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Loudoun County Board of Supervisors, Finance/Government Operations and Economic Development Committee, Tuesday, September 12, 2023

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Place Board Room, First Floor, Government Center, 1 Harrison Street SE, Leesburg, Virginia
Length 3h 17m (video)

- Official meeting video (county, Granicus): <https://loudoun.granicus.com/player/clip/7404>
- Agenda (Granicus): https://loudoun.granicus.com/AgendaViewer.php?view_id=73&clip_id=7404

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Speech-to-text: whisper.cpp, model large-v3-turbo. Produced 2026-10-21. Each paragraph starts with its time [HH:MM:SS] in the meeting video.

[00:03:11] Okay, we are going to call to order the September 12, 2023 Loudoun County Board of Supervisors Finance, Government Operations, and Economic Development Committee meeting. This room has a hearing loop. If you need hearing assistance, switch your hearing aids to telecoil mode.

[00:03:29] If you need a headset, we have those available as well. Please see the clerk to request one. Committee members will have three minutes to ask questions for all items with as many rounds as we need. We do expect that Supervisor Turner may be joining us tonight.

[00:03:50] We are going to, unless there's an objection, we are going to defer number 15, which is the nonprofits, to the October Finance Committee meeting. And so we'll go now to the consent agenda.

[00:04:08] The consent agenda is as follows. Item 3, contract renewal architectural services. Item 4, contract renewal architectural services for building renovations. Item 5, contract renewal site civil and parks design services.

[00:04:27] Item 6, contract renewal geotechnical engineering and soil scientist services. Item 7, Contract Renewal Traffic Engineering and Operations Services. Item 8, Award Authority Increase Construction Support Services for the new Loudoun County Courthouse.

[00:04:43] Item 9, Contract Renewal On-Call Land Surveying Services. Item 10, Contract Renewal Off-The-Lot New and Used Vehicles through Class 7. Item 11, contract renewal, police-rated administrative sport utility vehicles, vans, trucks, and motorcycles.

[00:05:03] Item 12, approval of the 2023 to 2024 certified developers for the rental housing acquisition and preservation loan program. And item 13, utilization of federal and state asset forfeiture funds, Sheriff's Office.

[00:05:21] I move adoption of the consent agenda. Is there a second? Second. Second by Supervisor Letourneau. Any comments? All right. Madam Chair. Yes, Supervisor Letourneau. Just a question, and staff can get back to me on this.

[00:05:36] I'm just curious with the, I know I've asked this question earlier, but with the retirement of the Dodge Charger, do we know what units we're purchasing for the Sheriff's Office moving forward? I assume it's going to be the Explorer, but if we've decided that, or if it's a mix with the Durango and the Tahoe and that stuff as well.

[00:05:56] So if you can't answer it now, that's fine, too. Okay, there you go. Good evening. So we have been, although the Dodge has retired the Charger, they are planning on replacing it with something, a sedan-style vehicle.

[00:06:18] We don't know what that is yet. There's nothing left, though. No, no, I hear it might be EV is kind of what the word on the market is, but we haven't been, don't know yet what that's going to be. So what we are doing is looking at what's available on the market now, which is the Ford Explorer and the Dodge Durango.

[00:06:41] And whatever we can get at the time is what's available to us, is what we've been purchasing between those two. Pretty much what you got. Okay. Thanks. Thanks, Supervisor Briskman. Thank you. Since you came to the table. Sorry. I was going to email, but do we have a list somewhere of everything that we've bought through the asset four-foot show?

[00:07:03] program i would have to get back to you on that i'm sure we'd have a list um i mean within a reasonable time frame like sure yeah we could we could uh check our records and see uh what we have uh maybe like the past three years does that sound why don't we do five five okay we can look for that all right that'd be awesome thanks absolutely thank you all in thank you very much all in favor of the consent agenda please say aye any opposed say nay and that will pass five zero. On to information items. Item number one, the monthly Department of Economic Development

[00:07:38] report. Buddy Reiser, thank you for being here. And Siobhan, and oh, I'm so sorry. Dana. It's a tricky last name. Hammerschlag, Dana. Thank you. All right. Welcome. Thank you, and it's great to see everyone. At your place, I did put the Loudon Fall Farm Tour Guide. It's our fancy fold-out version, literally off of the printers today, so you're getting to see that before everyone else. That is coming up October 21st and 22nd. As you can see

[00:08:14] by the list of farms that are participating, it is our biggest and best ever. A lot of great production agriculture farms are engaged this year. We're very excited about it, and we'll provide some more information on that as we go along. I did want to mention the great work that Amazon Web Service is doing with Loudoun County Public Schools. I had the honor, along with Chair Randall and Supervisor Umstadt, of attending the AWS Think Big event today at Simpson Middle School.

[00:08:44] The Think Big lab is just one way that AWS is supporting education throughout Loudoun and providing students with innovative and engaging STEAM learning opportunities and pathways. AWS is working in the K through 12. They're very engaged at Northern Virginia Community College and now at George Mason University with a cloud degree.

[00:09:04] So I think it's a great example of how the private sector can engage and help move forward the workforce of the future. I won't focus much on our numbers today as we're currently finalizing our annual report for fiscal 23.

[00:09:20] That will be coming out in the next few weeks. Suffice it to say that it was another great year for Loudoun economic development with outstanding numbers across commercial investment, square footage, new and retained jobs. And FY24 is off to a strong start as well.

[00:09:37] Fifteen wins already this fiscal year, almost a thousand jobs and more than two billion in new investment. Americans between 25 and 54 years of age are either employed or looking for jobs at rates that have not been seen in the last two decades.

[00:09:53] with the share of adults in their prime working years who had jobs this summer to the highest in 20 years. The share of all adults working or looking for work rose in August to the highest since the pandemic began. Workers' average hourly earnings rose 4.34 percent from a year ago.

[00:10:14] The overall prime age participation rate rose in June to 83.5 percent, the highest since 2002. It's still a very tough job market for our employees trying to find workers, but it is good to see the participation rate growing.

[00:10:30] It's particularly good to see that the participation rate for women is the highest on record at 77.8% in June. That's well up from 73.5% in April of 2020.

[00:10:46] I think there's a lot of factors in that, and child care is certainly one of them that is participating to those numbers. July is the most recent month for local unemployment data. The rate was 2.3% for Loudoun County, 2.5% for Virginia, 3.5% for the U.S.

[00:11:06] Things are looking pretty good in the economy these days, and I'm pretty excited about the momentum that we're starting to see. I know Siobhan and Dana have some important things to share with you, so I'll turn it over to them, and then we'll all be available to take questions after their report. Siobhan and Dana, thanks for being here.

[00:11:23] Thank you for having us. EDAC, we have started back for the year. We give the general commission off for the summer. The exec committee and our ad hocs continue to work throughout the summer. In our August meeting, we had a wonderful report from the Children's Science Center, or the Nova Science Center now.

[00:11:42] We are very excited about that project. We know the county's made a significant investment in that, and we believe that's going to be an economic driver and an attraction place for this area where Loudoun's going to benefit, and EDAC is happy to support that project in any way possible.

[00:11:57] We have just finished our recruitment of commissioners. EDAC has a process where we interview every renewing commissioner and everyone that's applied for the commissioner. Commissioners serve two, three-year terms, and we renew them.

