items report of June 6th, 2023. Item 5, design endorsement for Virginia Department of Transportation, Route 7, Route 9, Eastbound Ramp Extension Project.

[00:11:37] Item six, proposed traffic calming measures in the Timberbrook Estates community. And item seven, board member initiatives, options for demolition of unfinished structure at 25450 Lizzo Center Drive in Chantilly, Virginia.

[00:11:52] I will make a motion to approve the consent agenda. Is there a second? Motion is made and seconded by Mr. Buffington. Is there discussion on the consent agenda? Mr. Letourneau. Thank you, Madam Chair. I appreciate my colleagues keeping item seven on consent. So, uh, we've been dealing with this particular structure in my office the entire time I've been office. It was actually constructed in 2009. If you looked at the item, you can see a picture of what it looked like then, um, compared to what it looks like now, which is the same. And that is an unfinished, uh, hotel that has just been sitting there languishing. Um, we've been through multiple

[00:12:29] property owners. I've personally had numerous discussions with the owners of this property about developing it in one way or the other everything has kind of fallen through to be quite candid we've maybe gotten some evolving guidance from the county attorney's office over whether our blight ordinance which I actually had introduced and we had adopted years ago could cover this and I think the latest thinking is that it may be able to but staff was looking for board direction to go pursue that so that's what this item is they'll come back to us hopefully with a plan on how to deal with it.

[00:13:06] I did ask that it come back to us in July because we've been waiting for a very long time to resolve this. So I appreciate the support for this. And then, as noted, we are excited to honor the 20th anniversary of the Stone Ridge community. It's the second largest HOA in the Dulles District.

[00:13:24] And it's a wonderful place that we're looking forward to visiting with them next week. Thank you. Thank you. Anybody else? Ms. Bricksman. Thank you, Madam Chair. I just wanted to appreciate my colleagues for keeping the Dominion High School debate state championship, debate team state championship on consent.

[00:13:42] We were planning to do a presentation here, but unfortunately the coach of the team came down with COVID. But this is the first time ever that the Titans of Dominion High School have won state championship in debate, and I'll be excited to present this resolution to them at a future date.

[00:14:01] Thank you, Madam Chair. Thank you. Mr. Kirshner. Thank you, Madam Chair. I want to comment on three things. First is the proclamation on the Pollinator Week, which we've already commented on. I stole from Ms. Umstead, of course. But Pollinator Week was started by Pollinator Partnership, a nonprofit that focuses on conserving pollinators such as bees, birds, and butterflies.

[00:14:21] The week has grown into an international celebrated event. This year it will focus on the connection between pollinators and their environment, including challenges to their habitats and food sources, increased diseases, and impacts from natural disasters. And Banshee Reeks, Loudoun's Banshee Reeks Nature Preserve, will be focusing and hosting Pollinator Week celebration on Saturday, June 24th.

[00:14:43] This will be a family-friendly event, and it will bring several groups to educate residents about the virtual role the pollinators play in the food chain. And residents can learn about ways to increase the pollinator population in their own backyard if you would like to attend. On the resolution concerning agriculture in Virginia, I put forward this resolution.

[00:15:05] Thank you for my colleagues' support of this. Agriculture in Virginia is the largest private industry, and it employs more than 334,000 people, which is significant in Virginia, and has an annual impact of \$70 billion for the Commonwealth's economy. In addition to putting food on our tables, it creates opportunities for recreation and tourism, improved water sources, soil stabilization, and preserving and conserving rural land and wildlife habitat.

[00:15:31] I read a statistic just the other day that less than 1% of the world's population feed the rest of the world's population. So obviously pretty critical. So I want to thank all the farmers, farm families, and agribusinesses both in Loudoun and throughout Virginia for your hard work and your family farms as well.

[00:15:49] And you are stewards of our land, water, and natural resources, and you help to make our lives better. And then finally, I just wanted to comment briefly on item number five. Thank you to my colleagues for your endorsement of the design endorsement for the Route 7-9 connection and extending that particular extension ramp for an additional, I believe it's 300 yards.

[00:16:10] I've got to go back and look to make sure the actual distance. This is very critical. If you're traveling from western Loudoun, Percival area, that is the bottleneck. If you're trying to get into the eastern part of the state or onto the Greenway or Route 7, this is going to play a significant role in clearing that up.

[00:16:25] And so this is important, moving this forward. I know we have this funded, and this is just one step in the process to get traffic moving in Loudoun County. So thank you. Thank you, sir. Thank you. Anybody else? All right. All in favor, I made the motion and seconded by Mr. Buffington.

[00:16:43] All in favor, please say aye. Any opposed? That motion will pass 8-0-1. I know Mr. Sains is on his way because we were just with him at the Ghanaian embassy down in D.C. a little while ago, so he's on his way.

[00:16:59] Additions and deletions. Supervisors, I have one addition. I sent you all an email. I'm sorry it came so late. I was studying this item until late last night. It's the police-directed towing item.

[00:17:16] The only thing when we get to it, the only thing I will make a motion to do to suspend the rules is for Zone 5 and Zone 5 only of the police director towing, and I'll explain that when we get that. So that's the addition to the agenda.

[00:17:31] Otherwise, there's no other addition, but we'll talk about that when I get there. My chair updates today. I have a lot of stuff that happened over the past three weeks. I mean a lot, but including being asked to be one of 40 people to visit the White House from Virginia to talk about how some of the legislation that has passed over the past, I guess, two years have impacted county government.

[00:18:03] I talked quite a bit about the money that's helped us as far as housing people and the ARPA money, or rather the American Recovery Act money especially. Senator Boisco talked quite a bit about the Internet and broadband money, and so it was really good, and I have a lot of notes on that.

[00:18:29] I just have not had time to write them out. I was at the embassy for most of the day, and so normally I do that on my meeting date. So I will forego that next time and bring that to the board at the next meeting, all the things that I've been doing over the last three weeks.

[00:18:47] I do want to take a second and thank everyone who assisted or came to the State of the County Address. It's always such a pleasure to bring the State of the County to Loudoun. I, of course, want to highlight my friend that sits to the left of me.

[00:19:07] Well, not technically, literally to the left of me, Mr. Buffington. But thank you, everyone, for being part of the state of the county. I do have a voice for a cause today. So my voice for a cause today is the American Turkish Friendship Association.

[00:19:26] Would they please come to the podium? The American Turkish Friendship Association's 501c3 charitable cultural nonprofit, non-governmental organization dedicated to addressing the social, spiritual, cultural, and educational needs of people living in Northern Virginia.

[00:19:45] Thank you all for coming. The board chair has joined us. Would you like to introduce who you have brought with you? And then we will have a couple of questions for you. Hold on a second. Is this mic on?

[00:20:01] Yeah, bring it a little closer. Okay. There you go. All right. Thank you, Chair. We are with American Turkish Friendship Association. As you said, we founded in 2003, and we're in Chantilly. And as you said, that we are addressing our local people's needs, cultural, educational.

[00:20:23] Would you like to introduce who came with you today? Yeah, I have Hakan. Atesara, please introduce yourself. I'm the executive director of the organization. Okay. And I'd like to introduce our volunteer, Fisun Hanım.

[00:20:41] Yeah, thank you. Thank you. She has more contributions on the organization. The ladies all, I appreciate all the ladies behind this organization. They're the ones doing the heavy lifting, right? Exactly. Yeah, that's how it normally is with the ladies.

[00:20:59] So what motivated you? What made you want to start this organization? Right. Back in 2003, our organization founded by the people who are affiliated with the Hizmet Movement. That's a larger part of our movement. And basically, we value education and interfaith and intercultural dialogue.

[00:21:21] And I came earlier and I met with Janet and with the background of Armenian, that we have a culture as a Turkish background. We lived with Armenians for so many centuries in peace. But unfortunately, history took a turn and bad events happened.

[00:21:43] Our belief is we need to get to know each other and build stronger bonds among our beautiful, diverse communities around here. So in times of those clashes, in times of when the hate comes to drive out hate, that we spread the love.

[00:21:59] That our main point is that spread that love through educational, interfaith, and intercultural dialogue initiatives. And we're holding a lot of events to bring the people from different walks of life, from different backgrounds, to from different religions.

[00:22:18] That's why we are founded. Wow. Thank you. So you have programs that you have coming up. What are some of the programs you have, and well, two parts of this. What are some of the programs you have? And you've talked a little bit of how what you do benefits the people of Loudoun.

[00:22:35] Do you have anything else to say about that? But just tell us about some of the programs that you have coming up. Sure, I'll have Hakan answer that question. Hi. We offer, first of all, as a community organization, we help newcomers to settle their lives in the United States all across Loudoun County.

[00:22:53] We help them to settle, send their kids to schools and learn the language and start their lives, start their business or their careers. And for the larger community, we would like to engage our community with the larger community to become part of the whole Loudoun County and Virginia community.

[00:23:16] We have interfaith discussion programs where we focus on the similarities of all faiths, even though we are different. but we have so many similarities being different being similar are both good and there is no point on it and we are happy to disagree in many matters but still we are all one together we are on the same boat and like we have visit things and host like in Ramadan we hosted so many people in the organization but beside that we motivated encouraged our individuals like our community members they

[00:23:56] invited their neighbors. I'm your Muslim neighbor. Let's get and break iftar together. Hundreds of meals were eaten together last Ramadan, and many people got to know each other. And things are going very different this way. And this summer, we want to motivate them and increase the number of meals eaten together. And through art, through food, these are the best meaningful reasons to come together and spread the friendship and solidarity.

[00:24:28] Wow. Well, thank you. And also lastly, like providing spiritual support for the, during crisis time. Yes. Like COVID. So, how can people get a hold of you if they want to get involved? How do they reach you? We have very active website and social media in any way, and our cultural center in Chantilly is open all the time.

[00:24:50] Our doors are open for any time for Turkish coffee and baklavas. But the baklava you give me is always calorie-free baklava, right? You told me that. You promised calorie-free baklava. We don't count the calories. And we are always welcome in person and also through our website and social media.

[00:25:13] You want to give your website? Would you like to give your website? Yes. It's atfa.us. atfa.us. Abbreviations of American-Turkish Friendship Association. .us. Well, you know what, especially during

the times we're facing right now where there is so much divisiveness, what you're doing is, we are starving and thirsty for what you're doing.

[00:25:38] So I appreciate you very much. Thank you for coming in today. I appreciate it. Thank you. Thank you very much. Mr. Hemstreet, do you have any comments to make? Thank you, Madam Chair. I have four comments for this evening. The first is that I'm pleased to report that Loudoun County has been recognized with four achievement awards for the National Association of Counties for innovative and effective county government programs. Howland-Bernie Hansen Regional Park received an award in the Parks and Recreation category. The Loudoun Farm Exchange was recognized in the Community and Economic Development category. The Loudoun County Public Libraries Pre-K Skill Builders Program received

[00:26:17] an award in the Children and Youth category. And the Department of Family Services Summer Camp Application Program was recognized in the Information Technology category. Congratulations to all involved. More information about Loudoun's award-winning programs may be found at loudoun.gov forward slash awards. Second, with hurricane season upon us, Loudoun's emergency management officials encourage everyone to be prepared for hurricanes and tropical storms that could affect Loudoun County. Although hurricanes thrive in the ocean, they can also have significant impacts hundreds of miles inland, including extensive flooding, damaging winds, and even tornadoes.

[00:26:57] Forecasters are predicting a near-normal Atlantic hurricane season for 2023, with as many as four major hurricanes. The season lasts through November 30th. Third, an observance of Home Ownership Month. Loudoun County is hosting free webinars in June for anyone interested in learning more about owning a home in Loudoun.

[00:27:16] Topics that will be covered include the county's Affordable Dwelling Unit Purchase Program and the Home Ownership Loan Programs. Details, including how to register for the webinars, are available at loudon.gov slash housing. And then finally, Loudoun County Public Library's popular summer reading program is back, including featured events at local branches.

[00:27:36] This year's theme is Voyage Through Time and will include travel-themed programs, writing workshops, and challenges all summer long for all ages and reading levels. Registration begins this Friday, June 9th at library.loudon.gov. Those are my comments this evening, Chair Randall. Thank you, Mr. Hemsworth.

[00:27:51] We appreciate that. Supervisors, I don't plan on taking us off the dais until I think we can probably finish all of our action items before we come off the dais, and then we will do read-in to, I think, three closed sessions, come back, come on the dais, do anything to do with those, take a break, and then go back in.

[00:28:14] But we have so few action items, I think we may be able to get them done. I am going to move up item three in our action items because we have people here who have come in for this item. And, you know, they might want to sit here through the ZRTD land use discussion.

[00:28:30] I think it's really fascinating, but they may not think that. And so we will move up the codified ordinance item and do that as our first action item. Just out of respect, and we want to get everyone who's here for that item out of the room as soon as we possibly can.

[00:28:47] But first we're going to do the information item, and that is the countywide group health plan. Ms. Green and Mr. Kraus, will you guys please come to the table?

[00:29:19] Good evening. So we had this in finance, but not for the full board to see. So this is information only. It's a presentation about the county's updated new health plan for the full board to see and then take questions. So we're ready when you are. Good evening, board members. Thank you for having us here again this evening.

[00:29:43] Madam Chair, as you mentioned, we were here last month for finance to deliver the same information item. But given the nature of the change, we thought it best to come back to ensure that we're all on the same page with regards to this recommendation from both an employee's perspective as well as the county's perspective.

[00:30:01] And I have had a chance and an opportunity to discuss this with a few of you, so I do thank you for that opportunity. So by way of background, I wanted to remind the committee that the county operates their health plan from a self-insurance model where we are at risk for all the claims up to \$600,000 per covered participant, and then we purchase a stop-loss policy to cover that risk in excess of \$600,000.

[00:30:30] Because we are self-funded, we also contract with a third-party administrator to process the claims and to manage the claims through their Cigna care model, which, of course, our TPA is Cigna. We are in the fourth year of a five-year contract, and then we have five one-year renewals after that.

[00:30:53] So the current health plan has four medical plan options that our employees have access to. And when we think about the medical plan options, we think about three different components, the plan design, the provider network, and the payroll premiums that our employees pay on a biweekly basis.

[00:31:12] The first plan that we have is the Cigna POS plan. It's a point of service plan. It has a national, I'm sorry, a local Cigna network of medical providers. It requires that you secure a referral from your primary care physician if you want to see a specialist.

[00:31:31] It is the most rich plan that we have in terms of deductibles and co-pays, and because of that, our employees pay higher premiums. The next plan that we have is the Cigna Open Access Plus plan. This is pretty much the opposite of the POS plan.

[00:31:49] It's a Cigna national network of medical providers. There is no requirement to seek or to secure a referral from your primary care physician to see a specialist. The value of the plan is a little bit less than the POS plan.

[00:32:04] They do have a deductible. They have a higher co-insurance. Co-pays are the same. But because of that, employees pay less on a biweekly basis for their premiums. The remaining two plans that we have are what we call consumer-driven health plans. You might know them as high-deductible plans.

[00:32:21] And they also use the Cigna Open Access Plus network. Employees pay the least amount for those plans because the deductible is so high. So in summary, we have one plan that utilizes the POS network of providers and three plans that utilize the OAP network of providers.

[00:32:43] And we now have an opportunity to discontinue the POS plan and bring all of those employees into a new OAP plan. When we make this change, there's a couple things we need to think about.

[00:32:59] First of all, the new OAP plan will have the exact same plan design as the POS. Deductibles, co-pays, and co-insurance. There's not a change there. It's simply a change of the provider network.

[00:33:17] Employees will now have access to a national network rather than having just the local network. So we have employees who come in. They might be in the outreaches of Pennsylvania or New York. They don't have access today to the POS plan. They must enroll in one of the OAP plans. Employees will no longer have to secure a referral to see a specialist from their primary care physician.

[00:33:39] And lastly, now that we would have all of our employees on the OAP plan, we have access to a more robust care management model through Cigna. So when we think about a change like this, we gravitate immediately towards how does this impact the employees.

[00:33:57] And we think about that in two different ways. We think about that from a negative disruption in terms of providers or a positive disruption in terms of providers. Negative disruption would be employees who are currently seeing in-network docs within the POS plan, and when they move over, their docs won't follow with them because they don't contract with Cigna for the OAP plan.

[00:34:20] So because of that, we had Cigna do an analysis, and the results came back that there's only nine providers over the past 12 months that are not contracted under the OAP plan. That equates to about \$2,300 in billed charges. And keep in mind, we spend about \$55 million per year in claims, so it's a fairly negligible loss there.

[00:34:42] On the reverse side, we have positive disruption. We have employees who are currently in a POS plan who are deliberately seeing an out-of-network provider because they have a relationship with that provider. They don't want to change. When we move those individuals over, those particular providers are contracted with the OAP.

[00:35:00] So we're picking up 860 providers that will now be in-network. And that is an opportunity for both the employees to save money because they now have an in-network benefit and there's a contracted rate, and those providers can't balance bill them for some exorbitant amount.

[00:35:20] And then it also impacts the county because, as I mentioned, we're self-funded, so we benefit directly from those contracted rates with Cigna. Another component to think about is if we're able to move these individuals all into the OAP medical plan network, we now have access to a more robust clinical platform that Cigna can employ for our employees.

[00:35:47] And currently we're with the Personal Health Solutions Plus model, and now we can move to the more robust Health Matters Care Management model. And it's really more of a higher-touch model. They're reaching out to more of the high claimants, the high-cost claimants, the complex claimants, the transplants, the neonatal situations, and it really allows them to help those employees fill those gaps of care just to ensure that they are following their doctor's orders.

[00:36:17] This is not, I want to be clear here, this is not a more intrusive care management model. They're not, they don't have more robust pre-certification requirements. They all stay the same. This is simply outreach and providing these employees some additional resources. One of the more important factors related to this recommendation is the cost savings or cost avoidance.

[00:36:44] And in working with our actuary, Siegel, as well as Cigna, we're looking at about a \$3.4 million savings compared to if we didn't do anything with the plan. And those savings come in three different ways. First, as I mentioned before, we have 860 new providers that are now all going to have claims adjudicated at an in-network level, and we benefit from that.

[00:37:08] We also have this new effective care management model that because they are filling those gaps of care, as you manage claims more carefully, those claims automatically go down. And I know in the finance meeting, Supervisor Sains had asked for some just validation that there are studies that would support that, and I provided that in the item.

[00:37:32] I think there's a couple stats in there regarding a 30% increase in medical director engagement for those high-cost, high-complex claimants. And then lastly, we pay Cigna to go out there and aggressively contract with those providers.

[00:37:50] And Cigna has been more successful in negotiating deeper discounts on the OAP providers than they are with the POS providers. And we benefit from those discounts, those deeper discounts, as a self-funded plan. So this is a very timely recommendation.

[00:38:09] We're a little earlier in the year than we might typically come to you, but we already have the renewal for 2024, and we are coming in at about 19%, which is much, much greater than we've seen in past years. Over the past five years, I think we've averaged 1.3%, 1.4% in terms of our increases.

[00:38:29] We're kind of playing a little bit of a catch-up here with that now. We cannot last with those great rates. But if we're coming in at about 19%, approving this particular change will get us down to about 14%. And then at the finance meeting on July 27th, I'll come back with one or two other options to further get that down a little bit further.

[00:38:51] There's a number of different reasons that I've shared with a few of you as to why we're seeing this 19% increase. It's kind of a perfect storm of a number of issues, but I will go through that at the finance item. So the reason that we're coming to you today in June rather than September is that this will necessitate an active enrollment, an active open enrollment rather than a passive.

[00:39:14] So typically, we would just enroll you in what you currently have today, and you would not have to actively enroll. We should do an active enrollment every five years or so, but if you make a change like this, we need to make sure employees understand what they're enrolling in, and it's going to necessitate a build-out of Oracle, and that takes time to do.

[00:39:36] And we also want to make sure that we have enough time to deploy a communication campaign for the employees so they understand exactly what kind of change this is. Because if you look at it real quickly, it looks like a big change. But when you read through what's going on, it really isn't.

[00:39:52] And it's a fairly beneficial change for the employees and, of course, for the county. So with that, I'd like to open it up to any questions. It does look like a big but positive change. That's what it looks like. Okay, Supervisors, if you have questions, would you put your light on?

[00:40:08] Mr. Turner. Thank you, Madam Chair. Can you go back to the, I think, two slides prior that shows the premium increases? That one there. No, that was it. That was it. So the county is going to save \$3. million, and plan year 2024 premium increases, which I assume the employees will pay, are estimated at \$12.9 million.

[00:40:31] It's employees plus the county. Okay, so it's a match. It's a share program. It's a cost share program. And 80-20. Okay. And the employees don't have any option here. We're changing the system over, right? So the POS will no longer be an option.

[00:40:50] Okay. Okay. And then can you go to the next? Oh, I'm sorry. I'm sorry. Yeah. Can you go to the next step slide? I guess my question is, if the POS network is going away, being replaced by the OAP network, why would we make it active open enrollment?

[00:41:10] Why wouldn't we just market it and educate and just make it a passive enrollment so the participant, who's going to have to change anyway, doesn't have to take any action? Well, generally, within health care, you really want to stay away from mapping people to a plan they already have.

[00:41:28] We haven't done – I've been here five years. We haven't done an open enrollment in over five years. It could have been seven or eight. And it's just good business practice to make sure employees understand they're clicking the box and they're responsible for understanding what's going on. And our communication campaign will be much more robust as it has been in last year because of this very change.

[00:41:46] So their option then will be either accept the new plan or have no health care from the county? Or select one of the other plans. like they can do every year. Okay. All right. Thank you very much. Ms. Bricksman. Thank you, Madam Chair. I think that you answered my question, but so this will then go to finance, and then Finance Committee will make a recommendation.

[00:42:08] So we do have to have board action. Maybe, what are we thinking, in July or September? At the July 5th meeting, yes. The board action will be at the July 5th meeting? That's correct. Okay. And we talked about this in the briefing, but employees, basically, you're thinking, will not see any reduction in coverage or care or ability to get to specialized doctors or anything like that.

[00:42:40] That's correct. Okay. Thank you. Mr. Kirsten. Thank you, ma'am. Just briefly, Mr. Krause and Ms. Green, thank you for your work on this. I appreciate it. And thank you for the briefing. That was extremely helpful. I think I asked all my questions during that.

[00:42:56] I'm very favorable for this change, and I think it's going to help, obviously, anything that we can do and any item that you can bring to us to help reduce those premiums is greatly appreciated. But thank you for taking the time, and thank you to Mr. Hemstreet specifically for making sure that we had those briefings in advance.

[00:43:16] And, first of all, I would associate myself with Mr. Kirshner's comments. Thank you very much. The second thing is I know the answer, but I want to ask it at every venue we come on just to have it answered in public again, And that is to say that, tell me just a little bit about the benefits in the plan for people who are not experiencing a physical health issue, but a mental or emotional health issue.

[00:43:41] Well, there's really no change in that respect. If we're talking about behavioral health, the plan design is not changing at all. We treat all behavioral health, whether it be inpatient or outpatient, similar to any other medical condition, whether it be physical or otherwise. So there's really no change there at all.

[00:43:58] And there is no limit on how many visits a person who-- On our traditional health plan, there are none. As you know, we do have an EAP through Lytle, where we do offer six additional behavioral health visits per issue, per year, per covered participant.

[00:44:15] Public safety, I believe, receives eight. That's a side benefit that we have, which we've always had. As a matter of fact, I think it was a year or two, we increased it from four to eight-- I'm sorry, four to

six. But that's not part of this particular health plan. This health plan is not changing in that regard at all. You know, that is the best answer possible is that mental health will be treated like physical health because mental health is health, which is what I say all the time.

[00:44:40] So I love that answer. Next time you come, I'm probably going to ask it again because I'm just going to ask it every time because it's such an important question for me to ask. Most certainly. It's going to be the same answer, so that's actually perfect. Thanks so much. It's an information item, so there's no action on the item. Thank you, Ms. Green.

[00:44:55] Thank you both. See you later. So I do think, Mr. Letourneau, I did hear you, and I understand what you just said, but I do think he wants to be part of the conversation. So I'm going to go on, and what I would do, supervisors, is I'm going to go on to, yeah, I am.

[00:45:15] I'm going to go on to the, because we are literally at action items already at 445. Three, I can't see. Let's do nominations, yeah.

[00:45:30] 440-something is what I'm guessing that clock says back there. If you have a nomination, please put your light on. Ms. Umstapp. Thank you, Madam Chair. I would like to nominate Bobby Desai, a Leesburg resident, to one of the three vacant at-large seats on the Disability Services Board.

[00:45:53] Wonderful. Anybody else? No other nominations. Okay, Supervisor. Oh, I'm sorry. I didn't see your light. I'm sorry I was late. I nominate Preston T. Harvin as the at-large representative on the Board of Coding Appeals, and that is a re-nomination to serve again. And I nominate Dr. Herrera Mabobi as the at-large representative on the Community Services Board.

[00:46:19] At this moment, I will say that the Loudon Youth Commission has reached out to me and told me that four of us have vacancies. You don't have a person on there. And so check and see if that's you to make sure, because it's such an important board, and make sure that you have somebody.

[00:46:37] I won't name you, but make sure you have somebody on that board. Supervisors, let's go to the addition to the agenda, which is the police-directed towing item. I'm going to make a motion to reconsider item 4, police-directed towing procurement process, heard the May 16, 2023 Board of Supervisors business meeting.

[00:47:04] Motion made, and second by Ms. Umstead. So I will explain the motion more in the motion, because I don't want to do this twice. But I'll do it now, then I've got to do it then. So I have been knee-deep in this issue for about two and a half years, to be quite honest.

[00:47:28] And so Ms. Umstead had a meeting with one of the toers, and they asked us to look at, well, everything again. And I did. I went back and I looked at everything again, top to bottom, all of it. I did, because if you ask me to, I'm going to. And after the, in fact, I was here last night until, I don't know, like 9 o'clock, going through this item again.

[00:47:50] After looking at it again, the only thing that I would do different is, if you look at the item from last time, Zone 5, which is the zone that covers just Percival. This is not the heavy towers. This is light towers in Zone 5. The five towing companies that they put down there, when I went through the, when I, because for which, I went to every zone, and then I went to each tower in that zone, and the top five, if you look at our chart, the top five towers who were in our chart.

[00:48:26] In Zone 5, there really are just two toers that were serving Percival. There were three more, but if you look at those other three, their fall off is precipitous. It's a big drop. In the heavy towing, there is absolutely three.

[00:48:41] In Zones 1, 2, 3, and 4, there's absolutely five. But in Zone 5, there's really only two that cover the Percival area. Now, I didn't quite get that, but if you looked at Zone 4, the Middleburg area, it was fine.

[00:48:58] They were fine. But if you looked at Zone 5, the Percival area, there were not. So I want to reconsider this to have just the two towers that actually would qualify to be in Zone 5. Is Cheryl here?

[00:49:16] I should do that. Cheryl, will you come down? I'm not sure if I'll need you, but just in case. Thank you for coming in, and I'll get you out of here as soon as we possibly can get you out of here. So that's why I like to reconsider, and I can talk about it more, but we're still in the reconsideration motion, and that is why.

[00:49:37] Anybody else in the reconsideration motion? All right, all in favor, please say aye. Any opposed? That motion will pass 801. All right, I'm going to go to the actual motion. I move the Board of Supervisors direct staff to cancel immediately request for proposal RFP number RFQ 572784 for police-directed towing services.

[00:50:01] I further move the Board of Supervisors direct staff to issue a new RFP for police-directed towing services that contains the following amendments. One, the police-directed towing services contract should be awarded to a minimum of five highest-rated towing companies responding to the RFP for light-duty towing for all zones except five, and a minimum of the two highest-rated towing companies responding to the RFP for light-duty towing for Zone 5 and up to three highest-scoring towing companies for heavy-duty towing.

[00:50:28] Two, previous performance with the county shall be considered in the RFP evaluation criteria. And three, the towing contracts with successful towing companies shall be awarded and demonstrated on a rotating basis that is evenly distributed across calls for services by zone.

[00:50:44] That is the motion. motion made and seconded by Mr. Brixman. I'm sorry, everybody, this is in your folder. The motion's in your folder if you don't have it in front of you. So I don't want to say all that again except to say this. Yeah, I sat last night, and I did this for about three hours, took every zone, went through the top five in every single zone, and looked at the scores, Looked at how many times they said no.

[00:51:14] Looked at how many times they called off or backed out. Looked at how many times they, and I looked at everything top to bottom. Because this is important. And it doesn't, it may not seem important until you need your car towed or in the middle of the winter and you're out there waiting or something.

[00:51:29] And then you're out there and you're like, 15 minutes can feel like forever if you're standing at the side of the road with cars whizzing by you. So this is really important. So it took a long time to do this. And when I, at the end, nothing, everything was exactly as I believed it should be, except for Zone 5.

[00:51:48] And that is because the three tours at the bottom of Zone 5, one of them wasn't even on our list, to be honest. And the other two were scoring significantly lower than the first two. And so that is why I think this is an appropriate motion for that reason.

[00:52:06] Anybody else? Mr. Kirshner. I think I understood it the second time around. It would make sense. And I've always felt, I mean, I certainly support your motion. It does change, and I think it changes

it to the better. And that is, you know, we want those who have a minimum score.

[00:52:22] I think I would have preferred this to be written, you know, reach a minimum score. The way it's currently written, all the zones, now you've changed five, but would be a minimum of five. Obviously, if you have more that qualify, it would make sense. But I do appreciate you taking the time to look at it and actually consider, because that was one of the concerns, because Zone 5, of course, is Western Loudoun in large part, and consider some of those that perhaps were not performing.

[00:52:49] So I'm certainly in favor of this motion, the slight change from the previous motion. Okay, Mr. Eternal. Yeah, so I think with the motion to reconsider, the previous action is no longer on the table. So now we're sort of doing it over again. And so, because I still don't agree with the overall outcome, although I appreciate the change and I support this singularly versus the motion at the last meeting, I still am not in agreement on the number five I would have, three or four.

[00:53:24] And I also am still not in agreement on heavy-duty towing. So, I guess I'm going to vote against this again because we've sort of reset it. But I do, comparing the two, I would support this one over the last one related to Zone 5.

[00:53:41] Thank you. Mr. Turner. Thank you, Madam Chair. I just want to be clear on the language here. So the way this is written, nine companies could bid on Zones 1 through 5 and be accepted.

[00:53:58] Fifteen could bid and be accepted. It says a minimum of five must be accepted. So we could accept 12, 13, 14 bidders in all five zones. No. Well, that's what this says. If it says a maximum of five or a maximum of five.

[00:54:16] Oh, I thought we took out that minimum last time, actually. Didn't we not take, I got you. Didn't we not take out the minimum last time, the minimum language last time? Because remember, I'm sorry to interrupt you. We were taking it out because I was under the impression that actually the sheriff's department wanted that.

[00:54:32] And then I was corrected and told the sheriff's department didn't want that. So we took out that language. So if you want to make a friendly amendment to take a minimum out, I will accept that because we had that discussion last time. Am I incorrect with that? So when the motion was finalized and passed at the previous meeting, we discussed the need to have the minimum language depending on how the proposals were ranked and scored.

[00:54:59] So we wouldn't want to arbitrarily exclude a particular firm if the way the scoring fell out for a particular zone let's say the total points are 100 points we have six firms that are all within a two-point range of one another we wouldn't want to artificially exclude someone if we just said a said a hard number of five per se um mr mr turner does that answer your question because i don't really i don't think it does but let me clarify the chair's intent here is the chair's intent to cap the number of towers in zones one through four at five yes cap the number

[00:55:39] of towers in zone five at two yes then you want to say not more than yes minimum yes in both cases yes for parallel construction yes for parallel construction yes yes and and when you go back to the item and and and if you go back the thing about this is when you like when you really go through the item like i i and and i'm not saying no one else has because i'm sure i know you all do your homework i don't know that anyone has i know more about towing than i've ever wanted to know about towing in my entire life at this moment and when you go through the towing item

[00:56:12] there really are i mean five five in each category after five maybe six but mostly five is where you see a drop-off because there's only 11 right there's only 11 anyway so after that you see a drop-off and that doesn't mean that i'm sorry mr i am all in your time my bad you have me did you Do you have anything else?

[00:56:32] Oh, no. Okay, so do you want to make a friendly? Yeah, Madam Chair, then I propose a friendly amendment. Okay, I will accept that. Delete the words, a minimum of, yeah, a minimum of the, and replace it with not more than the five highest rated towing companies.

[00:56:55] And the next paragraph, same change, and not more than the two highest rated towing companies responding to that. Who seconded this? Is that okay with you? You seconded that. Is that fine with you? Okay. All right. Thank you, sir.