[00:12:13] we interview them or we interview them or we interview them at the end of your three-year terms as well as any renewing commissioner we find this process to be very important the commission is a working group we have to have subject matter experts we need leaders we need doers and when we go through our interview process we want to make sure that we recommend the right mix of people to the board to fulfill the mission of growing the commercial industrial tax base, being a good partner to the DED, and being good advisors and

[00:12:48] continuing the high level of the product that we provide you year in, year out. Each interview is 30 minutes, and we have a series of questions during that 30 minutes, and then the interviewees ask us questions about the commissions and how to serve. Just for your knowledge, the average commissioner on EDAC has between 30 to 40 meetings per year. The average commissioner between general meetings, ad hocs, cluster meetings, other assignments from the DED.

[00:13:18] And that does not include prep time for each meeting. That does not include time they may work outside of an ad hoc preparing a document for the board or for the department. So when we have these interviews, we have to make sure that the people can meet the commitments necessary to be a good, active commissioner.

[00:13:37] We only have 23 seats. It's important that we get it right. So the people that we recommend, we feel these people will be committed, good, active commissioners. If you happen to serve on exec or chair in ad hoc, that number increases significantly.

[00:13:52] If you happen to be a chair or a vice chair, that number increases significantly. So I know for me, I have over 100 meetings a year just EDAC-related. It's a significant commitment. We take the interview seriously. Zero ad hoc is still going strong.

[00:14:10] Dana is going to give us some details on what we're doing in ad hoc now. Thank you. So as you know, we have an ad hoc committee that is following the zoning ordinance rewrite process, and there continue to be many voices in this process as there should be.

[00:14:26] Our particular focus is on the long-term economic growth of the county and the expansion and diversification specifically of the commercial and industrial tax base. And so with that in mind, as we follow the process, we submitted, EDAC submitted a letter to the board on September 1st, about a week before the first working session, where we highlighted three issues that we thought were of particular importance for the board to take note in that working session.

[00:14:54] Our plan is to continue to follow the process and submit a letter in advance of each of the upcoming working sessions so you have our feedback and input to bring into that working session. So if it's helpful, I can just very quickly highlight the three issues that we brought to your attention in the letter.

[00:15:15] The first is around nonconformities, the second is grandfathering, and the third is ensuring that there is a post-approval administrative ability to make small changes. And so I'll just very quickly try to hit on each.

[00:15:31] When it comes to nonconformities, the concern is that the proposed changes as they're drafted will create some unintended consequences around the ability to finance, refinance, and ensure existing properties if they're damaged or destroyed.

[00:15:49] And so because of the concern of the unintended consequence, our recommendation is to maintain the current nonconformity language until or unless there is a lot of thoughtful work on thinking through those unintended consequences.

[00:16:06] So that's the first on the nonconformity language. The second is on grandfathering. So for folks who have spent considerable time and money through the process, the uncertainty that these changes can create can create an unintended chilling effect.

[00:16:25] And so the importance for us is that there is clarity in the process. So our recommendation is that there is a very clear point in the process where the applications that were accepted by the county, the new ordinance should take effect 90 days after that board action so that there is a rapid but reasonable time period to transition into the new zoning ordinance.

[00:16:54] And so we think it's just very clear that there is a established timeline around that. The third point that we'd like to draw your attention to is around the post-approval administrative ability to make minor changes. So as you know better than anyone, this is a 600-page body of law that is really important to set the course of the county for decades to come.

[00:17:18] And it is inevitable that there will be small administrative problems or typos, small administrative issues. And the challenge that we all have as a county is that there is a slow process by design to make updates to the zoning ordinance.

[00:17:40] And so for small changes like this, our concern is that there needs to be some sort of narrow or limited approval process or additional powers to the zoning administrator, some sort of expedited processing by a board committee that you could create, or some sort of expedited recommendations from the county attorney.

[00:18:02] the spirit behind the point is that it's important that we as a county have a practical and speedy process for addressing small administrative errors so they don't become an unintended chilling effect on what we're trying to do. So those were the three points that we highlighted in the letter and if it is helpful we will continue to submit letters highlighting issues ahead of each of the upcoming working sessions. Please do. And then let's wrap up the zoning ordinance. I've said it before, but this particular ad hoc, we've been working on the ordinance for

[00:18:37] three years, and we're happy to do so. We had a wonderful cadence with Charles Judd before he retired. Joe Cronbuth has taken the place with Charles Judd, so now we have that same cadence with Joe as well as partnering with the department to make sure that we can stay abreast of what's happening in the code, the changes, and continue to update. This particular ad hoc is committed to working as long as it takes we think it's important that we get the foundation right there is no perfect document and we won't know the impact of the document until the end user uses it which is

[00:19:13] why the ability to change quickly after it's in use is very important but we feel that even if time needs to be extended beyond this year that we have to get the foundation of the ordinance correct And we are prepared to support as long as it takes to make sure that the foundation of the ordinance is correct.

[00:19:36] Thank you. That was remarkably helpful. We appreciate it. Questions, Chair Randall, and then Supervisor Brissman, and then Supervisor Letourneau. Well, thank you. And Siobhan, I think there must be two or three of you because you're everywhere all the time, and there's no way that one person does all that you do.

[00:19:54] It's great to see you all. I do imagine that because you all have lives and stuff, you probably have not been watching some of the meetings that have taken place already with the zoning ordinance. And so there are some updates that might be helpful for you all to know.

[00:20:09] It might be helpful for you all to know that we have already started meeting with and have created a process by which the business community is speaking to us literally every meeting.

[00:20:25] And then every Friday, I'm having a meeting with people from the business community. And I think the last meeting had 34 people on it to look back at the zoning ordinance discussions we've had the week prior and look forward to the ones we're going to have the week coming.

[00:20:42] With due respect, Mr. McFadden, at this point, you were in the minority thinking that maybe we need to go to next year and I'll take out. With due respect, I speak for the ad hoc. I understand. I understand. Okay, I understand. Not for Siobhan McFadden. I understand, sir. But let me give you some updates on why that might be and what may have changed.

[00:21:02] I think the issue, I think you're so correct. The issue that you're actually discussing, well, two of them. One is the grandfathering issue. We've already voted on that issue and put that issue aside. We cannot legally go 90 days past the day that the ordinance is adopted. And so we've already given some guidelines that it would literally be on the day that the ordinance adopted.

[00:21:23] did some things have to be done? That was voted on in our very first meeting, and the developer community residential and business, as well as the data centers, the chambers, and others, were part of that discussion, part of those information, and at my meeting with them the day after, they were very happy with that conclusion.

[00:21:46] So that issue has already been discussed. The other issue you're talking about is a really much more complicated issue. I agree with you completely. It's a modifiability issue, the ability to modify something in the zoning ordinance. That is a much heavier lift on that issue.

[00:22:03] We had a committee as a whole last night with members of the business community and our staff and all of us talking through this issue. We will be having a smaller meeting amongst people, and I'll be happy to let you know, Siobhan, when that's going to happen to be sometime next week to discuss how we handle modifiability. Many of us, including most people who are in the developer community commercial and business believe that if the modifiability issue can be dealt with, then it will make everything else kind of fall into place. You are correct.

[00:22:43] If, if we can't deal with that issue, I'm, you know, it could take a much longer time, but if that issue can be adjusted and dealt with, we could maybe get through this a lot faster. I do so appreciate the work both of you do all the time. Thank you so much. Thank you. Supervisor Brislin. Thank you, Madam Chair. Buddy, you mentioned that 77.8% of, I assume you're saying the nation's women are back in the labor force.

[00:23:10] Is that, and I'm assuming that's females over the age of 16, but is that a pre-pandemic level? 25 to 54 is considered prime working age. The prime working age. Okay. All right.

[00:23:25] So 77.8% of women who are prime working age are part of the labor force. That's up from 73% in the pre-pandemic. Okay. And I'm sorry, the prime working age is 22 to? 25 to 54.