[00:57:11] I'll take that as a friendly. Mr. Buffington. Thank you, Madam Chair. And you accepted the friendly? I did. Okay. I like that change. And then the other thing, I don't know if you're open to changing, is the rotating basis. I think it should be primary, secondary, and tertiary.

[00:57:28] Would you be open to a play on that? It is primary, secondary, and tertiary for heavy duty but for the other thing that's the whole reason we were here is is was that that is that was the crux of the issue and so i would not this is only this rotating basis is only for light duty is what you're saying and it's still a primary secondary and tertiary for heavy duty that's right mrs cheryl is that right again if i recall the previous motion correctly when the changes were made i believe that the intent of the previous motions that were passed would include a rotation for both light duty as well as heavy duty. Would you accept a friendly to change the

[00:58:06] heavy duty to a primary, secondary, and tertiary instead of the rotating basis? Can you tell me what you're basing that suggestion on? Reliability, capability, response time, safety, the training that they get. But did you look at the numbers? Did you look at the numbers of the three that qualified? Yes. And you don't think that they all qualify in that department?

[00:58:31] I think they qualify, but I think one in particular stands out among the rest by a lot, and they should be, in my opinion, they should get the call first every time. I would not accept that as a friendly, sir. Okay.

[00:58:51] All right. So I will close. This is Cheryl Flank. First of all, thank you. And everybody else, thank you. Everyone who's come to talk on this issue, who's called me, who has talked to us. Ms. Umstad took the meeting for me this week because I was, as did my staff, I couldn't take the meeting, but no kidding, two and a half years.

[00:59:15] Two and a half years on police-directed towing. I am nowhere near an expert on towing. Somebody asked me that I want to come out to their towing company and watch the things be towed. I was like, no, don't want to do that, but thank you anyway. I'm good. But I do want to say that I have done my due diligence on this item.

[00:59:35] And I don't take lightly, one, that somebody needs to be towed, they need to be towed. I also didn't think lightly that this is people's business and their livelihood, the actual towing companies. This is your business and your livelihood. And on a very hard second look, I just believe Zone 5 was the only one that qualified for that.

[00:59:56] So thank you for seconding it. All in favor, please say aye. Chair, madam, I'm sorry. Can we divide the motion and vote on the last part of it, the number three part of it, separately? I will always respect a request to divide a motion.

[01:00:12] So you're saying take number three. Yeah, just the last sentence and vote on that. The towing contract which is a successful towing company shall be awarded the mission on a rotating basis. This is distributed across all service calls for by zone. Yes. Yes, we can divide that motion, sir. Thank you. So then we're going to vote.

[01:00:27] Madam Chair. Yes. I have an additional clarification. Yes. I just, because I didn't hear it. I want to make sure that the change that we're making to zone two is, or excuse me, zone five. my language right here is because I heard there was a minimum and then I heard it was up to and so I just want to clarify the language that we are actually the actual change of language that you are making I understand Mr. Turner's friendly I don't have clarification on that but in terms of what the actual zone five language will read so when I think he said when this is parallel construction Mr. Turner you want to do not more than two because that's the that's the parallel

[01:01:05] construction party talked about for zone five to the minimum of two not more than two okay okay all right i just we're okay that's fine you're good i am i just the and i and so that was that accepted as a friendly as well okay so in terms of the friendly i guess my only thought process is what if you have more than two qualifiers so so that's the whole point of the whole because it is a large jurisdiction it is a large area you're the one that actually kershner you're actually

[01:01:45] No, no, because I've always thought that if you qualify, if you have a minimum qualification, unfortunately that's not what we really have. I don't know what those qualifications would be when we discuss this. Well, they're very clearly in the package from last time, very clearly. But if you look at the graph, the package from last time, and you look at Zone 5, they have five towers in there, but three of them, one of them didn't even, I don't know, I'm not even sure where it came from.

[01:02:17] It wasn't even. No, I understand it. But what if a new tower came in and when we renewed this going forward, you had. So you're saying. So it's going to be the top two. So you're saying exactly what you're going to say. Is that going to be what the plan is? It's going to be the top two under this new. Yes. So, yes, you can answer.

[01:02:32] As I understand it, the reconsidered motion would be for zone five. We would award to the two highest rated proposals received in response to that zone. Which is what's happening right now in zone five. Yeah. And if I could just ask a question of staff permission, do we feel that is adequate?

[01:02:52] Wait, wait, wait. You want to have, you're having a point of clarification? Point of clarification. Okay. Because right now you're like way talking. I know. I understand. So a quick point of clarification. And have an opportunity. The friendlies were made after I spoke. So thank you, Madam Chair. So does the staff feel like that's adequate to cover Zone 5?

[01:03:09] Do we have an opinion on that? I would really want to defer to the Sheriff's Office for that since they're the primary. Yeah, well, they're here. Well, they're not here for this, these people. Yeah, but, yeah, they're not, these are. The letter's not going to speak on them.

[01:03:25] We can't say, anybody in a uniform, get on up here, because you happen to be in the room. This is not their place of expertise. So, the Metro guy, if you want to come up and talk to us to speak on the

towing, if you want to.

[01:03:43] So, that is, yes, that is. Thank you, Madam Chair. Thank you. All right. So what we're doing now is everything but number three. So we're doing number one, number two, and we're doing number three separately. All in favor, say aye. Opposed.

[01:04:01] Mr. Sainz, did you vote? Okay, so I think that was, is that 8-1? 8-1? Okay, so that's 8-1, Mr. Letourneau voting no. Mr. Buffington, I'm going to remake the motion as it's written for number three.

[01:04:18] If you want to vote against it, you want to vote against it, but I'm going to make the motion again. The towing contracts with the successful towing companies shall be awarded and administrated on a rotating basis and evenly distributed among all calls for services by zone. That's a motion. Second by Supervisor Umstead.

[01:04:34] Okay. Supervisor Glass. Okay. When you look at the numbers, no kidding, there is not one tower for zones one through four that is far and away better than the rest.

[01:04:50] There's one tower that was called more. But if you look at the percentages of how they responded, when they responded, if they said if they responded and didn't answer, if they responded and said no and called it back, there is not one. There's not. And so if we put this on a priority basis, one towing company will basically get all the business because every time they get called as a primary tower, they're going to show up, which means nobody else will ever get a call.

[01:05:23] So you're basically saying one towing company, with the very rare exception, will any other towing company get a call? And the numbers do not show that the other towing companies are so far below that standard that they shouldn't get calls also, or they shouldn't only get calls if the first company said no, except for Zone 5, which is why I bought this back.

[01:05:49] What's happened? I should have specified. I was referring to Zone 5 when I was making the friendly. I did not specify that, so I'm sorry. I thought it was assumed. Would you accept a friendly for Zone 5 for the heavies? Well, we're done. Zone 5 is not the heavies.

[01:06:06] It is. Western Loudoun. No, Zone 5 is Western Loudoun, but that's not heavy-duty towing. Those are two different things. Heavy-duty towing is what they're towing, not where they're towing. So Zone 5 is not the heavy.

[01:06:21] Zone 5 is the part of. They're not broken down into zones for heavy duty, only for light duty. Exactly. Okay. I guess I can't do what I'm trying to accomplish, so I'll just vote. I'll just vote on that. I'm ready to vote. Okay. Thank you.

[01:06:38] Okay. All right. Then I think I'm going to stop talking now. All right. All in people, let me say aye. Opposed. Okay. Well, then that would be a 6-3 vote, I think, with Mr. Kirsten, Mr. Buffington, Mr. Letourneau voting against that one. You're good?

[01:06:54] Okay. Thank you very much. Okay, now we're going to go, hey, Mr. Sains, now we're going to go to the codified ordinance item, which is aisle number three. Would everyone come to the table who is part of this motion, please?

[01:07:13] And both of our, yes, both of our sheriff's deputies, yes, yes. If you're here for this, if you're just here to, you know, if you're here for this. Mr. Nader, there you are.

[01:07:44] How are you, sir? I know it's not Mr. What is your rank, sir? What am I calling? Assistant Chief. Nice to meet you. How about when you guys all sit down with everybody and introduce yourselves? That might be the easiest thing. Good evening, Madam Chair.

[01:08:05] Good evening.

[01:08:15] Sorry, we're having technical difficulties. While we are fixing the presentation for you, we'll go down and introduce ourselves. You all know me.

[01:08:34] We do, indeed. Robert Sproul. I'm with the County Attorney's Office. Good evening. I'm Mike Anzalo, Chief of the Metro Transit Police. I'm sorry. Will you say your name for me one more time, Chief? Mike Anzalo. Gonzalo? Yes. Thank you, sir.

[01:08:58] Good evening. George Nader, the Assistant Chief of the Metro Transit Police Department. David Hill, Major Field Operations, Loudoun County Sheriff's Office. TJ Dota, Captain Western Loudoun Station. Thank you. Thank you for all being here. Appreciate it. Are we ready? We are now ready. You're now ready. Okay, we are ready. So we're ready when you are. All right. Thank you, Madam Chair. We have a brief presentation. I know this topic has come to you a couple times. So we will get through this quickly and get to your questions.

[01:09:24] This item is returning to you. Purpose is to advertise for a public hearing to establish a new section of the codified ordinances that deals specifically with conduct in metro facilities and vehicles. The reasons to adopt this ordinance are to be able to regulate conduct specifically.

[01:09:50] The state code is not specific to these facilities or these vehicles. And so as part now of the metro system, having stations within the system that are now active, it is a good practice and it has been requested by WMATA that the board adopt an ordinance specific to conduct that we want to be able to enforce at the stations and in metro vehicles.

[01:10:17] And again, we need specific language that allows any law enforcement agency to do so in those areas. What we have attached for you is a draft ordinance that has a variety of different prohibited conduct listed based really in order of severity of the misconduct from class four misdemeanors all the way to class one misdemeanors, which are the most severe.

[01:10:47] I'm not going to read all of these, but within your item, we have class four misdemeanors. Actually, I would prefer if you did read them. Okay. So the conduct that is listed on this slide, smoking, eating, drinking, spitting, littering, playing music, listening to a phone loudly, climbing on, defacing property, not wearing appropriate clothing, bringing prohibited items onto the metro like animals, bikes, skateboards, things of that nature,

[01:11:23] using those things within the stations and within rail cars, selling or attempting to sell anything within those properties or those vehicles. These are all the type of behaviors that we would suggest be classified as class four misdemeanors. Class four is the least severe penalties. So one is the most severe going up to class four least severe. So we would recommend that these infractions be

[01:11:58] classified as class four misdemeanors. And I'll reiterate this again in a moment, but one of the reasons that staff is recommending that we have misdemeanor penalties here, which are criminal penalties versus civil penalties, is that civil penalties are very difficult, if not completely impractical to

actually enforce. In this case, these are infractions by people where there's not property to levy a civil penalty against. And so we would recommend that law enforcement be given

[01:12:37] the authority to be able to deal with these things under a criminal statute as far as a misdemeanor. That also allows law enforcement to be able to identify an individual and detain them if necessary. Class 1 misdemeanors, what you'll see on this slide, these are infractions that generally are considered something that would affect life, health, and safety.

[01:13:07] So you have things, of course, like carrying flammable liquids, other hazardous materials, improperly opening or otherwise using something like a window or an exit door, impeding or tampering with something on the train or on a metro bus or in a station, marking on any part of the property.

[01:13:31] You know, this can be defacing it or covering up safety information or something that's important to the safety of the system. And interfering with other passengers or creating disruptions that interfere with other passengers or the conduct of business within the metro stations or with WMATA staff.

[01:13:54] And again, these are things that staff would recommend be class one misdemeanors because they do have an effect on life, health, safety. Further, there's some more infractions. Failing to comply with a lawful request.

[01:14:12] So this is important to safety. Of course, being on an inappropriate portion of the track within the station, somewhere that endangers your life or the life of another. And then not properly entering or exiting stations and refusing, again, to comply with directions from WMATA staff or a law enforcement officer that could be hazardous.

[01:14:38] Fair evasion specifically, staff is recommending that this be considered a Class 2 misdemeanor. Again, misdemeanor penalties allow law enforcement, and that's any law enforcement agency, to detain a person, which means stop them, check identification, and determine if there's any other actions that need to be taken.

[01:15:06] Staff has recommended that a Class 2 misdemeanor be applied to the first offense, and then after that, that it escalate to a class one misdemeanor. We have included some statistics for you in the packet about the amount of fare evasion that's going on within the system, as well as what that equates to in terms of dollar amount.

[01:15:28] And then in addition, I sent you all yesterday in response to a question from Supervisor Letourneau some additional numbers that show year-to-date statistics on fare evasion as well. The other thing I will say about fare evasion before I leave that actually is there are several things that Metro is trying to do to further curb fare evasion or to deal with inability to pay fares, things of that nature.

[01:15:56] So as staff understands it, WMATA will have a capital project that deals with replacing fare gates to put in fare gates that are harder to get around, harder for fare evasion to happen. And then on the fair side, Metro has several programs for reduced fares for different classes of riders, and I think they may also be pursuing a low-income fare classification as well.

[01:16:23] And again, just to reiterate, reasons for criminalizing conduct that we don't want to see on the metro trains, in metro stations, or metro buses, again, criminal offenses give law enforcement the ability to stop an individual and check identification to really determine if there's anything that they need to address.

[01:16:54] Civil penalties don't give our law enforcement that ability. They cannot detain, and the individuals to my left here can further go into that if there are questions about that. But law enforcement, if there's a civil infraction that has occurred and there's no other criminal offense, they really cannot stop an individual to deal with that offense.

[01:17:15] So therefore, it also makes civil penalties really unenforceable, both from curbing the behavior and from recovery of any kind of compensation for that. And so at WMATA's request, at our own law enforcement's request, we have recommended that these be dealt with under a criminal conduct code.

[01:17:44] Fiscal impact, there's no fiscal impact related to adopting this ordinance. It does not have any staffing or any other requirements attached to it. It's simply adopting an ordinance so that law enforcement agencies can deal in a fair manner with any conduct that happens at the stations that are within Loudoun County.

[01:18:09] So our recommendation is that the board give us direction to advertise for the July 12th public hearing so that we can forward this item to that meeting. And we'll be happy to take your questions.

[01:18:25] Thank you very much. So the motion is actually to go to public hearing? Yes, ma'am. This needs to be advertised. Okay. All right. Discussion, or I'm sorry, questions for staff and our guest.

[01:18:43] Ms. Glass. Thank you, Madam Chair. So, I have a question. So, for the Class 4 misdemeanor, and you said that would be a criminal offense, would that go on a person's record? Yes, that would go on somebody's record.

[01:19:08] Law enforcement, that brings up another point which law enforcement could speak to, which is if someone were to run a criminal history check, If law enforcement were to run a criminal history check while they were speaking with someone about this, a Class 4 would not show up.

[01:19:25] But if somebody was applying for a job, applying for security clearance, then a Class 4 would likely show up in that search. So somebody could possibly get a Class 4 for not wearing shoes or wearing skates on the train?

[01:19:43] Yes, that is what is written in the proposed ordinance, yes. Thank you. Mr. Turner. Thank you, Madam Chair. In the proposed ordinance draft in paragraph C, 6XX.04C, which is a list of more egregious offenses, in the original draft back last fall, I believe that was class two, we upgraded to class one.

[01:20:17] What are the implications of that being class one, two, three, or four for those more egregious offenses? I mean, once we make it a misdemeanor at any level, they can be stopped and questioned and asked to stop the behavior that they're engaged in. What are we gaining by making it a class one versus making it a class four if our principal intent is to stop the behavior without creating potentially an undiggable hole for the person that they're never going to get out of again?

[01:20:48] I guess my point is I'm trying to get to the lowest level at which we can stop them to stop the behavior, but not overkill. So I'm just curious why we went straight to a class one misdemeanor for that section. So I will ask the sheriff's office to help me out here, but the class one misdemeanors are related to behavior that is serious in nature that could cause physical harm or safety issues that would cause physical harm to another person.

[01:21:20] or the individual committing the act. And so I think the intent is to attach a serious enough offense to it that it carries that weight. It is different, as was mentioned, carrying flammable liquids that

could catch on fire and cause a safety hazard is very different from spitting on the train.

[01:21:47] Both are hazards, but one has much more serious consequences. and i would ask lcsd if they want to add anything yeah i would just add that there are large differences both from a legal perspective and in terms of how much and how far we are willing to go to actually detain somebody so from a detention standpoint one of the first things whenever we have to justify any response to resistance or the seizure of somebody the first part of that equation is the severity of the offense a non-jailable offense does not have a high level of severity so our government interest in trying to pursue that is a lot lower and I think as stated that where

[01:22:25] someone's health and safety is at issue there's a higher government interest than per se someone not wearing shoes on the train so I think that's that's important and we always have to weigh that decision of why we're here the second element of that question is you know what's the difference between a one two three or four there's really a big shift when you go from a three or four and what the law provides that we do that when you go to a two that's where someone then can be fingerprinted. When you go to a two, there's differences in how they are booked in jail.

[01:22:54] Really quick before I run out of time. Is a class three or four jailable? No. Thank you. Mr. Buffington. Thank you, Madam Chair. In reality, and I asked this separately to Loudoun County Sheriff's Office if you could respond and then also if Metro Transit could respond.

[01:23:13] In reality, if we do not raise above the civil severity or the civil level to criminal, where we're at at least misdemeanor, lowest level misdemeanor. If we don't get to that misdemeanor level, in reality, are these crimes going to be responded to at all?

[01:23:37] Or basically we're saying, we would be saying, and obviously we wouldn't really be saying this, but the reality of it would be you can do these things and nothing will happen to you, nothing from a law enforcement perspective. Is that accurate?

[01:23:53] If the fine is just a civil fine and it doesn't raise to the level of misdemeanor on any of this is the reality that it's not going to be enforced by law enforcement these things would not be enforced actually by law enforcement i think practically speaking it really can't be enforced the person can walk away from us we can't stop them from walking away we can ask for identification they cannot be required to provide identification and if they continue to do the unlawful act there's nothing there that i can do to prevent them from stopping that and i'll defer to metro who has experience no that's exactly

[01:24:30] right. You know, if it's civil, there's nothing we can do about it. Thank you. Thank you, gentlemen. Mike, to my colleagues, that should be enough. I hope that's enough to have you all across the board uniformly support at least the misdemeanor level for these, all of these offenses, because otherwise it's not enforceable. And we're basically saying you can do this as much as you want.

[01:24:55] Thank you, Madam Chair. Thank you, sir. Mr. Letourneau. Thank you. I want to thank Chief and Zullo and Deputy Chief Nader for coming out here. We spent a lot of time together in D.C., but this is the first time we've had you out here in Loudoun County. So picking up where Supervisor Buffington left off, can you explain, first of all, what happens when Metro Transit police encounter somebody who's fair evading? And then in your experience, when you do have the ability to detain somebody to ask questions because there is a criminal ordinance in place and there's some motions here, I'm in agreement with my colleagues, it doesn't need to be a

[01:25:32] class one or two but what do you find and why is that so important yeah to answer you know part of your or all of your question so typically you know where there is a criminal penalty in place person fair of aids will stop that person we'll get them to give us their name so we can fill out in virginia the virginia uniform summons we'll run them through a law enforcement database to see if they're wanted for anything and generally what we found is you know some people are wanted on outstanding warrants that we do.

[01:26:07] So I really can't hear. Oh, you can't. Can you, yeah, can you? Yeah, pull this closer. So, I'm sorry, you want me to repeat the, what part didn't you hear? Can you stop this time while you repeat that part of the answer? Yes, please. Yeah, sure. Thank you. So when somebody fair evades into the metro system, our officers will stop them.

[01:26:26] We'll write a Virginia uniform summons to them. We'll get their name as long as they cooperate, and then we'll run their name through a law enforcement database to check for any warrants they may have. And what we do encounter quite often is that folks we do run through do have open warrants and they're subject to arrest.

[01:26:45] But if they don't have any warrants, then they'll get the summons and then we'll escort them off the Metro property. They can't use the Metro system. And that's normally what happens when we write citations. Okay, I think you can probably restart my time. Yes, please. So, and we have these discussions a lot at the Metro Board.

[01:27:05] there are concerns about public safety on the system at this moment. That's fair to say? Yes. I know you two personally have been involved in several homicide investigations recently, and thank you for your work on that. But in your experience, when we are able to enforce fare evasion, does it have an impact on crime, other types of crime on the system?

[01:27:29] Yes, it does. So when we ramped up fare evasion, I want to say in 2017, 2018 our crime dropped off tremendously when we did those enforcement efforts then in 2019 the district of columbia decriminalized fare evasion and they made it purely civil and what we talked a little bit about here today that you know basically the person could fare evade and commit these other types of crimes and there's nothing that law enforcement could really do

[01:28:04] The only thing we could do is get their cooperation if possible, but if they walk past us, there's nothing we could do to stop that person, to, you know, stop their behavior. And then the pandemic hit, and our ridership dropped off precipitously. So really the years that we're looking at are from 2016, 2017, 2018, when we were enforcing fare evasion across the region, and our crime did drop tremendously because of that.

[01:28:30] And it's been studied in New York City, other places. They call it point of entry policing. So people's behavior when they ferivate into the subway system or on a bus, if there's police there and they stop it and they enforce whatever laws are on the books in that local jurisdiction, does have an impact on other crimes in the system, such as robbery, aggravated assault, theft, and then general disorder.

[01:28:57] That's my experience. Thank you. Ms. Bricksman. Thank you, Madam Chair. Well, I'm going to disagree a little bit as to whether civil penalties are going to stop behavior, unwanted behavior. I mean, if I run a red light and I get a ticket and I pay the fine, I'm not going to run red lights anymore.

[01:29:13] If I park in a place and I get a \$100 parking ticket, I'm not going to park in that place anymore. If I get a speeding ticket, again, a civil fine, I pay. I'm pretty much not speeding for probably forever in that area where I got stopped. So I don't think the question is whether we want to enforce or not enforce these.

[01:29:33] The question is, how? So one of my questions is, can someone be handcuffed for committing walking with bare feet, playing loud music, eating, or under this proposal, or putting graffiti on the train?

[01:29:54] Could they be handcuffed for that, all of those, under this ordinance? Do you guys want to answer it or no? I mean, I can answer it for you. So, you know, basically they wouldn't be handcuffed as long as they cooperate with the citation process.

[01:30:10] As soon as they don't cooperate with the citation process, then they would be arrested. Okay. I guess I don't understand if we can't enforce it and it's civil, then how is Alexandria enforcing? Because Alexandria only has civil, according to our chart.

[01:30:30] So Alexandria must be enforcing somehow. No. So I don't know where you got the information from, but Alexandria, Arlington, Montgomery, Prince George's County, Well, in Virginia, I'll just keep it to this region.

[01:30:46] You know, we write a Virginia uniform summons for those offenses and all those jurisdictions. Okay, so are staff reports inaccurate then? Okay, all righty. This question will be for staff.

[01:31:02] Section C is different in this version of the ordinance than the one that was presented at public hearing. What was the reasoning for the changes? We increased the offense. Supervisor Brissman, I think that's similar to the answer that we gave to Supervisor Turner.

[01:31:23] And it deals with life health safety issues and then, as the sheriff's office said, really with their ability to enforce those when they're presented with those issues.

[01:31:41] Okay. Let's look at this another way, and I'll ask the Commonwealth's attorney this question. If someone gets a criminal citation and it carries a \$100 fine, they come in, they pay their fine, can that be dismissed, and can it be expunged if they pay their fine?

[01:32:05] I'm with the county attorney's office, so I wouldn't be involved. I'm sorry, I thought you were commenting. No, I wouldn't be involved in the prosecution. I'm sure there could be an agreement made with the prosecution and with that individual and their attorney to pay a certain amount to Metro, reimburse them, and then it could be dismissed and expunged.

[01:32:24] But once you pay a fine for something, you are essentially admitting guilt. And if you are found guilty of something, it cannot be expunged from your criminal record. Okay, thank you. Can I just clarify one point, though?

[01:32:40] None of these fines go to Metro. These all go to the local jurisdictions. So just a point of clarification there. Mr. Kirster? Thank you, Madam Chair. A couple of comments and then a couple of follow-up questions.

[01:32:56] Just as some of you know, I was formerly an assistant Commonwealth attorney here in Loudoun County. I have practiced criminal law for 15 years. I also, many of my clients, I work on behalf of the Commonwealth of Virginia to enforce civil penalties.

[01:33:12] And I will tell everyone up here that there is a gargantuan difference between attempting to enforce civil crimes and attempting to enforce criminal matters, even if it's slight class 4, class 3 misdemeanors. So I will tell you that if we don't adopt some form of a class 4 or class 3, you are basically handcuffing these law enforcement.

[01:33:33] And quite frankly, it will have significant, significant ramifications for the deterrence of crime riding on the metro. So that's going to go without saying. But with that said, I think it's important from a practical matter, and I don't know if anyone wants to weigh in on this, and I'd actually be interested in knowing how other jurisdictions are kind of handling it.

[01:33:59] There are a number of provisions to answer Ms. Briskman's comment, and the Commonwealth attorneys have great discretion on these. They can defer these items. They can agree at the beginning that they can be expungible upon payments of cost, good behavior, no further offenses, those sorts of things.

[01:34:15] So there are a lot of aspects within the law, and please correct me if I'm wrong, but I practice this area, so I'm pretty confident I'm right, that things can be deferred. I guess my question for those at the table and anyone who'd like to answer is, can you give us some kind of practical, you know, especially for first- or second-time offenders, how this is generally, and again, every case is different.

[01:34:37] and it depends on your previous criminal history, but especially for first-time offenders who don't have any sort of criminal history, how are a lot of the jurisdictions handling these matters, and are we seeing a lot of them deferred or pay the cost, have it dismissed, that sort of thing? Can you speak to that?

[01:34:53] Yes, sir. The vast majority are either put on a stat docket or no prosequ. Right. And nolly prosequ is a Virginia term for choosing not to prosecute. Yes, sir. And the Stet Doc is a Maryland term for choosing, putting on a kind of a deferred, it gets dismissed and can be expunged.

[01:35:09] Am I correct about that? Yes, sir. After whatever the period of time. A period of time of good behavior. Yes, sir. So you're saying the large portion of these, again, is how those are being handled for lower offenders that perhaps don't have prior criminal histories. Is that your experience? Yes, sir. Even folks with prior criminal histories.

[01:35:26] And I guess based upon my experience for these sort of offenses, such as drunken publics and things of those nature, Obviously, someone comes in and they're a regular offender or they're a scofflaw and they have robberies and rapes and other things on their record. Perhaps a commonwealth would view that differently, I would assume.

[01:35:41] Is that correct? Yes, sir. Okay. Thank you. No further questions. Thank you, Mr. Kirshner. Mr. Sainz. Thank you, Madam Chair, and thank you to our men in service who came here today, and thank you for speaking with me earlier today, Chief, as well.

[01:35:57] That was a very educational conversation, so thank you again for doing that. What are the numbers in Arlington for their fair evasion? How many have been, I guess the word is cited, for their program?

[01:36:16] And how many go from like one, two, and three, if you have that data by any chance? I do have that, sir.

[01:36:31] I'm just going to pull it.

[01:36:47] Yeah. Thank you. Let's hold this time for just a sec. So in Arlington County, we have 315 citations issued year-to-date. Of that, 20 individuals, well, 17 individuals were arrested.

[01:37:07] Of those individuals, arrested, if you're interested, one was a Virginia resident. Four were Maryland residents. The rest were residents of the District of Columbia. And why were they arrested? Do we have? All but one.

[01:37:23] One was a fugitive from justice out of New York. There was an extraditable warrant, so it was a serious offense in New York. It was committed to rest, failed to comply with a citation. In those incidents, three of our officers were assaulted. One was in possession of narcotics.

[01:37:39] One failed to ID. The vast majority of these individuals have criminal histories. A lot of them, at least seven, had violent criminal histories. Okay, so it wasn't the act of the fair evasion, but during, I guess, questioning or getting information, you'd...

[01:37:57] covered other... Those 20, those 17, I'm sorry, equivalent to approximately 6%, 5% to 6%, but in each instance, they failed to identify themselves other than the fugitive from justice and failed to comply with the issuance of a citation. Okay, and then, I don't know if you saw the alternative motion that I put forward, with that, doing the escalation from first offense, second offense, third offense, this would allow those affair evasions too, for law enforcement to get the information that you need they pay a minimal fine and they're allowed to to uh to go about their business for that day if they act accordingly is that would that be accurate

[01:38:37] yes sir okay and if i was to the last part remove where it says 10 days in jail are both would that still achieve uh the goal of law enforcement of at least talking to somebody if they have a fair evasion and getting their their information on the first offense second offense a third offense? It would. So just I want to point a clarity what the staff reported earlier would be accurate. Actually on the scene is not where we would be able to determine first, second, or third offense. That will be done during the court process. Yes. So that would be up to those that component. Okay. Thank you. Thank you.

[01:39:16] Would somebody have to know to ask to have their record or sponge or to sponge automatically? They would need to petition the circuit court. So we don't want to have a discussion as if something expunges from a record automatically, because it absolutely does not.

[01:39:31] Is that correct? Not in the Commonwealth. Okay, thank you. First of all, I do want to say thank you all for coming. Policing is hard, and we appreciate your help and your service. And can you two stop talking? Thank you very much. So you are. So thank you for coming in.

[01:39:48] Chief, you actually said the words, and I wrote them down to make sure I got them right. If we don't pass this, they could fair evade and commit other types of crimes. Can you expand on what you mean by other types of crimes? I'm asking you this question because are you saying that this in front of us is all or nothing?

[01:40:08] Well, yeah, basically when it comes to public transportation. So, you know, the point of entry is where we don't have an open, free system. So that is where we can stop folks that are coming into the system. I'm going to ask a lot of questions, so I'm not going to keep your answer.

[01:40:25] I'm not trying to answer that. No, that's all right. So all or nothing means, and under class four misdemeanors, spit or expectorate, walk with bare feet, ride a bicycle, rare roller skates, that's a class four

criminal misdemeanor.

[01:40:42] So it's all that or nothing. And a Class 4 criminal misdemeanor, Class 4, is mark or draw on any part of the car or rail station. That's a Class 4 misdemeanor. So when you say it's could fair or great evade or commit these other types of crimes, these crimes, marking or drawing on a rail car or station, having no shoes on, spit or expectorating, discarding litter, wearing roller skates, riding a bicycle or skateboards,

[01:41:13] These could, in theory, put a criminal offense on a person's record for the rest of their lives. Is that not in theory true? I don't have to defer to the attorney. Is that not in theory true? I'm not sure what your laws here are in Virginia as far as that goes.

[01:41:32] If they were convicted of this infraction or this offense, yes, it would appear on their record. The extent to which it's discoverable is debatable, but it would be on the record. And it's a criminal offense.

[01:41:51] You know, and it only is expunged if you ask for it to be expunged. My unrest, and that's the right word, and actually I don't have time to talk about my unrest right now because I have seven seconds to go, so I'm going to stop there.

[01:42:14] Supervisors, can I make a request of you? Can we put a pin, or that's not the correct word from Robert's Rose of Order, in this discussion because there are no motions on the table. I think Mr. Clemens has just about his whole office here right now to do a resolution that's supposed to happen no later than 530.

[01:42:35] And if I could just have a break in this action for these questions, you all come back in just a second and we'll make some motions. But if we start making motions now, I think we could literally be here for another 45 minutes. And I don't want to make Mr. Clemens' entire office wait for another 45 minutes before he make motions.

[01:42:55] So if you all don't mind, can we just take a break and do that, and then maybe even public comments, because there's not that many, and then come back. I know I was trying to get you out of here as fast as possible, but I have no control over time, So I'm going to call you back up if that's okay without exception, without objection.

[01:43:19] Mr. Clemons, am I right? Do you have your entire office here? I'm in a quarter of a month. So let's do, I think we only have the one resolution. Let's go on and do that one resolution right now.

[01:43:56] For Mr. Clemons' office, including Mr. Fishback, please come up. I want everybody. I want you back there. Are you Mr. Fishback? I was six years old, and he did not want to go out with me, and I'm six years old.

[01:44:15] Really? My first person wasn't you, though. No, I know. I'm a lot older than you, so I know it wasn't me. It wasn't you. I'm a lot older, so. We're here for Mr. Fishback, and Ms. Umstead has a resolution.

[01:44:55] We're going to all be ready for a resolution. We're ready. You all got to get ready.

[01:45:19] Okay. All right.