[00:23:41] 25 to 54. Okay. Okay. And I'm sorry, do you know if that's the same as pre-pandemic levels? No, pre-pandemic, it was 73.5, so it's significant. Oh, okay, okay, I'm sorry. I thought you were saying last year's was 73. Okay, interesting. That's very, very interesting. I would quibble that, well, actually, it is because probably childcare, but childcare is our school system.

[00:24:06] So they are in the labor force because schools are back, probably, most likely. That would be my guess. And then you said hourly earnings are up 4%. is that for the prime working age as well or that's overall 4.3 percent overall okay okay great um and just for the record because we've had a couple discussions about this um over the past couple weeks or so could one of you please um explain the transit occupancy tax and where it

[00:24:41] comes from and uh how it is spent restricted sure uh i'm not really prepared to to do that tonight But I will provide an overview to you that we have.

[00:24:57] I mean, basically, the transit occupancy tax is the tax that's on hotel rooms and other short-term rental facilities. And there's a restricted part.

[00:25:13] There's a non-restricted part. And it can be used in different ways. But it's very complex, and I wouldn't be prepared to really give a full answer at this point. Okay, I'll give you a call, or you can email me.

[00:25:28] Thank you. Thank you. Thanks, Supervisor Letourneau. Thank you. Mr. McFann, you caught my attention with how many meetings there are. That's a lot of meetings. I don't want to meddle in it, but is that too much of a workload, do you think, for commissioners? You think it's appropriate?

[00:25:45] Yeah, it's a working board. It's appropriate. It's what's necessary. Okay. All right. And you don't think it's a deterrent for good talent? No. The recommended commissioners are quite impressive. And we have people from CEO-level executives, and they understand the workload.

[00:26:04] Okay. So they're all committed. Okay. That's been the standard workload for years. Yeah. We've just never shared it, so I felt important that we share what the commitment level is. Okay. as far as the zoning ordinance i really appreciate that feedback um it you know it's difficult at this moment because i do feel like almost on a daily basis i'm sort of inundated with feedback and i don't want to miss things that i really want to i'm not saying that all feedback isn't important but there are clearly some organizations or groups that have had the opportunity to spend

[00:26:40] more time with it and then provide a greater level of feedback so um are you at all tied in with sort of the chamber group that's been commenting? So Tony Howard and most of the people that you mentioned, they sit on the Zord ad hoc.

[00:26:55] Yeah. The chamber does their work through the ad hoc. Okay. And then our relationship is partnering with county administration, through Joe Cromwell, BBC Charles Judd, and with the DED working with Bobby Clancher, Dave Diaz. And then I have a couple of people on the ad hoc that work with them to get detailed work on the code almost on a monthly basis.

[00:27:17] Then we have our ad hoc meeting and then we prepare the documents necessary to go to you guys outside of the ad hoc meeting. Well, I'm just making sure that we're getting what you're producing. You know, most of the people that was mentioned have a seat on our ad hoc.

[00:27:33] That ad hoc was intentionally built to get the representation that we need. Our ad hocs include commissioners and people in the community to make sure that we can provide the appropriate recommendations and advice to the board and to the department. Okay, but are we getting this outside of the chamber feedback or is there something separate coming to us specifically from EDAC?

[00:27:54] Yeah, so this document is specifically from EDAC. There's comments that have been specifically from EDAC over three years and we have given information through Charles Zudd and Joe Cronbuff that has been disseminated to the board and the planning commission.

[00:28:10] Okay, I just want to know what to look out for. So, I mean, I think we've hopefully settled the grandfathering issue, which is one of the ones that you mentioned. It may not be exactly to the recommendation, but I think generally the feedback's been pretty positive. I agree with everything that Chair Reynolds said about the modifiability issue, and we spent a lot of time on that last night.

[00:28:28] And then I appreciate the nonconformance discussion because I know several of us have been engaged in that as well. So those are very helpful. Thank you. Thank you. Now, if we need to get information in a more direct way, we're happy to do so.

[00:28:43] That is no issue. Just tell us what you want. Thank you, Chair Randall. So I'm going to follow up on what I think Mr. Letourneau is trying to get at. I don't think you all are looped in. In fact, I will take responsibility for that myself.

[00:29:02] The group that I spoke to, that I speak to every week, it's like 34, 35 people, so I know that some of them are also in the chamber and in EDAC, but I don't know that there's anybody there that I focused on.

[00:29:21] I mean, I focused on the chamber, I focused on the data center community, I focused on just the business community as a whole, but I should have reached out to you and could send you the information for those meetings. and at any point it might be that EDAC wants to take one of those speaking slots that we have set up on any day and at the very least be part of the post-discussion after the meetings that's held on Friday morning.

[00:29:53] And so there's so many people doing so much good work in this area and on the zoning ordinance and so many people involved in the zoning ordinance that it is obvious that I probably did miss reaching out to you, Mr. Pratt, and that is my fault. That is so my fault.

[00:30:10] I will do that. I will make sure that Mr. Howard, but more than that, Mr. Stamatis has you looped into that group, but I will do that as well to put you in a speaking slot or to put whomever on EDAC wants to be there.

[00:30:31] it may be you, maybe somebody else, in the Friday meeting. As I said, it was like 30 people in that meeting last week. And it was really, you know, it went really well. We talked about the fact that we did settle the grandfathering issue, much to everyone's, everyone was very pleased with what we came to.

[00:30:50] And then kind of next took up the modifiability issue and, you know, what we're doing next. Literally every decision that has been made has been made in concert with these seven interest groups that we've put together.

[00:31:06] Let me try to, in my time, remember what they are. So there is business, data centers, and the chamber. It's residential development. It's business, commercial development. It's hospitality and tourism.

[00:31:23] It's preservation and conservation. It's wildlife and animal, wildlife and animal, and I think that might be all of them. So at any point, if you want to have one of those speaking slots, we should talk. And I apologize for not looping EDAC in a little more clearly.

[00:31:43] I do believe we have people in the room at that meeting, more than one. And we were aware this particular letter was sent out before you had the discussion on nonconformity and modifiability. And that was with intention that you got it before you had the discussion.

[00:32:01] And that's going to be our cadence that you get it before the work session. And we know when the work sessions are because we have a relationship with Joe Cromwell. So we want to make sure that our information gets you in time. That way you can consider it. Well, then I don't need to reach out to anybody else at this point is what you're saying to me.

[00:32:17] Well, what I'm saying is we made sure that we're included. Okay, sounds good. Even if we didn't get reached out because we want to get it right. All right, thank you, sir. Thank you very much. all three of you siobhan buddy donna um this was extremely helpful we appreciate it thank you have a good night all right we're going to move on to item number two allocation of unassigned year end

[00:32:44] fund balance and meghan bork and i see caleb good evening the purpose of tonight's item is to just provide the finance committee an overview of how we've the board has typically run the annual fund balance process and just query the finance committee if there's any additional standard allocations of fund balance the committee is interested in considering ahead of the FY 23 fund balance discussion as a reminder the

[00:33:22] board receives the year-end financial update from the Department of Finance and Procurement following the audit and typically we have a an amount of unassigned fund balance available for reappropriation the finance committee and the board has typically dedicated unassigned fund balance to major categories including contribution to the fiscal reserve contribution to one-time expenditures in the upcoming budget contributions to cip contingency and land acquisition accounts and as we've briefed the finance committee

[00:33:58] most recently in July potentially introducing a contribution to the revenue stabilization fund and some additional contributions to the economic development incentive funds and the conservation easement assistance program following those standard allocations there's typically been between two and eight or ten million dollars available that the board has identified either for department use for major urgent projects that come up off budget or

[00:34:31] some additional board directed uses ahead of this year's process we've received some feedback from some board members interested in discussing additional standard allocations so we wanted to bring this topic to the finance committee well ahead of the fund balance discussion which will be brought to this committee in november very good thank you any questions supervisor briskman and then supervisor letourneau um thank you uh so i i feel like early in our term we were

[00:35:09] talking about the fluctuation in revenue um and and how it's difficult to manage from the data industry from certain perspectives um and i always thought the feedback we got from staff was basically we can't open up another savings account like we can't it's not legal or it's not feasible um to do that so that sound sounds very much what a contribution to a revenue stabilization fund is so is it just a mechanism that that we've found through research or how did we come how did we

[00:35:48] come to that i'm not saying it's a good idea or bad idea i think it's probably a good idea but I'm just curious why, I feel like we were told we couldn't do it for two or three years, and now we have it in front of us. So if you recall, we brought forward in July an item on the development of a revenue stabilization fund.