[01:45:42] This is a resolution to honor John Fishback, whereas Leesburg resident John Fishback commenced his service to Loudoun County as a deputy clerk for the clerk of the circuit court in March

1988, during which time he acquired a passion for preserving the clerk's historic court records, often doing so on his personal time.

[01:45:58] And in 2004, Clerk Gary M. Clemens appointed John Fishbeck as the first ever historic records manager in the circuit court clerk's office. And whereas when Mr. Fishbeck retired, he began volunteering a few hours a week, starting in August 2014, and performed numerous valuable tasks related to records preservation and records management, such as the conservation, indexing, and digitizing of the following vital records.

[01:46:31] Will packets from 1757 to 1931, judgments from 1757 to 1865, land tax books from 1851 to 1990, and guardian packets from 1757 to 1919.

[01:46:50] And whereas, as part of the conservation process for these records, Mr. Fishback oversees the humifying, and we had to ask the clerk of the circuit court if that was spelled right, and he told us what it was.

[01:47:06] So the humifying of documents to prepare documents for the flat filing and mending of damaged or fragile papers, which allows the indexing and digitizing processes to occur so that key data and digital images can be taken of these valuable records.

[01:47:26] And whereas Mr. Fishback's numerous contributions and volunteer efforts have assisted the clerk of the circuit court with providing essential preservation of documents, which empowers the clerk and the clerk's historic records division to provide Loudoun County residents with an improved experience and easier, quicker access to valuable historic court records and Loudoun history.

[01:47:52] And whereas as of April 24th, 2023, John Fishback has provided more than 5,000 hours of volunteer services to the clerk of the circuit court and to the residents of Loudoun County, now therefore be it resolved that the Loudoun County Board of Supervisors does hereby recognize John Fishback for his dedication to the historical records of the county and his service.

[01:48:23] our community. Signed by the chair and the whole board. Definitely surprised. This is amazing.

[01:48:42] Thank you so much. Our history means a lot to us, and we learn from our history, and we need to preserve it so that we can continue to learn from it. And I'm more than glad to do what I do. It's a pleasure, and I get to do all the fun stuff, and Mr. Larson, who's the manager of the Archives has to do all the hard work. Thank you very much. So the writer, the actual author of

[01:49:15] this proclamation is the Honorable Gary M. Clemens. Thank you, Supervisor Armstrong Stott. I want to thank you for being open to recognizing John and Chair Randle of the board. Thank you all also for this honor. Loudoun County taxpayers, you probably received \$100,000 worth of services by virtue of 5,000 hours. But we are delighted that this is happening tonight. John Fishback was, as you heard, the very first historic records manager in the office, in the history of the office. So when I first became clerk, I realized we had a real treasure of history. We needed someone to manage

[01:49:53] that. And John, with his love and passion of these records, was the ideal choice. It's now grown to a team of three. We use volunteers like John, partners like Bosch Library, the Freedom Center, the Loud Museum, the Library of Virginia, and many others. We're grateful for their partnerships, but John continues to do amazing things on his own time. And Loudoun County residents, while we have a jewel of

records going back to 1757, we've got a jewel and a volunteer here to work with this team to make it happen. So, John, I'm sorry. I beg your forgiveness for

[01:50:31] surprising you, and I'm glad to have many of my deputy clerks and friends of our deputy clerk family here. It's a testimonial, John, to how much you mean to them and the impact you've had on their lives. So, John, thank you so much for your service. I have nothing more to say, but thank you. You are amazing, and thank you. I'm going to take a picture.

[01:53:13] Yeah, supervisors, we're going to do the public comments because there are on our list right now just eight, and then we will come back to the item.

[01:53:42] All right, so it is eight minutes early for public comments, and so if I call someone's name and they are not here for public comment, you guys can have a seat. I will be back to you, I promise. If I call your name and you're not, well, if I call your name, raise your hand, and you're not here, raise your hand.

[01:53:57] If I call your name and they are not here, I will come back to that person after 6 o'clock. But if you are here, you can speak a little bit earlier because I don't want to start up again because we only have eight minutes to restart public comments. And I really do try to get people out of the room in as timely a manner as possible.

[01:54:20] And it's Joseph Sacco here, Mitra Gandhi, and John Ellis in that order. You are ready when you are, sir. Thank you for coming in.

[01:54:35] Good evening. Thank you for having me. Good evening to the board, and thank you for the service you provide to our county. My name is Joseph Sacco, and I'm here tonight with my partner, Tracy Mastro. We live in the Farmington-on-the-Green development off of Tranquility Road just outside of the town of Purcellville.

[01:54:54] We sent an email to the board on June 2nd that outlined in more detail our concerns about the county's plan to purchase a 143-acre property on West Main Street for the purpose of constructing the Western Loudon Recreation Center.

[01:55:11] We're here tonight to request that the board reconsider the purchase of the 143-acre property and the construction of the Recreation Center for the following reasons. One, the county would be paying too much money for this property.

[01:55:26] The planned purchase price of \$6.9 million is nearly four times the assessed value of \$1.8 million. This does not appear to be responsible use of taxpayers' monies. Two, the expense is unnecessary since the county already owns at least one other property that is more suitable for the recreation center.

[01:55:48] Three, many of the amenities proposed for the Recreation Center project duplicate those that already exist within one-half mile of this property, those being Franklin Park and the Round Hill Indoor Aquatic Center.

[01:56:05] Four, building the rec center at this location would exacerbate already problematic traffic congestion in Purcellville and Round Hill. 5. Building the rec center at this location conflicts with the county's policy of not encroaching into the rural policy area.

[01:56:25] In closing, we are opposed to the purchase of this property and the construction of the rec center at this location. We respectfully request that the board reconsiders its plan to purchase the property. It would be more physically prudent, expedient, and logical for the board to resume discussions

with the town of Percival to move the project back to the field's farm property, which the county already owns and has the needed utilities available.

[01:56:53] Thank you very much for your consideration. Thank you, sir. Thank you. Mitral Gandhi, followed by John Ellis, and then if you're here, Hannah Butcher. Good evening. Boy, you are right on time.

[01:57:09] Can you believe that? I can't. I was just checking in. First of all, thank you. Thank you for your time and energy. Residents like me pop in, we say our piece, and then we leave, and we're like, okay, that's it. You all live here.

[01:57:25] You all are elected. So, so many of you all have done so much. So, thank you very much from the bottom of our hearts. My name is Mithal Gandhi. I am the president of the Regency HOA. The Regency is a community right across from Loudoun Station, our newest metro.

[01:57:42] And today I'm here because if, as you all may know, you have a lot of HOAs, not everyone agrees, but we are unanimously in agreement that there should be criminal enforcement instead of civil enforcement for metro infractions.

[01:58:00] We have been affected tremendously. We have homeless people who are sleeping on our park benches. We have people who look to be mentally ill coming down when the middle school bus comes and drops off kids in our neighborhood, and the kids can't walk on the sidewalk because here we have a shirtless person who looks, again, mentally ill, coming down, cursing. We have these types of issues happening. We had a homeless person sleeping in someone's screened-in porch area

[01:58:33] just a couple of months ago. These are serious issues, and it really impacts our daily lives, and we we've done the research i've been at metro when it closes just to see what happens you know we're the last line this is where people get off of and they they make their way into our community and while i can't tell you that every homeless person and every person that we've had an issue with has not paid their fare i don't know that um i can tell you that the metro director has

[01:59:10] said that uh most of all the issues they have deal with people who aren't paying their fares though like so you know on the metro system so please i ask i i i really truly appreciate the supervisors who are believe that they um that they are doing the right thing by trying to make it a civil penalty but to protect loud and nurse to protect your citizens to protect your voters to protect my kids so we can just continue living uh in our community please make it a criminal offense to on Metro property.

[01:59:46] Thank you so much, and thank you again for all of your service to our community. Thank you, sir. John Ellis, followed by Hannah Butcher, and if you are here, David Butcher. Good evening. Good evening. I'm John Ellis. I'm from Hillsborough, and I'm speaking for myself this evening, and I'm going to be repeating mostly what Mr. Sacco just said.

[02:00:06] I've been talking to a lot of residents of Western Loudoun recently, and one of the questions that comes up very frequently is why is the county planning to pay so much money for that piece of farmland just west of Percival? I agree with Tracy and Joe that that's really hard to explain. The price is high, and as Joe said, there are other available properties nearby that would be more suitable for those facilities. In particular, it would make more sense to use the vacant land that the county already owns, just adjacent to Woodgrove High School,

[02:00:42] which is already connected to the town of Percival's utilities and from which the town could benefit in terms of the town's rate payers could use additional customers on their service. As I understand it, that was actually part of the original plan.

[02:01:02] I wasn't at the table myself, but what I've been told is that the plans to put the facilities or some of the facilities on that property broke down over the county's desire to put high-intensity lighting on ball fields adjacent to neighborhoods near the high school. And the purpose of that was to generate revenues for tournaments, nighttime tournaments.

[02:01:29] That obviously was a problem for some of the neighboring residents. I encourage the board to ask staff to go back to the town to work this out. It shouldn't be hard because the board has unanimously endorsed the Dark Skies Initiative and because the county doesn't need those revenues, those tournament revenues.

[02:01:55] I believe most citizens in Western Loudoun agree we need those recreational facilities. That's not the issue. The only question is where they should be located. Making yet another incursion into the rural policy area is not the best or the most fiscally responsible way to do that.

[02:02:12] So please do not purchase that property, and please do not rezone it for non-rural uses. Thanks. Thank you. It is now after 6 o'clock, and so anyone who is not here at this moment, I will not extend the opportunity to come back because it's after 6 now.

[02:02:29] Hannah Butcher followed by David Butcher. Good evening. Good evening, Madam Chair and Board of Supervisors. First, I want to say thank you to every supervisor, every staff member has taken the time to meet with me, to call me, to talk with me and my dad.

[02:02:49] My name is Hannah. I'm with Roadrunner Wrecker Service. I'm speaking regarding the reconsideration that's happened today for police-directed towing. the most difficult part of this experience has been the gap in understanding about towing and the actual system that's in place and the one that was proposed all board of supervisors and the chairwoman are all exceptionally intelligent intelligent and exceptional individuals and the biggest hardship however has been the constant misunderstanding of how our system works and i don't expect a board of supervisors to be well-versed in towing, but I do expect them to

[02:03:29] listen to their advisory board, to listen to the people that they appointed and nominated that put in hours and hours of time and work, and we're just not trusting them. I'm asking you again to reconsider for heavy duty to be a primary, secondary, and tertiary. There are only three towers in Loudoun that actually do heavy duty towing. If all three place a bid, the county staff will have no choice but to award all three of them, even if they're a low-performing vendor.

[02:04:00] Our contract also does not have any minimum for the number of trucks, personnel, or training that's required for heavy duty. It is a very specialized industry. We have been the primary toer for Loudoun County Sheriff's Department for many, many years. We stage a truck at our central facility in Loudoun 24-7 to respond to a heavy incident at any second. We are not guaranteed to be awarded primary again. That's another common misunderstanding is that people think we have some sort of guarantee. We enter the competitive breeding process just like everybody else does. We hope because of our investment in the county, our experience, and our service that

[02:04:40] will be considered as a primary because we are qualified to do so, but we are not guaranteed like any other person. We hope that there will be continued consideration to this topic because it's a very important one. I don't want something catastrophic to happen in our county in order for us to take another serious look at why our advisory board recommended it this way. Thank you. Thank you, Ms. Butcher. David Butcher, followed by Michael Fernandez, followed by Robert Griffin.

[02:05:14] Good evening, Mr. Butcher. Good evening, and thank you for having me here. How much effort and time we went into in the advisory board working and crunching data, put together the recommendations of that advisory board that I was appointed to in 2012.

[02:05:40] I worked with a lot of great people at the sheriff's department and the county staff to put together this to be a fair system that would work in the best interest, not of the towers, but of the citizens of Loudoun County and the police department. I think that was a huge misconception is that this is to be fair.

[02:05:58] It's not fair. Life isn't fair. And when I say that is, is that the proposal goes in. It's an RFP. You have people with great integrity who put it together to make sure it is a competitive bid and everyone has an opportunity to be able to bid on it.

[02:06:18] I don't know if you knew that you could have subcontractors. So other contractors can either get grouped together and put into a strong proposal, whether it's light or heavy duty, and so on. There was so much in that that I just don't think was heard or understood.

[02:06:36] Heavy duty especially is a passion of mine. And I can tell you, Loudoun County, I don't know how the guys on the east end are going to respond to something on the west end when there's an emergency. I don't know if you know what this is. That's my military civilian award that I got at the Valor Awards for life-saving measures.

[02:07:00] I don't know if you remember Mrs. Kaplan who passed away, strapped under a bus. That was a food truck. That was me. I was one of the best people to see her alive. Also, out in Percival, the Camarello family, when a tree fell on their car, I had my staff there.

[02:07:19] We're in Percival. How long is it going to take somebody to get from Sterling to make that happen? That's why there's primary, secondary, and so on. The equipment's expensive. Even adding one extra vendor cuts us in half of what we do. Do you know how many tows there are a year for heavy duty in Loudoun County?

[02:07:37] 140. You can cut it in half, response times. It's about serving the citizens and the police. It wasn't about fairness to the towers. It's a competitive process. Thank you for listening to me. I appreciate it, and I hope for the reconsideration at some point. Thank you, Mr. Butcher.

[02:07:53] I appreciate you being here. Michael Fernandez, followed by Robert Griffin, followed by, virtually, Jose Gonzalez. Good evening, Mr. Fernandez. Good evening, Chair and Board of Supervisors.

[02:08:10] I came tonight on the motion that you had tonight with little information about Zone 5. I just want to thank everybody for all their hard work. I know Hannah was saying there was a lot of confusion in towing. There is a lot of moving parts in the police-directed towing, But I really don't have a lot of comments.

[02:08:29] I didn't want to miss my spot in comment to you. I think you hit everything in all the key points tonight. You made your motion. I think everybody approved it, and I agree to it. And thank you all again for all your hard work in this. Thank you, sir. Thank you.

[02:08:45] Robert Griffin, followed by Jose Gonzalez, followed by Tony Solis. Good evening, Mr. Griffin.

[02:09:05] Good evening, Madam Chair. Thank you for sending me the rules of decorum. I'm going to go right to rule number six on page 17. Decorum will be maintained. This includes a common courtesy from the audience and the staff and the board to the speaker.

[02:09:35] And from the speaker to the audience, who I'm now turning to. I get to... Mr. Griffin, will you please, Mr. Griffin, Mr. Griffin, Mr. Griffin, you need to turn around and... Would you please stop with your interruptions, madam? Mr. Griffin, did I not read that first rule to you?

[02:09:53] Mr. Griffin, you have to direct your comments to the board. No, I do not. I am respecting the audience, the people that are in this fine group who come to speak their piece. I'm saying thank you for all you people that come. Mr. Griffin, I do not want to call you out of order.

[02:10:12] You're out of order, madam. You're out of order. You're out of order. And I appeal to whoever's behind her as the enforcement officer to admonish her and to give her, tell her to stop interrupting me.

[02:10:29] I would like, if there's any attorneys here that would represent me, I would like to get a restraining order from the Madam Chair. Oh, yeah, here I have the rules of professional conduct. And let me cite number eight.

[02:10:49] Can't read it. Left my glasses somewhere. Oh, here they are. Avoid the appearance of conflict of interest. How many of you people, well, I know there are some, are a member of the Loud and Love Warriors?

[02:11:09] Isn't that group a conflict of interest? I understand that the Loud and Love Warriors threatened to have a guy thrown out of his business, unemployment. And I think you, Madam Chair, are a member of the Loud and Love Warriors.

[02:11:26] And I think Ms. Brisbane is too. I am not. Do you report those conflicts of interest, those virtual meetings, Madam Chair? Do you? I am not a member. Yeah, well, that says it all. I hope the county, the state's attorney is looking into you.

[02:11:43] I understand the sheriff is. Your time is up. Mr. No, no. I have this gavel. I have control of this room. I will tell him when his time is up. Mr. Griffin, your time is up. Yeah, it is. Mr. Griffin, your time is up right now. Mr. Griffin, your time is up.

[02:12:05] Supervisors, I have this gavel. I have control of this room. I will decide when I call somebody out of order, and nobody else will do that but me. And when I'm ready, I will do it. And I do not need to be told when that will be. I have the gavel. Our next speaker will be Jose Gonzalez, followed by Tony Solis, followed by Mark Pantelo.