[00:36:07] And I will just say that our research and recommendations on the topic of revenue forecasting, especially related to personal property taxes coming from equipment and data centers, has continued to evolve. And that recommendation that we brought forward to you in July is the one that we're proposing the board consider.

[00:36:29] Okay. Is that the only new one that is in the list? The other ones we have been contributing to on a regular basis. And then do you know how much we've been contributing to economic development incentive funds and conservation easement assistant program?

[00:36:51] The board's policy on the conservation easement assistance program, and remember that's just a grant program for the application process, is about \$150,000 of fund balance annually. I think you've spent about \$20,000 to \$30,000 on that program.

[00:37:08] The economic development incentive funds were originally funded, I believe, at about \$1.5 million, and we replenish those as they're used throughout the year. Okay. And then lastly, do we have any forecast about the revenue balance yet?

[00:37:25] I believe that our most recent quarterly report we shared with the finance committee, we were projecting about \$140 million of year in fund balance. Okay. Thank you. And Supervisor Letourneau. Thank you. I have a question, and then I have two specific items I'd like to raise for inclusion in this list for consideration.

[00:37:47] So I may not get to all that in three minutes. Okay. So I may not come back to me. The first question is about the state budget and supplemental funding for LCPS. Have we been able to figure out yet what the impact is and whether we're going to be receiving some money essentially back from what we fronted for the school system?

[00:38:07] We had very preliminary discussions with LCPS staff last week on what their interpretation of the budget was. I'm not sure how much of that is firmed up at this point, but I do believe the board allocated up to \$13 million a year in fund balance, and I do believe you'll have to allocate less than that amount.

[00:38:30] Okay, that's good. I need to supplement what Ms. Burke just said. So I did speak with the superintendent this afternoon on this issue.

[00:38:47] What he is advising is that the General Assembly provided additional funding for the school division to potentially increase teacher salaries by an additional 2% over what was in the biannual budget.

[00:39:07] That funding will result in additional revenue to be recognized by the Board of Supervisors and is not likely to result in a refund back to the county if the school division is to provide the full 2% increase to.

[00:39:32] But didn't they already assume that increase? No. So what they went with was a 5% increase, which was in the biennium. Yeah. There were no, what the General Assembly just approved is additional funding for an additional 2% on top of that.

[00:39:50] So they didn't address the shortfall that existed for all the school districts? They did not. So the funding is still there. Now the board could, which will come to you. And so I should ask if there's a sentiment from the finance committee so I can advise the school superintendent.

[00:40:10] The board could take the position that any additional funding would reduce your fund balance allocation. However, what that would mean is that they would not be able to do the raises that they have planned. But if they had them planned, then they were planning on getting the funding.

[00:40:30] So our fund balance covered. Using our fund balance. Covered the 5% increase. So you're saying they would get 7% now? Correct. And so we only covered 5%. So we get nothing back for our 5% that we essentially fronted, but this revenue just goes, adds on top for another 2%.

[00:40:50] That's correct, which is the state money. And so there's two different scenarios, one which would provide additional money that would be less than 2%, and then one that would provide additional money, which would be the 2%. Okay. I'm out of time.

[00:41:09] All right. next time okay chair randall so yeah that sparks a whole new conversation so i'll go to that later um if i may mr hemstreet i i do not remember the name of the fund but is there i know there is can you help me with the name of the fund that is there to refurbish our parks if we if we need them and i know no one probably knows this answer right now but how much is in that fund i'm asking because as we've been having the discussions about Mickey Gordon Park,

[00:41:48] I had a meeting, I was part of the meeting in Middleburg, and it had been said many times that Mickey Gordon Park is not really used very much, so they don't use the baseball diamond that's not really used. And what I was told was, well, the park is in really very poor condition, and so it's kind of a chicken or egg thing that came first.

[00:42:10] When I went out to the park to take a look at it, I have to say that I was surprised and disappointed in what very poor shape that park was in, and I think that we've opened some really great parks.

[00:42:26] Bernie Hanson Park just won an award, and some of our older parks may have just kind of been a little bit overlooked, which I understand how that can happen, but now that aware of it we have to we should we should probably address it i don't know what that would be appropriate for fund balance if it was a one-time upgrade of a park but i do know that there is some other fund of money that is that is available and so i don't know what's in it i don't know if i have to supplement it with fund balance if it wasn't enough because it all can't be used for

[00:43:00] one park but i i i am going to kind of dive a little bit more into this issue so mr himstreet can i yeah so i think to the county the we do have a program in our budget that's called the capital asset preservation and program program cap it's c-i-p-p and so i was having to remember what cap stands for but the capital asset preservation program and so that is where existing facilities are supposed to be kept up to standard uh but that is not what is here like on

[00:43:39] page three of the item which is dealing with allocations to existing reserves and programs that you have so to answer your question directly you could make or request us to go ahead and put together a proposal that would allocate specific one-time funding to bring mickey gordon park up to a certain level of standard but we would need to talk i would need to talk to prcs to to find out what that level would be and what that amount would be uh well um oh i'm out of time i'll come

[00:44:18] back okay i'll come back we have uh supervisor leturna round two yeah i i know way too much about this because of my baseball history so that's well no you know this time so the issue with mickey gordon park is no leagues are requesting it to be allocated to them and that's why the resources aren't going to it it's i know people will say it's chicken and egg but it's population and demand based and having been part of these league allocation process fights that's the central core of that so we should talk offline about all that i would agree with that yeah so anyway all right um speaking of that um i was actually going to raise though in the land

[00:44:56] acquisition funding discussion the dumbest planning sub area which is I need to point out significantly more than just the dumbest district it's basically the whole southern part of the county is behind what our standards say we should have by one community park one district park and five neighborhood parks so one of my requests was going to be that we look at making sure if there is additional funding that we put additional funding in the capital needs assessment and we start looking at potential strategic land purchases in that part of the county for this because it's

[00:45:31] going to be really really hard to do since land is just disappearing and our CNA the new draft says that we should have 700 additional acres of park land county-wide between now and 2040. So that's one thing. Second thing is actually related to the item on the public hearing agenda tomorrow which is the east gate demolition so it is my hope that the property owner who has and you will hear this tomorrow who has obtained a demolition permit will on their own demolish the structure but in the event that they don't then it becomes a county responsibility which we will

[00:46:07] eventually be made hold for but my understanding is we would still need funding then the current estimate is 485 000 to demolish the structure and then essentially the property owner is supposed to pay us back and if they don't we place a lien on the property so not knowing how this is all going to play out over the next couple months i would flag that as a potential fund balance issue which i hope we don't need but i would want it under consideration so that we had that funding unless we have funding in some account somewhere that we use for this which i'm not aware looks