[02:12:29] I think Mr. Gonzalez is on the WebEx. Madam Chair, how are you? And thank you so much for your busy time, and I'm sorry you're dealing with all the situations right now. But I appreciate your time and hearing us out, and hopefully we can resolve what's going on.

[02:12:47] I was notified about this agenda today very late in the afternoon, and I just wanted to put a couple of sentences in here. Part of what I wanted to mention was the last meeting we had, I thought we were under the impression that there was a procedure we were going to follow with the PV tab.

[02:13:07] I believe Zone 5 is part of the general RFP that includes all the zones. And I believe that if the RFP was put on hold on the revision, SON5 qualifies for that as well.

[02:13:23] I think earlier you touched just every single point that we were looking at. I mean, SON5 is a large SON. I'm close to it. My company, The Body Works, we're close to it. We service SON5 and SON5.

[02:13:40] And, you know, there's a lot of different situations that can rise up that will be an issue to use assigned to one single tour. You know, inclement weather is a big one. You know, it's a very rural area.

[02:13:56] A lot of this is recovery. So it's definitely a very complicated zone to work, but it's nothing that I don't think the qualified tours that are on this rotation list cannot fulfill. And I thank you for your time.

[02:14:13] I thank you for everything the board is doing to work these issues out. And hopefully we can all come to a great agreement in the near future. Thank you, sir. Mark Pontello, followed by J.D., I think it's Thomas.

[02:14:31] Yes, I'm sorry, J.T. Thomas, followed by Mark Nguyen. I'm sorry, sir. Did I miss you, sir? Did I miss you? I did.

[02:14:47] You know what? I absolutely did. I apologize. No, I put your piece of paper behind the other one. You were supposed to be next. You will be followed by Mark Pantello, followed by J.T. Thomas. Thank you, sir. Madam Chair, some members of the Loudoun County Board Supervisor. My name is Tony Solis, and I'm an organizer for the United Association in Plumbers and Gatsby's Local Five.

[02:15:10] I live here in Loudoun County, and I started my career working as a non-union plumber. Despite how people say construction job is guaranteed to a middle-class life, that was not my experience when I was working at non-union. But ever since I have the opportunity to join UA Local 5, I have been able to make a good wage to allow myself and my family to work and live here in Loudoun County.

[02:15:33] I'm here today because I want more people to have the same opportunity I did to a good career in a construction industry. That's why I'm asking the Loudoun County Board and Supervisors to support Project Labor Agreement. Project Labor Agreement ensures that workers in public projects, the ones that are funded with my tax dollars, get good work development opportunities.

[02:15:56] They make sure public projects and the ones funded with tax dollars are built on time and on a budget. Project labor agreement also ensures that workers have paid fairly and they have an easy way to fix payment issues if they are victims of wage theft.

[02:16:12] Consider myself lucky that I have a job now and allow me to focus on creating opportunities for young people to join construction industry. I want to make sure future generations have the same chance I had. but cannot do it with projects that are funded with our tax dollars.

[02:16:28] Don't create those opportunities. I urge Loudoun County Board Supervisors to support Project Labor Agreement. Thank you. Thank you, sir, and I'm sorry I almost missed you. Thank you. I appreciate you catching that. Mark Pontello, followed by J.T. Thomas, and then our last speaker will be Mark Nguyen.

[02:16:47] Good evening, sir. Good evening, Madam Chair and members of the Loudoun County Board of Supervisors. My name is Mark Pontello. I'm a resident of Loudoun County and an organizer with IBW Local 26 electrical workers. I'm here to encourage Loudoun County Board of Supervisors to adopt project labor agreements.

[02:17:07] I came into the trade 24 years ago as an apprentice. Instead of worrying about feeding my family, sending kids to college, having enough saved for retirement, or having a safe, healthy, safe workplace, I know that it's been taken care of throughout my career in the electrical trade.

[02:17:28] As an electrician, I was able to have a good family-sustaining job because of my membership in the IBEW. Now, as an organizer, my job is to figure out how to provide that same opportunity to the most amount of people.

[02:17:44] I feel lucky to do what I do, and I'm proud to say that our union has organized approximately 4,000 people in the past six years. That's a lot of people getting free training, health care, for themselves and their family, and most of them a six-figure income.

[02:18:03] at the conclusion of their apprenticeship. Unfortunately, opportunities that our union can provide are limited by the amount of work that we can facilitate. Thankfully, the region's data center market is fruitful for our members and our signatory contractors. The data centers are a big reason why we are bringing in thousands of new members and expanding our apprenticeship classes, but we also want to diversify our local union and ensure that we are not overly reliant on one single industry.

[02:18:36] The chances to facilitate good workforce development opportunities through our high-quality apprenticeship programs are dependent on if our signatory contractors are competitive when bidding the work. Thankfully, the county board has at its disposal a tremendous tool to ensure that its public projects facilitate workforce development opportunities and opportunities to get a family-sustaining career like mine for our local residents.

[02:19:03] Project labor agreements can expand access to good workforce opportunities while ensuring that projects are done on time, on budget, and safely with minimal construction issues. Project labor agreements are a major priority of the federal government.

[02:19:19] President Biden issued Executive Order 14063 requiring PLAs on all federal projects. And we hope Loudoun County should follow its lead. Thank you so much. Thank you. Thank you. Mr. Buffington, would you like to step outside? Thank you. Our next two would be J.T. Thomas and Mark Nguyen.

[02:19:40] Good evening, sir. Good evening, Madam Chair, members of the board. My name is J.T. Thomas. I'm a resident of Loudoun County. I've lived there for the last five years with my family in Percival, and I'll read off my notes so I don't go off script.

[02:19:59] I work in the electrical contracting business as an executive director of the Metro Washington chapter of the National Electrical Contractors Association, where we represent a group of over 170 contractors working to advance the interests of our industry and in our employees.

[02:20:17] I'm also proud to be partners with the IVW Local 26, a union representing over 12,000 members. They are our partners in more ways than one. We work together on training the next generation of electricians, recruiting more women and minorities in the electrical trade, diversifying the region's contractor base, and advocating for responsible development.

[02:20:35] Today, I'm here to talk to the Loudoun County Board and how they can help promote these goals by adopting project labor agreements. Project labor agreements will help companies like the ones I represent by being able to compete on public contracts. Today, many of our members participate in the data center market, where quality is king and work needs to be done right the first time.

[02:20:57] Unfortunately, our contractors are less likely to compete on projects where they routinely underbid on things like wages and benefits. Many people don't know that it costs money for a construction company to prepare a bid. We need to pay estimators and spend valuable staff time preparing specs.

[02:21:14] Local companies like the ones I represent will be far more likely to invest those resources if we know that the county is using a framework that levels the playing field for all contractors. Project labor agreements are a great mechanism to do just that, while ensuring that our public tax dollars are spent efficiently and that our contractors selected complete projects on time, on budget, and without construction deficiencies.

[02:21:35] Importantly, project labor agreements ensure small, women-owned, and minority contractors are able to compete in the Loudoun County contracts. The thing I hear most from our SWAM contractors is they have to deal with the issue that the bigger contractors do not. Chief among those issues are bonding, getting a base of experience, and nurturing a workforce.

[02:21:55] Through the partnership with IWW, we are taking care of these issues by investing millions of dollars each year in training and providing financial opportunities. The next step is finding work opportunities for SWAM contractors where they don't have to worry about being underbid by out-of-town competition. As the head of the Contractors Association, we are not resting on our laurels.

[02:22:13] We want to make sure that our contractors grow because we provide opportunities for careers for people who do not necessarily want to go to college. I'll take every opportunity to create those pathways for residents. That's why we weigh in on project labor agreements. Sorry, sorry, wrap that up. Okay, thank you very much.

[02:22:28] That's it, other than thank you. Thank you. And my last speaker is Mark Wynn. Good evening, Lord. Good evening, Chair Randall.

[02:22:46] The raft of God is being revealed from heaven above against all the godlessness and the wickedness of men who suppress the truth by their wickedness. Therefore, God gave them over in their sinful desires to their hearts of sexual impurity for the degrading of their bodies with one another.

[02:23:09] They exchanged the truth of God for a lie. They worshiped and served the created things instead of the creator, who is forever praised. Amen. Because of this, God gave them over to their shameful lust.

[02:23:29] Even their women exchanged natural relationships for unnatural ones. In the same way, men abandoned their natural relationships with women and were inflamed with lust for one another. Men committed indecent acts with other men and received in themselves the due penalty of their perversion.

[02:23:56] Furthermore, since they did not think it worthwhile to retain the knowledge of God, he gave them over to the depraved mind to do what not ought to be done. I know I've been in front of the board many times, guys.

[02:24:14] I didn't have the time last time. I didn't have really the gut to say it last time because I was so nervous. You all have heard me many times. I'm not a hateful person. But the Word of God should never be threatened for being spoken in public.

[02:24:33] The Word of the Koran should never be threatened for being spoken in public. It doesn't make sense to me why this whole thing got blown out of proportion.

[02:24:49] I wish it would never had no more than this you get blown out of proportion because it's the truth it's the word of god and I want the rainbow back that's a covenant between god and his people we won't destroy the world with rain uh with water anymore he will with fire if we don't repent thank you for your time okay so those are all of our speakers so we're going to have um you know what Okay.

[02:25:25] Y'all need a break. No? You're good? Okay. Let's have the people for the Metro towing enforcement issue come back to the table. Maybe we can go straight to motions.

[02:25:42] We finished asking questions, so, yes, we can go straight to motions. Everybody, welcome back, and thank you for the hiatus.

[02:26:08] I really appreciate it. All right. We've already had the staff presentation, and we've already asked questions after the staff presentation, so now it's actually time for motions. I don't know how many motions we actually have on the dais. What normally happens, and I'm not going to do anything that is out of the norm for this item because I shouldn't, so I'm not going to.

[02:26:36] What normally happens is the item in the packet, the package motion is made first. If the package motion does not pass, then other motions will be and can be made, and that has always been our regular order. And that would be our regular order right now.

[02:26:52] Does anyone want to make the package motion? Point of clarification, Madam Chair. Yeah. Well, my motion literally is the packet motion and then just adding in. Then that's not the package motion. So does anyone want to make the package motion? All right.

[02:27:09] Well, then we will make motions that are on the dais. Mr. Sainz, would you like to make a motion? Thank you, Madam Chair. And for my cause, before I make the motion, the only thing, I'm going to make a change to my first motion and strike out where it says are 10 days in jail or both so I'm removing that part um I move that the board of supervisors direct staff to advertise and include the proposed new ordinance conduct in mamada facilities and vehicles as reflected in attachment one to the June 6 2023 board of supervisors business meeting action item as part of the board of supervisors

[02:27:41] public hearing on July 12 2023 except for that paragraph describing the punishment for violation of section 6xx.04a shall be amended to any person found to have committed a violation of this subsection a shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars nor more than fifty dollars for first offense any person found to have committed any second or subsequent subsequent violation of this subsection shall be guilty of a misdemeanor

[02:28:15] punishable by a fine of not less than \$50, nor more than \$100, period. That's the motion. Motion's made and seconded by Mr. Letourneau. Would you like to discuss the motion, Mr. Sainz? Again, thank you for staff, their time on this item, and then for our law enforcement as well, providing some input and having subsequent conversations in private and answering questions here today.

[02:28:43] I believe this is a good medium where we are getting to where law enforcement can approach a person that's doing the fare evasion and get the information that they need from the law enforcement standpoint. But at the same time, the person committing the fare evasion is not going to be arrested unless they do some other things.

[02:29:07] They're paying a fee, a fine, and they're allowed to go about their business. Hopefully they'll learn their lesson from the first occurrence, get their fares in order, get the smart trip card or sign up for all the different programs that are for fare reductions and possibly free assistance if they need it, depending on their lifestyle.

[02:29:31] So I think this is a happy medium where we're getting to solve an issue that is prevalent on our metro system. So thank you. Mr. Letourneau, and Mr. Letourneau, Mr. Sains, I'm actually, this is the first time no one in the back has seen this, and this is the first time many of us have seen this.

[02:29:56] And so I think after we finish, I just think I might give everybody just a second, because there's a lot going on here, and I just want to make sure that everyone knows what they're voting for or not voting for in this motion, because even as you read it and I followed that, I don't know that I understood what just happened here.

[02:30:15] So we may have to have just further clarifying conversations. Mr. Letourneau. Thank you. So Supervisor Staines' motion mirrors what the approach is in Arlington County. They call it civil, and I think that led to confusion on the board.

[02:30:31] It actually exists in their criminal code, and this would exist in our criminal code as a misdemeanor. However, it is an unclassified misdemeanor, so it is below a level four misdemeanor, and we've essentially carved out separate penalties from this. I did work with Supervisor Saints on this.

[02:30:50] I do think this is an important motion, and this is an important action for us to take. Just to piggyback, for the benefit of the board, Metro will be enacting a low-income fare program actually starting June 20th. We announced that yesterday. It was part of our budget. So eligible riders, which are those individuals who qualify for the SNAP program in Virginia, will get a 50% discount on their fare.

[02:31:14] There have been 21,000 instances of fare evasion in Loudoun County since the Silver Line Extension opened. Let me repeat that, 21,000. Simply from a fiscal standpoint, assuming many of those riders would likely be max fare, but not even the full max fare in my calculation, that's over a million dollars in lost revenue to Metro at a time when our system is about to see a true fiscal cliff with a \$750 million deficit.

[02:31:46] That's the financial side. That's not the real reason to do this. The real reason to do this is because we have a crisis of public confidence and safety on our system. We have many individuals, unfortunately, and this is a societal problem.

[02:32:03] In the neighborhoods that we serve, violence is spilling onto Metro, and it's coming from all quarters. It is not simply a problem in one neighborhood or the other. So what this will do is enable law enforcement to get an ID from an individual who is fair evading.

[02:32:21] And in doing so, we will be able to tell if that individual has an outstanding warrant or a violent criminal record or something of that nature. You know, members of this board don't really see it. But those of us on the Metro board, this is the number one complaint we get from people, from riders.

[02:32:42] And it is low-income riders. It is absolutely minority riders. It is riders of all walks of life upset that they don't think we're doing more to stop fare evasion because they are paying and because it contributes to lawlessness on the system.

[02:32:58] Randy Clark, our GM, has a saying, which is that not everyone who fare evades is a criminal, but every criminal on the system fare evades. So if we are able to stop at the point of entry, as Chief said, then we really will contribute you to safety on the system. And this is a very reasonable compromise, which is significantly less stringent than what staff proposed, but would still give us the ultimate backstop ability to stop an individual, get an ID, see if they have a warrant, and ultimately there will be

[02:33:30] consequences. Mr. Turner. Thank you, Madam Chair. I'd like to propose a friendly change. Is that appropriate now or should I wait? No, a friendly is appropriate now. The friendly would be to insert the word prepayable before the word fine in the two locations where it occurs.

[02:33:54] Virginia Code allows the local ordinance to define a fine as prepayable. Without the word in there, we don't know whether it will be considered prepayable or not. If we just add the word, it automatically makes it clearly prepayable fine. And that still does not change law enforcement getting the necessary information that you need?

[02:34:18] No, sir. I'm good. Great. Thank you very much. I'll support the motion with the friendly amendment. I really wrestled with this over the last two or three days. The challenge we have here, and Supervisor Bristol had mentioned the traffic violation.

[02:34:35] I'll check with their county attorney. Traffic violations are actually in between a civil offense and a criminal offense, as I understand it. So you can be guilty of a traffic violation. It may not be high enough to be a crime, but it is also enforceable by law enforcement.

[02:34:50] We don't have the luxury of having that within the metro system. So we are forced into an on-or-off switch, and I am very, very sensitive to the fact that if it is inappropriately enforced, it can become a mechanism for real problems that put young people into the prison pipeline easily, and I'm sensitive to that.

[02:35:12] But we really are faced with an either-or situation and faced with the either-or situation of nothing and basically encourage an environment where lawlessness on the metro system is essentially unaddressed and theft is unaddressed to responding in a way that allows us to stop violators of the rules of the metro in the most uninvasive way that we can.

[02:35:43] And so I tend to drive down to the Class III and Class IV levels. Class III, Class IV misdemeanors are not punishable by jail time. Ones and twos are. So I'll make a motion later on tonight to reflect that. But I think that this strikes a reasonable balance that allows us to enforce the laws on the metro system and yet still do it in a de minimis way that we can allow the person that if they step up and honor their responsibility to pay the fare, then they'll pay the fare.