[00:46:45] like tim has got a slide on yeah i i would like i'm sorry chair i would i would like to talk a little bit further with with finance and then also with budget because i'm doing appropriating the funding from a cash funding source would be inconsistent with how we've treated these types of situations in the past and so i do want to have demolitions well so technically there isn't that kind of a definition of it one time well so we're dealing with an appropriation with a funding source so the funding source is technically the lien on the property so unless unless the

[00:47:24] property value is lower than the cost of the demolition we should have a funding source and then we pull it out of pool cash but i want to talk to okay finance a little more directly about this just because i'm not understanding the reason why we would need a separate appropriation okay that's great if that's the case but just want to make sure thank you but we will keep it in mind for fund balance if and supervisor turner i know that i'm i'm going to get to you as soon as i get through the committee chair randall so this is why as county chair i don't like talking about these um kind of getting

[00:48:03] into cip discussions and all this because you know i the district supervisors for obvious reasons kind of battling out what they think is best for their district. And I don't like putting my finger on the scale. I will say if it was just about a baseball field, I wouldn't maybe be having this conversation. I went out to that park. The tennis courts are, I mean, the park has not been kept up at all. And so maybe, I don't know

about league play, and I'm not arguing about league play. I would never argue about baseball league play. But just overall, no matter what's happening,

[00:48:38] It is a county park, and we need to put it in some kind of order, and it's just not in any order right now. So, Mr. Hemstreet, to the offer you just made, what I think I'd like to do first, because as of right now, this is Mr. Buffington's district.

[00:49:01] It will be whomever is the Catoctin district supervisor next term. But as of right now, it is in the current Blue Ridge District. And so I will talk to Mr. Buffington and maybe he and I can come to you and find out if there's something we want to do and what that looks like.

[00:49:20] I know that there is something that I will want to do. I don't know what that looks like yet. And I need to talk to, and I should loop Mr. Buffington in on this discussion since he is the district supervisor at this time. Thank you. Thank you. All right, Mr. Turner.

[00:49:36] Thank you, Madam Chair. So there were a couple of comments in this last discussion that kind of go to the point of what I'm going to propose here. Since I got elected, every year we come into budget, every year we get into fund balance discussion, and every year the district supervisors kind of jockey back and forth to figure out who can get the most money for their pet project. And with no rhyme or reason, I don't think, to who should have the priority, it's who gets first to the trough gets the money.

[00:50:03] And I've always been uncomfortable with it. I've always thought there ought to be a more structured way that we can do this. So it's, if you can imagine the revenue stabilization fund concept, I had a talk with Mr. Hemstreet and Ms. Burke, and so if you imagine the fluctuation with the data center revenue, it's a sign curve, and the revenue stabilization funds kind of sits as a pool above that sign curve, and every time the sign curve is above what our estimate of the revenue is going to be, we bank that money into that pool, and then every time it dips below the mean in an off year from the data center revenue, we tap into that pool to stabilize the budget

[00:50:40] deliberations from year to year. It makes perfect sense to me. Well, my concept is, and I'm calling it a community chest. We could also call it a district discretionary fund, but it's another layer above the revenue stabilization fund. So there will be years when we have a lot of, I'll call it excess revenue for lack of another term, from the data center community that we could put into this sort of discretionary pool.

[00:51:07] And we could at the beginning of the budget year, we can do a couple of ways, we could establish programs that get a percentage of that extra community chest or discretionary fund every year by percentage. And we'd start at the beginning of the process to say this year 10% is going to go to a purchase of development rights program.

[00:51:25] 10% if we have extra income is going to go to add to the housing program. We could decide what those pots are. That's one way to do it. Alternatively, we could say we're going to put an extra \$3 million into the discretionary reserve for the supervisors this year, and you each get an equal share.

[00:51:44] And you can spend it any way you want to share it on whatever your favorite programs are. And if your budget for your favorite program is over, you can go find another supervisor and say, can I borrow your share this year because you don't have anything going on in your district, and I'll pull it with mine, and I can do my projects this year.

[00:51:59] So it tries to add some sort of a preemptive strategy to how we're going to spend excess revenue that we get. Now, it may be that it all goes into the Revenue Stabilization Fund, and the concept doesn't work out, and that may be. It's just I've always been uncomfortable with this beginning of the end-of-year fund balance and discussion where all the supervisors start to jockey who gets to the trough first, who gets to ask for what.

[00:52:22] And I never have any idea what should take more priority over this over that. So I just thought it was a more structured way to do it. If we have money over the revenue stabilization fund and in particularly flush here put it into a pool and either preemptively decide at the beginning what percentages are going to go to what one-time projects that we each want to do or do we divvy it up equally among the supervisors and let them figure out how they're going to spend it so that's that's just a concept that I'm throwing out there I have not mentioned it officially before now it's an interesting concept um supervisor Turner would you be willing to talk to Mr. Hemstreet and Aaron and Leo Rogers

[00:52:59] about that yes ma'am happy to thank you very much anything else from any of us all right thank you both very much you I wanted to thank supervisor Turner and supervisor glass for forwarding their proposed projects to I think Megan and Aaron both received those, and Tim may have as well. All right, we're moving on to action items.

[00:53:31] Our first one is item 14, the 2024 retiree health plan update and premium review. All right, it's our expert team. So I think, is Jeanette here? All right, there she is. Okay. All right, so we have Jeanette, Rob Krause. And this is Michael Drager. Michael, welcome. New Deputy Director in Human Resources. Excellent. Congratulations. All right. Rob will be making his presentation this evening.

[00:54:07] Good evening, committee members, and thank you for having us here this evening. You'll remember that we were back here in July when we presented out our annual health plan review for the upcoming benefits plan year. However, at that time, we had not yet completed our financial analysis for our retirees. We were able to address the recommended plan designs for our active employees and our retirees, but we could only address the active employee payroll premiums. So tonight's item is simply to address the premium recommendations for our pre-65 retirees and our post-65 retirees.

[00:54:45] So I don't have a presentation. I can certainly run through the item if you'd like, or I can open for questions. We could go to questions. Does anyone have any questions? I am not seeing any questions. Oh, okay. Here we go. Supervisor Letourneau and then Supervisor Briskman.

[00:55:09] So have our contributions been typically based on a percentage of the total premium? Yes, approximately 80%. How do we set those percentages? Is 80% the goal?

[00:55:25] It's the goal. It can fluctuate from year to year because we are self-funded and our claims can go up and down, but the ultimate goal and target is an 80-20 cost. Do we ever sort of do like a reset on that to kind of see where we are? Yeah, we do look at it each year, correct. Okay. How does the retiree percentages compare with the active employee percentages, attribution percentage?

[00:55:47] It's not exactly an apples-to-apples because they're all tenure-based, so it really depends on what type of tier you're in, how long you've been with the county, And, of course, how many dependents you might cover. Do you know, so 19% in a single year is pretty high. And, you know, I understand that's just kind of the market.

[00:56:08] And we had this similar conversation previously. But do you have any idea how our percentages compare to other jurisdictions? Like, are we roughly in line with this level of benefit? Or is it higher, lower? As far as the increases, we're a little bit higher.

[00:56:24] Well, not just increases, but the overall program. Oh, no, it's at par or a little bit more rich than what we see out in the market. As a matter of fact, there aren't many employers who actually have retiree health. I'm talking about other governments, though. Some of them don't?

[00:56:41] Some do. It's kind of a mixed bag. Okay. Some just have grandfathered employees as well. All right. It might be worth looking at that because when we have a discussion about paying benefits with the county, I don't often think that retiree benefits are often discussed because nobody's thinking about what happens when they retire when they're starting their career but given the challenges that we have with recruitment i'm looking for any possible angle and if we do have a sort of above market retiree program in this area then that's something that we should probably highlight but i don't i don't know enough to say that so yeah i believe the last time we looked at this was when we looked at chapter six when we made all these revisions and enhancements

[00:57:18] and we were right where we needed to be with regards to our comparators okay well i'd be curious. I don't know what a process there would be around that, but if it would be possible to get some information on it. Absolutely. It would not be difficult at all. Okay. That'd be great. Thank you.

[00:57:36] Thank you. Supervisor Briskman. Thank you. So an 11% increase for our employees was a tough one for me to swallow, but now we're talking about an 11% increase for our retirees. And so I have a couple questions. Our retirees are presumably on fixed incomes. Do they have to choose between this and Medicare, or can they get both? Also, what have been our average increases for retirees

[00:58:13] in the past? And then do we know what the average take-home is for our retirees versus what what percentage of their take-home or income will be eaten or is eaten up by insurance premiums?

[00:58:30] To your first question, the way the plan is designed, they must purchase Medicare Parts A and B in order for this plan to pay, because this is a supplement plan that fills in those gaps. Okay. What was the second question? I know the third question, which the third question, we do not have that data related to the take-home income and how much that would eat into that.

[00:58:48] But I forget what your second question was. Sorry, we don't have the data that could tell us the average retiree income and then the average percentage that they pay in insurance premiums? We don't have that information? We can't get that information? No, I mean, I don't know if you have anything.

[00:59:05] I mean, yeah, I guess we could request that from VRS, but that would simply be for their pension. They could have other assets that we don't know about. They could. And then my other question was, the one that was in between was, do we know what our average increases have been for our retirees in the past five years or so?

[00:59:29] In other words, is this going to feel like a big hit? It's, they've been a little bit different than our active employees, but not too far off. And so when I was here about, I think back in July, we talked about the past average of 1.3% over the past four or five years.

[00:59:44] It's somewhere around that in aggregate. So this will be, this will be a, they'll see this. So that's like 11 times. That's correct. Increase. Okay. This makes me really uncomfortable. Does Steph have any

other suggestions on how we can reduce this cost for our retirees?

[01:00:06] And by my back-of-the-envelope math, we've got about 800 people that are enrolled in this. So I don't think that's a significant amount of people that we should try to figure out a way to reduce the costs for them, especially because they're retirees.

[01:00:22] So there's no real way to reduce other than tapping in further into the self-insurance fund? And we've already done that with what we had approved back in July, and we're asking for another smaller amount of \$177,000 to bring the post-65s even further down.

[01:00:38] Below 11? To take them down to 11.1%. Okay. I guess we can talk offline because I'd like to see some other solutions. Thanks. All right. We have a motion.

[01:00:52] I move that the Finance, Government Operations, and Economic Development Committee recommend that the Board of Supervisors approve the recommendations in the September 12, 2023 Finance, Government Operations, and Economic Development Committee action item to approve a pro rata portion of the \$2 million fund balance from the self-insurance fund previously approved by the Board in the amount of \$66,234.

[01:01:21] for pre-65 retirees and \$140,662 for post-65 Medicare-eligible retirees, approve an additional contribution from the self-insurance fund in the amount of \$176,801 for the post-65 Medicare-eligible retirees, and adopt the proposed premiums as outlined in Attachment 1 to the item for plan year 2024, January 1st, 2024, to December 31st, 2024.

[01:01:58] I further move that the Finance, Government Operations, and Economic Development Committee recommend that the Board of Supervisors, that the purchasing agent, and the Department of Human Resources be authorized to take the necessary actions to implement the recommended plan changes and propose premium for the retiree health plan.

[01:02:21] Is there a second? Second. Second by Supervisor Letourneau. Any comment on the motion? Supervisor Letourneau, then Supervisor Briscoe. Yeah, just to be clear, so 19% was what it would be if we weren't buying it down. So we were essentially buying it down to 11%, which is about the same as what our active employees are.

[01:02:39] I was just making the point that 19% is a lot, And so I was curious about kind of the context around that. It is a lot, but it's the same thing that, even 11%, but it's also similar to what we saw with active employees. So I wouldn't want to dip further into the self-insurance fund to go any deeper to do this.

[01:03:00] So I think we're kind of playing with fire a little bit as it is. So I think we've done what we can to try to get this number down. And obviously, similar to active employees, I think we need to communicate that this is what the market is dictating. Over the last year or two, there's been a significant increase in costs on insurance.

[01:03:20] And, you know, we are, in fact, trying to buy down those costs as much as we can. But, you know, unfortunately, this is as much as we can. So I will support the motion. Okay. Supervisor Brisbane. I'm going to abstain from the motion. I'm going to abstain from the motion.

[01:03:39] I apologize. So are we sending this to a business meeting? Yes. And which business meeting, I apologize? Next week. Next week? Yes. Okay. Could staff get the information that I've asked for before the business meeting?

[01:03:56] In other words, the average take-home pay for our retirees and the average, you have to ask VRS. And how much this is going to come out of their paycheck? Supervisor Brisman, we will attempt to get that information from VRS, But I will tell you, anytime we request data from VRS, it is a very lengthy process.

[01:04:18] And they're not always able to produce the information that we're asking for. So it doesn't exist within our county files that would be at the state level and if they're willing to provide it. Okay. Because the only way we can truly figure out how much this is going to hurt people is if we know what piece of the pie is, you know, getting sliced out, getting bigger, that has to be taken out.

[01:04:41] And also, could staff do some research? I don't know how you would figure this out, but there's probably some industry research that will show if premiums increase significantly with your retiree health care plan that's a supplemental to Medicare A and B, if there's a significant increase in the premium, what is the fall off?

[01:05:07] How many people will disenroll with an 11% increase? Do you guys think you could look into that? I mean, we can certainly look into that. I'm not sure what data is available out there, but we can certainly look into that. Okay.

[01:05:28] All right. I mean, these are like the hidden increased costs that hurt people, especially someone who's retired. And while some people might have assets, other assets, you know, we have people retiring from this county who aren't necessarily, didn't necessarily retire from this building. Thank you, Madam Chair.

[01:05:44] Okay, sure. Madam Chair. Thank you. There is no specific date in the motion that we would move this to. Does it have to go to the meeting next week for a specific purpose?

[01:06:00] Is it time-sensitive that it has to be on the agenda for the next business meeting? Because that's not in the motion, actually. It is time-sensitive because we need to communicate to the retirees so they have an opportunity to enroll because they'll be going through an active enrollment as we are for the active employees. And when does an active enrollment start?

[01:06:17] It begins November 1, but there's a tremendous amount of testing and systemic work that has to be done. It begins November 1. So if you, so the first meeting in October would be, would be, talking to the HR guy sitting next to me right now, the first meeting in October would be too late also?

[01:06:38] That would be extremely challenging. I'm not sure I could commit to that. It would put us significantly behind the gun with getting their rates loaded into Oracle and then opening the plan up for them to be able to go in and do their active enrollment. I would not recommend deferring it to the first meeting in October.

[01:06:55] Well, it wouldn't even be, like I said, there's no, only because Ms. Bricksman asked. Normally, when a motion comes out of committee, it doesn't go to the next board meeting. When the next board meeting is the next week, it would be normal to be two weeks away. There is no date on this motion.

[01:07:10] So I understand what you all are saying, and that's fine. But this is out of order of how we normally do things as far as what meeting we'll send it to. So if it needs to be in the next agenda, that's what it needs to be. But I wouldn't have known to ask.

[01:07:26] I wouldn't have thought to ask because there's no data in here. I would have just assumed it would have been the first meeting in October anyway. So thank you. All right. No other comment. All in favor, please say aye. Any opposed, say nay.