[02:36:12] So I will support this. Thank you. Ms. Bricksman. Thank you, Madam Chair. Is Loudon going to be getting the turnstiles that prevent fare evasion? Do we know? The tactile, I think they're called the tactile, unless you guys can.

[02:36:33] Probably the only person that would know. Okay. They don't do capital projects. Okay, go ahead. Yes. Time's running. Yes. Thank you. Not immediately, but yes. Okay, okay. Are firearms prohibited

on Metro? Not in the state of Virginia.

[02:36:50] Okay. We need to add that to this ordinance, that firearms are prohibited on metro in Loudoun County. May I add a friendly to your motion that we add firearms prohibition to metro stations in Loudoun County? You can ask them.

[02:37:08] She's asking for my motion. I know. You can ask him. I don't know the answer to that question, and I could look into that. Can you bring it back to public hearing, please? Yes. I will tell you, this is only to advertise it for the public hearing. Yeah, I got you. I got you. I got you.

[02:37:24] Vice Chair Sains, your motion only pertains to paragraph A, and my fear is if this motion passes, we won't have an opportunity to think about the violations in paragraph B. So what I would like to propose is a friendly amendment that all the crimes listed in paragraph B are also unclassified misdemeanors and categorized as you would like to have them in your motion.

[02:37:47] In addition, I would like to add from paragraph C number four to be an unclassified misdemeanor as described in your motion. Would you accept that as a friendly? Sure, yes. Who seconded? I did, so hang on. I'm okay with the first part, but I need to look up where C4 is.

[02:38:05] Can you stop? C4 is mark a draw in any part of the rail car to transit station. It's graffiti. Hold on, I'm not on the right page. Page nine in the packet. Just four or all the way down to four? Just four. Just four.

[02:38:20] The others I kind of get, like, but I actually wouldn't. Class one misdemeanor, I think, is pretty high for also paragraph C. But I'm not quite sure how to solve that problem. Just four in paragraph C. It's the graffiti.

[02:38:38] Okay, so I'm going to start a time, so you're going to need an answer. Okay. Okay, great. Can I start a time back? You done? No. Oh, okay. So in that case, I would be willing to support this motion. You know, we are stuck between a rock and a hard place.

[02:38:57] I hate the idea of someone being, you know, stopped and asked for their ID because they're a homeless person with bare feet, potentially getting handcuffed because they play their music too loud and they didn't know the rules on the Metro.

[02:39:14] I'm really uncomfortable with that, but I kind of get the idea that we are stuck between a rock and a hard place. And the only way I could think, you know, in thinking through this to fix it, to make this civil, would be to go to the General Assembly.

[02:39:31] And I don't know that, you know, Waymata or anyone else is going to be willing to do that. We could start researching it, perhaps, in our legislative agenda. I'm really uncomfortable with these being more than a civil. I'd also like if staff could investigate and see if there's some way that we can make these immediately expungible when the fines are paid.

[02:39:53] thank you madam chair thank you mr i'm sorry miss glass thank you madam chair um thank you all for coming out um this evening and having this discussion with us and clarifying some things i'd also like to thank mr gandhi for um from regency hoa um to come out and speak on this matter i know that um i've had a number of discussions with uh the neighborhoods that are close to um ashburn metro and the concerns that they have and i appreciate uh uh supervisor briskman's friendly

[02:40:29] because that was one of the concerns that i had was that um you know the the class four misdemeanors with you know walking with bare feet and um you know someone with a skateboard i'm thinking of a 20 something that um is doing something that's silly and then a few years down the road they're looking to you know get a a security clearance and unable to do that so um i appreciate that and i will be supporting this motion thank you thank you miss umstead thank you madam chair um

[02:41:04] i also am very grateful to all of you for coming out and for working well helping us through this um i would have been willing to support more significant penalties but i will support this motion, because hopefully it gives you some leverage to deal with those who might be committing crimes on Metro.

[02:41:27] I think Supervisor Letourneau did a superb job describing the fundamental result of not going after fair evaders, because when you don't go after fair evaders, you do one of two things.

[02:41:45] You either increase the Metro fare for lower-income folks, but thanks to Metro and what they're trying to do in relation to that, or you start cutting back on service, or you ask the region to put more tax dollars into the system, which, again, hurts disproportionately lower-income folks.

[02:42:09] So I'm hoping this compromise works. I do think that fair evasion has to be criminal. I'm comfortable with the vice chair's approach to it, and I really thank the vice chair and Supervisor Letourneau for working closely together on this.

[02:42:27] Thank you. Thank you. Mr. Kirshner? Thank you, Madam Chair. I'll just be brief, and I do want to thank all of you for this, the vice chair Sainz and Supervisor Letourneau for your work on this. I would probably favor much more the motion that was in the packet.

[02:42:44] I've been practicing, like I said, criminal law for a long time, and I understand kind of the repercussions, and I'm not concerned at all, quite frankly, repercussions, because I do know how these cases generally get resolved. They generally do get dismissed, especially if people pay. Actually, prepayable makes them – making it prepayable actually means they kind of plead guilty to it.

[02:43:05] But, you know, it's very – Class IV misdemeanor, just if anyone's concerned, is very much like a traffic ticket in the sense that it's the same kind of fine and it's treated very much the same within the law. So I do think this is well balanced and I certainly support the motion. I appreciate the work and the collaboration of my colleagues. Thank you. Mr. Buffington.

[02:43:28] Thank you, Madam Chair. Just for clarity and I think the answer to my question is yes, but this makes all of the different offenses that are listed a misdemeanor, right? It's the lowest level misdemeanor only in one section not all of them in the sections that we discussed a and b as part of the motion classified well it's in it doesn't change anything from a misdemeanor to a civil infraction only no no no it does not it's a and b and number four and c i'll support it for that reason so that law enforcement can do their job this has been an incredibly hard um oh i thought

[02:44:08] you spoke on this already i have plenty of clarification okay don't start my time i'm not I'm not sure what we're voting on at this point. So we're doing Mr. Sainz's motion. Minds for paragraph A. We're doing Mr. Sainz's motion with your friendly to add prepay in front of it.

[02:44:27] And then everything in B. Same language, fine. Same language and number four in C. It moves to B. Yes. From C to B. Yes, basically, yes. Okay, thank you. All right. This has been very, very hard because

the idea that turnstile jumping becomes a criminal offense on your record for the rest of your life is absolutely ridiculous to me.

[02:44:51] We have the highest population of incarcerated people in the world, in this country. We go to criminal justice system first for everything. We don't go to that person may have a mental health issue, which might be why they are in that tunnel, which is actually what happened with Bobby Gross in 2016 when he was shot in the metro tunnel.

[02:45:10] he had a mental health issue. He was shot. He had a big branch, but he had a mental health issue. We don't go to what else can we do, tactile devices. We don't go to turns down. We go to criminal justice first in this country. We incarcerate everything all the time. We spend \$182 billion a year in incarceration. Two million people are incarcerated. African-American men are 13% of the population and 35% of people who are incarcerated, and they get incarcerated for a longer period of times for the exact same crimes as other people, but they have longer sentences

[02:45:49] every single time. We have got to do better in this country. I am so frustrated with this. I am so frustrated. And by the way, if somebody is probably in the neighborhood, and I believe they are, they didn't fare a bait in Loudoun County. They got on someplace else, got off in Loudoun County. And oh, by the way, the reason Metro was in such financial straits is not because of fair evasion. So let's just get that straight. So I don't know what else to do but to vote for this, but I hate it. I hate voting for this because why can't we ever think of anything else to do but incarcerate all the time? And when we incarcerate all the time, it is always people

[02:46:28] who are less able, who are less able, who get incarcerated. You all are doing your jobs, and I appreciate that. And it's what you're hired to do, what you're trained to do, and I appreciate that. And the overall issue I'm talking about is not your problem. Well, it's your problem because we're all in this together.

[02:46:46] But you didn't cause this. I don't feel like I have any other option, but I'm mad about not having any other option but to use the criminal justice system. And that doesn't mean I want people to fair evade. Obviously, I don't. But when we start, and the other thing is this, you fair evade and you stop and ask for ID, you're not even looking for fair evasion.

[02:47:06] You're looking for any other crime they may have committed. And people will be approached in their head thinking, my gosh, what else might he have done? You're not approaching somebody just because, gosh, they ferribated. You're approaching them thinking, and what else could they have done? And that's how you get people prone on the ground with handcuffs on and getting beat, because that's how they're being approached.

[02:47:27] We've got to do better overall in taking care of mental health issues and other issues instead of using the criminal justice system for everything. Our amazing police officers are not mental health therapists. They're not nurses. All the things they're required to do, they're not trained to do those things.

[02:47:44] They're trained to do what they do. So I am going to very regretfully vote for this because I don't know that I have any other option. But I certainly don't like it, and I certainly think as a country we should be doing a better job with this. Mr. Sands, would you like a closing? I'll just quickly say thank you again to everybody.

[02:47:59] We had a good discussion, had conversations. I think we found a good medium. And then to clarify, this is unclassified misdemeanors, correct? All right. And then another clarification, and Supervisor Kirsten kind of mentioned it, that Kirsten, excuse me, that say class four, is that similar?

[02:48:26] Can you kind of explain, is it similar to a moving violation, failure to obey a sign? So the short answer is it's not. It's not a crime. It's not a misdemeanor. When we talk about something being civil versus criminal in the context of this discussion what we're looking at is are is it qualified as a misdemeanor or as an infraction it could be a misdemeanor and still be criminal and not have jail time associated with it if you run a stop sign you're getting pulled over you're getting a strictly civil ticket it's not if there are other circumstances of course but they're they're they're not analogous class four and running a

[02:49:06] stop sign are not are not the same ticket okay all right thank you this is actually this motion is all this going to public hearing that's what we're doing right now so between now public hearing and then after when it comes out of public hearing there may be other discussions had you all should know that in advance but the motion right now maybe by supervisor sayings and secondly by supervisor eternal is to go with the public hearing on people say aye opposed that motion will pass 9-0 thank you all very much all right let's do the last action item we have before we go to break because

[02:49:46] we only have one more um and this item number four that was taken off of the consent agenda by ms brixman ms brixman would you like to um i'm sorry oh you took i thought you you took it off the consent agenda i said ms brixman oh okay all right you just want to okay would you like to make a motion, Ms. Glass. Yes, Madam Chair. I move that the Board of Supervisors approve ZRTD-2022-0001

[02:50:23] and DMOD-2022-0011 Pacific Corporate Park subject to the proffer statement dated May 22nd, 2023, and the conditions of approval dated May 22nd, 2023, and based on the findings for approval provided as attachment 1, 2, and 3 to the June 6, 2023 Board of Supervisors Business Meeting Action Item.

[02:50:52] Motion is made. Second by Supervisor Sainz. Cush on the motion, Ms. Glass. Thank you, Madam Chair. I just want to reiterate my thanks to the applicant for being so willing to address my concerns regarding this application. And although we are tearing down a piece of Loudoun's economic development history, I think we'll have a very good, attractive data center at this site where we do have data centers and that it will blend in with the surroundings.

[02:51:26] Thank you, Madam Chair. Thank you. Ms. Bricksman. Thank you, Madam Chair. I did pull this off of consent because I wanted to register a no vote, mainly because of the ZMODs. ZMODs that bring buildings closer to the road or allow higher buildings and basically more intense development are giving me a lot of heartburn these days, as does the entire ZRTD process.

[02:51:51] So I do appreciate the applicant's work with Supervisor Glass, and I know that Supervisor Glass and her office put a lot of work into this, and I appreciate them making it the best that it can possibly be, but I'm just going to register a no vote. Thank you, Madam Chair. Thank you. All in favor say aye.

[02:52:09] Opposed? That motion will pass 7-2 with Ms. Bricksman and Ms. Chair Randall voting against the motion. That's it. All right, thank you. So, okay, we have been here for almost three hours with no break.

[02:52:26] I was going to have us read in the closed session and then go straight there and take a break, but you know what? I need a break before we go to closed session, and so let's take five minutes and then

come back and read in the closed session to the first three closed sessions is what we'll do, but I need a break.

[02:52:44] So we're taking five minutes, and then we'll come back and read in the closed session. What? What? Yeah, okay.

[02:52:52] Supervisors, we're back.

[03:02:14] We're going to read in the closed sessions one through three. Go do closed sessions one through three. Come back, read out of those, and do our public comments, or rather our board comments, and then go back into closed session for the last two closed sessions. So we have a little bit of a night ahead of us still now.

[03:02:34] I can see that most of the staff has already kind of, the board staff, Rachel and Val, Rachel Bell, Christy, Ethan, Matt seems to have gone. He has exited the building. I really can't blame him, to be honest.

[03:02:54] They're all ready to go. Look at them. They're all ready to go. So let's go on and read into closed session for those items, Mr. Sains. All right. Closed session number one. I move that the Board of Supervisors recessed this public meeting and entered into closed session pursuant to section 2.2-3711A3 of the Code of Virginia to consider acquisition of parcel of property for public use within the 2011 Blue Ridge Election District and the 2022 Kontocton Election District.

[03:03:23] I move that the Board of Supervisors recess this public meeting and enter into closed session pursuant to section 2.2-3711A3 of the Code of Virginia to consider acquisition of parcel of property for public use within the 2011 Sterling Election District and 2022 Algonquin Election District.

[03:03:40] I move that the Board of Supervisors recess this public meeting and enter the closed session pursuant to Section 2.2-3711A8 and A29 to consult with legal counsel and staff pertaining to the negotiation of an agreement pertaining to the Ravana at Innovation Station development involving the expenditure of public funds where discussion in open session would adversely affect the bargaining position of the county.

[03:04:07] Motion is made and seconded by Supervisor Briggs. It's been discussed on the motion. Seeing none, on paper, please say aye. Aye. Any opposed? That motion will pass 9-0. We are on closed session.

[04:00:53] All right, we are back.

[04:38:38] Mr. Stamps, would you like to read us out of the closed session, please? Yes, I move that the closed session be adjourned, that the Board of Supervisors reconvene its public meeting, that the minutes of the public meeting should reflect that no formal action was taken in closed session, and further move that the resolution certifying the closed session be adopted and reflected in the minutes of this public meeting.

[04:38:54] has been made seconded by Supervisor Brixman discussion on the motion. All of the people who say aye. Aye. Any opposed? That motion will pass 9-0. Supervisors, let's do board huh? I'm sorry, Mr. Materno. Affirm. Affirm.

[04:39:16] Affirm. We didn't have, oh yeah, we still got to affirm this though. Mr. Turner and I affirm as well. Mr. Let's make the motion, Mr. Yes. I move the Board of Supervisors authorize the county administrator to execute a purchase agreement approved as to form by the county attorney with Zorab

Taikanyan for a total of 2.82 acres of real property in the amount of \$2,250,000 identified as PIN numbers 012-26-2912 and 012-25-5549.

[04:39:55] The purchase shall be subject to a satisfactory due diligence and feasibility analysis for the county's intended use of the property and a further move the board of supervisors authorize the amendment of fiscal year 2023 capital improvement program by directing staff to execute a budget adjustment in the amount of two two million four hundred and fifty thousand from the county land acquisition account to the newly created potomac view road property land acquisition and due diligence project in the capital projects fund motions made and happily

[04:40:32] seconded by Supervisor Brixman. Discussion and motion. Yes, hopefully my colleagues will vote for this. This is a piece of property within the Sterling District currently right now, which will change to the Algonquin District effective January of 2024. But with this purchase, the county will create a passive park and some more trails within the Mirror Ridge and Potomac View and Sugar Land neighborhoods. So thank you.

[04:40:59] Thank you, sir. Mr. Letourneau. No? Okay. It was an accident. Anybody else? All right. All the people say aye. Any opposed? That motion will pass 9-0. All right.

[04:41:17] Let's do board comments. No, no, don't turn your light on. Board comments. Mr. Bulkington. Thank you, Madam Chair. No required disclosures and no comments. Wonderful. Mr. Kirshner. Thank you, Madam Chair. Just a few things.

[04:41:34] Just want to welcome everybody back. We had a great Memorial Day. We had a number of things going on in the western part of the county, a number of parades, including Round Hill and Hillsboro. A lot of folks came out despite the fact that there was rain, and we had a great celebration. Had an opportunity to go to Mayfest and actually run the cornhole competition.