[01:07:43] And we have one abstention. We have two abstentions. Two abstentions. All right. So we have three ayes, zero no's, and two abstentions being Chair Randall and Supervisor Briskman. Thank you all very, very much.

[01:08:00] Thank you. All right. We have deferred item number 15, the nonprofit request for property tax exemption. And so we now move on to item 16, Project Labor Agreement Pilot Program.

[01:08:17] And Cheryl Randall will have on the blue sheet an additional motion or two. So we have Cheryl Middleton. I think Valmarie Turner's in the back in case we need her.

[01:08:37] And we also have Nancy Boyd and Scott. So we are ready for you guys. Good evening, Chair, I'm Thad and committee members. As you mentioned, with me tonight is Nancy Boyd and Scott Wurz from the Department of Transportation and Capital Infrastructure.

[01:08:58] And if you'd give us just a second, we will have a very brief PowerPoint presentation to walk through with the committee members, if that's all right. Absolutely. Thank you. Okay. Thank you again.

[01:09:21] Tonight, we're here to talk about a project labor agreement pilot. Next slide, Scott. so i want to provide just a brief history because it has been a few months since staff has presented information to the committee or the board on this topic so as you may recall in may of 2021 the project labor agreement or pla statute became effective in the code of virginia authorizing localities to require or making able to require project labor agreements on our public works or construction projects and then in april of 2022 the board then directed staff to conduct

[01:09:56] research on the feasibility of implementing PLAs. Next slide. As a reminder, a PLA or a project labor agreement is defined in the code as a pre-hire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for specific public works contracts, or excuse me, projects. Thank you. These are typically geared towards larger projects of long duration and design complexity requiring significant labor commitment to successfully complete those projects in a timely manner. Features tend to include establishment of

[01:10:31] conditions of employment, intent to avoid work stoppages, as well as to establish wages for the workforce. Generally then, the public body receives a benefit of upfront commitment of no strikes on a project, and again, aiding in the successful and timely completion of a construction project. Next slide, thank you. In January of 2023, staff did provide follow-up information as requested by the board, and at that time, staff did not recommend implementing PLAs. Additionally the board did not take action. However since that time staff has received some inquiries from various board members in the community along the way with continued

[01:11:09] interest in proceeding with PLAs. Specifically in May of this year staff did receive a copy of a white paper on the use of PLAs in Loudoun County that was submitted by two board offices. In review of the white paper, the focus was on the indirect approach for a PLA. As you may recall from the presentation from staff in January, there are two types of PLAs regularly implemented. The indirect, excuse me, the direct approach typically requires the owner or the public body to negotiate those contract directly with the labor organizations, where an indirect approach requires the contractor

[01:11:48] and puts that responsibility on them to implement and enforce the requirements with the union organizations. Overall, the summary from the white paper acknowledges that there may be some insufficient evidence to support, but there's lots of benefits and disadvantages potentially for the use of PLAs. So upon review of the white paper provided to staff, staff was trying to figure out the best way to proceed. And in discussions, we decided that a pilot project may provide from better insight on how PLAs may affect county projects. So staff collectively discussed with administration trying to determine some criteria that we could

[01:12:27] propose for consideration for a pilot project. Again knowing that that PLAs are typically used on larger projects we want to look for a project that had a significant dollar value. The intent for that is to attract a lot of competition.

[01:12:42] Typically our larger dollar construction projects do attract the most competition. And the \$35 million, not \$35 limit, noted there aligns with the federal government minimum requirement for use of PLAs. We wanted to look for a project that had minimal impact on the community so that we had a little more flexibility in our scheduling to accommodate the requirements of a PLA. Again, as noted in our previous presentation, staff has not had experience with this. So we want to make sure we had appropriate time to fully develop the requirements for the pilot. And then we wanted to look for something with a general or a broader

[01:13:22] scope. General there, it's probably not the best term, but should be a broad scope. We're looking for something that has a wide variety of trades associated with it so that we, again, can have the benefit of potentially looking for PLAs that would incorporate multiple trade organizations.

[01:13:41] So based upon that, staff did a review of current projects that are in our CIP that kind of meet some of those suggestions that we included, and staff identified the General Government Office Building Phase 1 project. Some of the reasons why we included that are that the estimated construction value is approximately \$65 million, so we are expecting that would generate some significant competition and interest from the construction community.

[01:14:13] The stakeholders for this project are primarily county departments versus, say, a road project or a community center that directly impacts the citizens of the community. And the timing of that project construction would allow for the inclusion of a PLA, and Ms. Boyd can provide additional information on where we're at in terms of the design and plans for the construction.

[01:14:43] And then some of the items we were trying to consider to include as a component to the PLA, pending discussion with a professional in the area, obviously we want to include prevailing wage requirements because that is an existing requirement of the board for our larger dollar construction projects.

[01:15:00] We would want to make sure we included appropriate requests for information or language in the PLA related to dispute escalation and resolution processes, potential use of apprenticeships, any additional requirements or language that could assist with the prevention of wage theft.

[01:15:19] We would also want to include language related to no striking on the project to prevent any delays in the project, and then other language that would support a guaranteed workforce throughout the duration of the project, the use of union and non-union workforce, as well as worker safety provisions.

[01:15:40] So with that, we would want, if so, directed by the committee and the board, our next step would be to identify some outside legal counsel and or consulting assistance to really determine the best way to structure the PLA terms for, even with the indirect approach, we want to make sure that the content is developed correctly and consistent with how a PLA is conducted elsewhere.

[01:16:05] Then we would then look for assistance in updating our bid documents to appropriately accommodate for the requirement for an indirect PLA. And then we would again want to work with that outside assistance to establish the best way to evaluate our bids for compliance with meeting those PLA requirements.

[01:16:25] And then we would just work to identify funds within existing capital projects to support the contracting of that outside assistance. And then as noted in the item, we just listed a few alternatives for the committee and the board's consideration.

[01:16:45] So the committee may direct us to proceed with including a pilot for this particular project. The committee could also direct staff to conduct additional research and come back to the committee with more information or the board, excuse me, the committee may choose not to recommend a PLA project at this time.

[01:17:02] So with that, that's really the crux of our presentation. We have additional information in the item. And staff is here to address any questions that the committee may have. All right. Any questions before we go to a motion? Supervisor Letourneau and then Chair Randall.

[01:17:21] Are we going to be adjusting the project budget for this government center project? At this time, we don't anticipate doing that. but we may need to bring in some outside assistance through our county attorney's office to help advise us.

[01:17:41] It's said in the item that there's not expertise on staff, so you also may need outside assistance in actually drafting the PLA. Exactly, is that coming out of DTCI's budget, or how is that funded? So we just want to make sure that we have the legal assistance to be able to draft the terms that would need to go into the construction, the contract specifications to be able to set it up correctly.

[01:18:10] We'd also be looking similarly for advice relating to how we'd evaluate the different proposals. So, you know, I don't see that it's a significant addition to the budget, but I think we need the legal advice, and then we just incorporate that into our contract provisions. Okay. We haven't had any work stoppages on our projects that you know of, right?

[01:18:31] Correct. Okay. Thank you. Chair Randall and then Supervisor Brisbane, then Supervisor Sainz. Actually, I can ask my questions in the motion. It's fine. All right. Supervisor Brisbane. Thank you. I appreciate staff's work on this.

[01:18:48] I still feel as if the predictions of how this will go are coming off very, very negative from staff, and we have all kinds of data to show that, you know, with PLAs and unions, that projects do come in on time and on budget.

[01:19:10] So I just want to put that out there. We've tried to make very, very clear that we're interested in doing this, and we believe it's for the betterment of the county, betterment of workers to be paid decent wages, all those things. When is this project scheduled in the CIP?