[04:41:56] We had a lot of great competitors out there, and I would highly encourage those who come around Nick's Memorial to make it out. It's a real great family and community time. And on May 29th, Lovettsville held the Memorial Day commemoration with Corporal Tony Porta as their keynote speaker, which was also a great thing.

[04:42:16] Had a great time with Chair Randall and others from our Leesburg, or excuse me, our Loudoun Fire Department and Fire and Rescue, as well as the volunteers at the May 30th groundbreaking ceremony in Lovettsville for the new Fire and Rescue Station. It's going to be a 19,200-square-foot building, and we'll have incredible upgrades, and we're looking forward to that, too.

[04:42:39] It covers the largest land area of any fire station in the county, so very important for that general area and for western Loudoun. And I would also encourage people to go to events coming up Summer on the Green in Lovettsville.

[04:42:56] Check out, I think the first one's Saturday, July 10th. That's the news from Gatoctin. But I would also like to just I know there was a couple of comments from the folks who were here concerning the Western Loudoun Rec Center. Obviously, that is something that's been very near and dear to my heart.

[04:43:13] And as well as Mr. Buffington, Supervisor Buffington and others on this board who have supported that, we know there was never things I would like to correct that were mentioned during the

comments. And for those who may be watching, there was really there's never been, as to my knowledge, any sort of issue with lights that were brought forth.

[04:43:34] I'm not sure where that information came from. The decisions we have made on this board, I think, in large part have to do with we want to make sure we have a Western Loud rec center to serve the the the constituents and the citizen of Western Loud. And something that's been desperately needed, something that's been on our CIP, I think, for well over eight years.

[04:43:54] And this was an opportunity to do it. We have looked at a number of different parcels. And we also, you know, when you don't act and when you're unable to act, funding is an important thing. And that funding can sometimes go away or things can get bumped back in the CIP. So I appreciate my colleagues for supporting this ongoing effort to ensure that we get a rec center in Western Loudoun.

[04:44:15] Thank you. Thank you. Thank you very much. Ms. Um, I'm sorry. Thank you, Madam Chair. No disclosures and no comments. Mr. Turner. Thank you, Madam Chair. Just some disclosure, one disclosure on May 22nd.

[04:44:34] My staff met with Matt Leslie and Aaron Swissholm from Mons Kalusha to discuss the application for Landstown Boulevard rezoning. Last week, I was fortunate enough to be invited to address my class in my squadron at the U.S. Air Force Academy. We are the legacy class of 1973 for the class of 2023.

[04:44:54] Fifty years ago, I graduated, and it was a really uplifting event. I was a little nervous about my comments, and they went just fine. We graduated 950 cadets in the class of 23, the second class in Air Force Academy history that actually graduated graduates who will go into the Space Force, not the Air Force.

[04:45:18] They played the Space Force song, which I'd never heard before. These are the words, we're the mighty watchful eye guardians, which is what they're referred to. If you're in the Space Force, you're a guardian. Guardians beyond the blue, the invisible front line, war fighters, brave and true, boldly reaching into space.

[04:45:34] There's no limit to our sky. Standing guard both day and night, we're the Space Force from on high. Not nearly as good as the Air Force song, I might point out, but it is a song. They handed out the cover for the program, and on this cover are photos of six cadets.

[04:45:51] And of the six cadets that graduated in 2023, on this photo, there are three men, two African-Americans, three women, and an Asian woman who are graduating. If this had been taken in 1973, that would have been six white men.

[04:46:08] And 2023 is the most diverse class in Air Force Academy history. The president was there. What you heard in the news was that he tripped over a sandbag. In fact, what they don't tell you in the news is that the president stood on that stage and saluted, not just shook hands, but saluted and shook hands with 950 graduating cadets for two hours without a break.

[04:46:33] It was an amazing performance. I don't remember any graduation in Air Force Academy history where the president of the United States stayed for all 950 graduates. I was really impressed. And there's wokeism, quote-unquote wokeism, is used as a pejorative by a lot of people in our society.

[04:46:53] To me, the positive definition of being woke is the fact that we recognize that for hundreds of years there have been, whether we choose to admit it or not, institutional biases in all of our systems. They exist. The fact that they exist is not even in doubt. Wokeism simply means let's look at every opportunity that we can to make sure that every person in our society has an equal opportunity to exceed, to excel, and to thrive. I can assure you the Air Force Academy has not lowered its standards so much as a millimeter in 70 years or 50, 60, 61 years,

[04:47:28] I think, 64 years. They have the same standards they have always had. It just means you need to reach out aggressively to find people of varying backgrounds to meet those extraordinarily high standards, and the Air Force Academy has done that. I was really proud to see this class graduate they are sharp as they always are and it was a it was a real delight so thank you madam chair thank you sir um miss glass thank you madam chair um i have two disclosures on wednesday may 24th

[04:48:02] i met with maria sob from amazon to discuss her chops center far cook center and mannequin plaza on monday june 5th i met with tony calabrese from dla piper to discuss zrted dash 2022 dash 0006 broad run business center i also um went to a number of um graduations um this past week and i'll go to i think two or three more um the end of this week but it was wonderful to see all of

[04:48:36] our students um to graduate and congratulations to all of them it was very touching especially broad run high school where um that was the um the group that came in um at the time of covid and they there were a number of things that they missed but they were very excited to graduate and um again congratulations to them all thank you mr litoral thank you madam chair uh by way of disclosures on may 31st i met with denise harover of van meter to discuss stone ridge section 40

[04:49:13] z map 2022 0019 it's also not necessarily a required disclosure but kind of close which is a discussion i have with the walton wood development which is previously board approved about some potential changes um that they've had um i just wanted to sort of follow up on a few cats and dogs from the meeting tonight um regarding the point about the individuals on metro who need assistance i think it it just is worth repeating that um metro for the first time has deployed four licensed clinicians on the system and is in the process of hiring six more to deploy to handle individuals,

[04:49:53] and this is to the point that the gentleman from the Regency had, who have mental illness or substance abuse or whatever. So I do think it's worth pointing out, aside from law enforcement, there is an effort being made to try to address those issues outside of those interactions and with trained professionals who can do that.

[04:50:12] So that's a positive step. I also really took exception to a comment that one of the speakers made tonight, which is that the only reason why the Board of Supervisors was discussing putting lights on one of the fields in Western Loud, and which we ultimately didn't do, even though I think myself and Supervisor Brisbane might have supported it, as I recall, was to get revenue for the county from tournaments.

[04:50:36] That is what we're trying to do and what Parks and Recreation is trying to do provide opportunities for people who live in the county to play on those fields yes some of them do host tournaments and sure it's helpful for that they are revenue positive but usually those tournaments are hosted by you know teams and organizations that are here in the county so that is not a negative in any way and it makes it seem like this is all about some sort of profit for the board when in reality it's really

about providing service but you know i guess that's my segue it is political season I guess my comment around this time of year and I've probably made it in other

[04:51:15] years is you know and it's especially true it's not so much an issue for us up here because I think we all get it and get along but the party people the folks who are out there the rhetoric can get overheated and it can get overly personal and that happened recently and it it shouldn't Um, and not, not at me, but one of my colleagues.

[04:51:39] So, you know, we have to try to rein that in a little bit. Sometimes we can't, but, you know, we do have to treat each other with respect and we will have disagreements. Policy issues are fine, but personal attacks and overheated rhetoric are not.

[04:51:58] And, you know, I'm disappointed when it happens on my side or the other side or whatever side. And it has to, it has to be said. That's it for me. Thank you. Ms. Bricksman. Thank you, Madam Chair.

[04:52:15] By way of disclosures, my staff and I met with Mike Romeo and the owners of the application for Dogwood Farm Station on May 25th. I don't have too many regional updates except to say that I attended the May Women of NACO meeting and the NACO CEWD meeting where we got an interesting briefing about economic opportunity and early learning from the Florida Chamber of Commerce.

[04:52:44] I did attend Potomac Falls High School graduation, proving excellence once more. They had, I think, somewhere between five and seven students going to UVA in an Air Force Academy appointment, equivalent to a \$400,000 scholarship.

[04:53:06] Of course, I'm going to be talking about gun violence. Richmond City Public Schools will cancel classes Wednesday in the wake of a mass shooting outside the Altria Theater on Tuesday, according to a school board member. The shooting took place after Huguenot High School's graduation at the Altria Theater, which was slated to begin at 4.

[04:53:27] According to eight news sources, two people were killed and at least 13 were injured. But Richmond police did not confirm any fatalities during the briefing. Richmond police tweeted that officers are on the scene of a shooting at Laurel Street and Franklin Street. According to police, multiple injuries were reported there, no immediate threat to the public.

[04:53:46] The shooting canceled Tuesday's scheduled graduation for Thomas Jefferson High School. It's unclear when the graduation will be rescheduled. My son is scheduled to graduate on Monday. And I've said so many times, like, I just want to get my kids through high school without getting shot.

[04:54:09] And I have to read now about a shooting at a high school graduation. Less than a week from my son's high school graduation. So I have to update my gun violence statistics tonight.

[04:54:25] So far this year, we've had not 278, but 279 mass shootings. 18,320 total gun deaths, 7,959 were homicide, 10,362 were suicide.

[04:54:41] Did you know that a suicide attempt, sorry, this includes 117 children under the age of 11 and 656 between the ages of 12 and 17. Did you know that 90% of suicide attempts with firearms are fatal?

[04:55:00] That access to firearms triples the rate of suicide? Men with access to firearms are eight times more likely to die by self-inflicted gunshot wounds. And for women, that's 35 times more likely. Did you know that Live for Lane was started by an honoree, Gabby Guambo, from the Chair State of the County Address because Lane killed himself with an unsecured firearm in their home?

[04:55:27] He was a freshman in my son's class when it happened. He was also in my son's Boy Scout troop. He should be graduating this year, and he's not. Gun violence is tearing apart our nation.

[04:55:43] It is traumatizing our children and our families, and it needs to stop. Thank you, Madam Chair. Thank you, Ms. Bricksman. Mr. Sains. No mandatory disclosures. I'll just say, well, it's an empty room, but unfortunately, I always say, like I always say at this time, thank you for those that came out and speak and share your thoughts on issues that are near and dear to your heart.

[04:56:05] We appreciate you taking the time to do so and continue to do so, we hope. It's sad to hear again that we have another shooting here in not just our nation, but here in Virginia, and we'll be praying for those that are affected, and praying one day something changes for the better in that department.

[04:56:31] Thank you. Thank you. So normally, you know, when we have comments, we hope the room, somebody's in the room, but today my comments are actually for my colleagues. So anybody in the room or anybody watching, you can listen if you want to, but this is for the aid of you and to myself.

[04:56:50] So I believe that there are two ways to be an elected official, and we have to choose who we're going to be. I think we can be an elected official, or I think we can be elected leaders. And those are not the same things. And I wake up in the morning, and I really every day try to want to be an elected leader.

[04:57:10] Some days I succeed. Other days I don't. Some days I'm just an elected official, not an elected leader. But every day I strive to be an elected leader. My worst moment on this dais was the day that I kind of popped off on you, Ms. Bricksman, that worst moment.

[04:57:29] I've never apologized to you for that publicly, and I don't believe you do something publicly and then apologize in private. That's just not how that should work. I apologize for that. That was my worst moment. My best moment is when I wrote a letter that said, although I knew I was going to get heat, that we should get our kids back in school because of the issues with mental health.

[04:57:49] I remember a very good young man who I like very much who's married to a teacher sent me a text right after that and said, you must want my wife to die. This type of rhetoric that we have going on in our county has got to stop. And we're the nine people who were elected to these offices.

[04:58:06] It's us. It's us. To some degree, the county will take a clue. Not everybody, but many people will take a clue from us because we are the local government. We talk about people that we admire. I talk about Dr. King all the time.

[04:58:22] We talked about Mahatma Gandhi, Desmond Tutu, Mother Teresa. But what does that mean when we talk about them? Do we try to be like them? I had two of my colleagues who did not stand up for Roger Zarin when we honored him the other day. Are you kidding me?

[04:58:39] That man gave 33 years of his life to service to this county. Because he has said some stuff in the past, you don't stand up for him? If I have to be judged after 33 years for everything I've ever said, Then, you know, not only will I stand up for me, you'll probably hit your knees because we will not go through life without being perfect.

[04:58:57] That's no grace at all. We call people who may ask a question about LGBTQ people homophobic. And the other side calls people who embraces them groomers, which is a horrible thing to say.

[04:59:16] If you actually know what a groomer is and what they do to children, to call somebody a groomer is a horrible thing to say. I've said many times in a speech that we no longer have political opponents. We now have political enemies and how sad that is.

[04:59:33] The Republican Party of Loudoun took that statement, sliced it, and so all you hear me say is we have political enemies. Even when you're trying to do the right thing, that kind of stuff happens. It just never stops. The question I get asked most often from little kids, little kids and teenagers is what do you do in your job and what do you like about the job and tell me about your day?

[04:59:55] That's what I get asked about from little kids. The question I get most asked about from adults, if it's not a land use issue, is do you and Caleb Kirshner actually get along? I'm not kidding. That's a ridiculous. I'm not kidding. Do you and Caleb Kirshner act?

[05:00:10] And it's like it's a secret. Like I got to be Caleb's friend in secret. It's like what is that? At this point, if you can't get a loan with somebody, that's a problem. I mean, I'm supposed to hate him? Really? We, the nine of us, have got to do better.

[05:00:31] Mr. Buffington got attacked by somebody in the community not long ago, and they basically called him a liar. And I went on the Facebook, not on the Facebook, on the email, and I said, Mr. Buffington is not a liar. He does not lie. I have defended Mr. Letourneau to one of the secretaries in Mr. Youngkin's administration numerous times.

[05:00:49] I defend Caleb Kirshner all the time. All the time. We have got to stop this. And if the nine of us do not have the guts to stand up for one another and take care of one another, if we're so worried about being reelected that we let each other get torn down, then what are we doing?

[05:01:11] What are we doing? You know, Dr. King, who I quote all the time, talks about, you know, the only thing to happen for bad men to thrive is for good men to say nothing. When election year, guys, whether we get reelected or not, we got to stand up.

[05:01:29] We have to say, Loudon Love Warriors, you were wrong. And the response to Loudon Love Warriors, why he said that, give me three more seconds, was wrong too. We got to, both sides have to go to their people and say, stop it. Stop it.

[05:01:46] The response that came from the Loudon Love, because of Loudon Love Warriors, was a horrible thing to say about LGBTQ people. The response was wrong, but Mr. Wynn, when he said it was wrong, too, he actually basically, not basically, he said the gay people should have a millstone tied through their neck and drowned.

[05:02:04] We've got to stop this. And if the nine of us don't, the county won't. We are the nine hopeful leaders of this county. We're not just elected officials. We're elected leaders, my colleagues, my friends.

[05:02:21] We got to do better. We have to do better. And if we do better, most of the county will follow us. Thank you. Before we go back into closed session, let's take a break. Let's take five.

[05:13:44] We are back. Mr. Sains, will you read us into our last two closed sessions, please? I move that the Board of Supervisors recess this public meeting and enter into closed session pursuant to sections 2.2-3711A8 and A29 of the Code of Agenda to consult with legal counsel pertaining to negotiations of a collective bargaining agreement where public funds are being expended.

[05:14:06] and where negotiations in open session would adversely affect the bargaining position of the county. Nope, we got one more. I move that the Board of Supervisors recessed this public meeting and entered the closed session pursuant to Section 2.2-3711A8 of the Code of Virginia to consult with legal counsel regarding legal advice pertaining to a proposed agreement and 2.2-3711A7 to consult with legal counsel about actual litigation in the Leesburg Election District.

[05:14:37] Motion made and seconded. Discussion on the motion. Seeing none on people who say aye. Oh, boy. Any opposed? That motion will pass 9-0 in closed session.

[06:14:13] All right, we are back, and Mr. Saines,

[06:39:42] would you please read us out of closed session? I move that the closed session be adjourned, that the Board of Supervisors reconvene its public meeting, that the minutes of the public meeting should reflect that no formal action was taken in the closed session, and further move that the resolution certifying the closed session be adopted and reflected in the minutes of this public meeting.

[06:39:59] Mention has been made and seconded by Ms. Brixman. All in favor of the motion, please say aye. Any opposed? The motion passed 9-0. Let's affirm, Mr. Letourneau. Affirm. Affirmed. Affirm. And I affirm as well. I think that takes care of all the business for today, tonight.

[06:40:20] We are adjourned.



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