[01:19:30] So we are in the design process right now, anticipating design over the next couple of years. That's one of the reasons why we thought this would be an ideal pilot project because it will allow us to consult with those experts and to be able to work it into the process, not delay it any more than we might anticipate.

[01:19:49] So we thought it was ideal timing. It's also a sizable project. And it has enough multiple trades that will be involved that I think might make it worth it to the contracting community as well. Excellent. Okay, thank you. Thank you, Supervisor Sainz.

[01:20:06] thank you supervisor brisbane actually took my question at the end there in her commentary but um kind of going off what supervisor letourneau asked but we've had issues before with some projects where we've had issues with performance with projects we've even had to lock out a vendor at one point for a project is that correct just to be clear to clarify your question when you say lockout are you referring to a debarment or or a contract termination i think it was a contract termination i guess we have had a contract termination in the past that is correct okay

[01:20:44] one time or is there happened a few times uh i would say approximately twice in my career in your career okay but it has but we've had some issues and then even there i think there's one project that we're still kind of uh we filled a major inspection recently and i don't know if we had the re-inspection yet but we've had some issues with some of our vendors that is correct All right. Thank you. All right. Chair Randall, do you have a motion?

[01:21:15] I have a motion. I'm going to do three parts of the motion. One's in the package and one's in front of you. I'm going to do it all together then. I move to the Finance Government Operations Economic Development Committee recommend to the Board of Supervisors to the rec staff to proceed with a pilot project labor agreement for the construction of the General Government Office Building Phase 1. I further move to the Finance Government Operations and Economic Development Committee to rec staff to select a road construction project included in the FY 2023 through FY 2028 adopted capital improvement program as a second pilot project labor agreement and returned to the October 10, 2023 Finance Committee meeting for consideration.

[01:21:52] And I further move that the Finance, Government, Operations, and Economic Development Committee direct staff to ensure that the consultant that is contracted to assist with project labor agreements have demonstrated success with the implementation of the project labor agreement evidence by experiencing seeing project with partial labor agreements through to their completion. Is there a second? Second by Vice Chair Sains. Okay, so a couple things. First of all, I do want to thank three people especially. I want to thank my Chief of Staff, Mike Rogers.

[01:22:23] I want to thank Rachel Mai, who was the Chief of Staff, to Mike Turner. And I want to thank Valerie Sestak, who was the Chief of Staff, to Ms. Umstadt, who did put together that white paper and spent a lot of time doing just a great amount of research and working on it.

[01:22:39] And I want to say to staff that, you know, you all are the experts, and so to take the white paper from our staff aides and look into it and say, you know, there's some validity here, I think is admirable, and I appreciate that. I think that, you know, the conclusion you came to is that there is, we don't know it.

[01:22:57] We don't know yet, and so a pilot project is to find out what we don't know. And so I think that this is the right way to do it, to say we do pilot projects. I made that third part of that motion. Some of the

things that you all have put into what you're looking for, and I do think it's really very admirable what you've put in there.

[01:23:15] One of the things, for instance, is the wage theft issue. Wage theft has been a huge problem for some of our projects that we've seen worked on in Loudoun County. It gets talked about all the time, yet not talked about enough, which is a strange statement.

[01:23:35] How will you know, what will you look for when you are choosing the consultant that they are, like, versed on what Wade Stepped is and those types of things? Because it's really important that, you know, when you do a pilot project, you know, to get good results, you want to know that, you know, what you put in is what you get out, you know?

[01:23:55] And so for the criteria that you all set down, and I think it's appropriate and fantastic criteria, how do you go about choosing that consultant who's had that previous experience with things like making sure that waste left is not happening, things like that, because it's really important to get that spot on correct.

[01:24:19] And once again, I wanna say thank you to everybody who has been advising and who's been involved in this effort. and thank you for the question so as we mentioned in the item staff does not have expertise in this area so we are definitely looking for outside assistance to help us formulate the requirements to include in the indirect pla and we're hoping that whatever consultant is selected has experience most likely in another state in developing and drafting those documents that are used by other agencies so we will be looking um in those states that have had uh project labor that have project labor requirements for longer than Virginia.

[01:24:57] I can't, I don't want to say almost every state. So we'll be looking for outside assistance, and one, hopefully we will find someone that will be able to bring us that breadth of experience with a wide variety of terms to include what we can and cannot include in a PLA.

[01:25:15] Staff has not begun that research yet to determine who that consultant is, but we will plan to do research across the country. Okay, I appreciate that. Thank you so much. Nancy, did you want to say anything? I just wanted to add that I think it's also going to be important that that consultant also have experience with the size of projects and the types of projects that we have.

[01:25:32] That they're not just the ones that are doing the billion-dollar projects, because we'll want that level of advice. Yeah, thank you. Thank you so much. Supervisor Letourneau. Thank you. Does staff have any concerns about adding a road project to the pilot, since that wasn't part of the proposal?

[01:25:49] Not specific concerns, but the reason, I can just give a little bit of background on that. You know, we were looking for a project that we thought would be well positioned to be a good pilot project. And at first glance, the road projects were not positioned well for that.

[01:26:05] So, for example, a lot of our road projects are kind of standard road projects, not a whole lot of different trades. Some of the projects that we might have that might fit into the category that, you know, might be a good pilot project or a few years out. So the combination of the timing and the lack of complexity in different trades for those projects, we just didn't see a transportation one that was a great opportunity.

[01:26:29] That said, given the board direction, we'll look to find the best opportunity for a transportation one if that's the case. I would ask, when we get to the business meeting, that there be a little bit more flexibility in this part of the motion. Because I don't think staff should be forced to find a project when they don't think one exists for this that's not a good candidate.

[01:26:46] And so I think this direction can be researched to go identify it. But this is an actual direction for you to select a project. And if I can, just to clarify, it's not that we think that they're bad candidates. We are looking for the best candidate. And they're not in the coming fiscal year or two either.

[01:27:03] So that puts this way out. All right. So no secret, I have concerns about PLAs. I think the January 2023 staff item did a good job summarizing those. I do feel like this is a little bit of a situation where the board didn't like the answer, and so the board was hell-bent on getting its way one way or the other, and so here we are.

[01:27:20] So I kind of figured we were going to get to this point, but I don't think it's the right place to be. And I think it's risky at a time when our capital budget is already stretched to do anything that could potentially increase costs. For every study that somebody could show me that says PLAs don't, I can give you three that show that they do.

[01:27:37] There's numerous research out there. This is a little bit like polling. So one side has polling, the other side has polling. at the end of the day, I guess we'll see who's right. But we have a lot of empirical evidence on this issue. So I'm concerned about that. The other issue is 95% of Virginia workers do not belong to a union. So this motion is going to guarantee a payday for folks who don't live in Virginia. This is outside help that is going to be coming because it's the only way to comply with the PLA on a lot of our projects. And I do have concerns because I've always thought that we should try to look close to home first when we do our projects and that generally has been our

[01:28:14] practice so i will be and i may even ask for an amendment on this i would like to see at the end of the project a look back at where the labor actually came from that participated in the project and how it compares to other projects because i do think that's an important point here and one of the concerns that i have about going in this direction so i won't oppose i won't support the motion tonight and I may ask for some flexibility in the second part of the motion in case there isn't projects that staff believes are appropriate at least in this coming fiscal year or

[01:28:49] two thank you so we'll come back to you if you want to ask for a friendly amendment I know Aaron wants to address this but think about how you want to handle it Aaron Madam Chair I just have a clarification question after you're done voting so that we understand how to move forward with the motion, but I will save that for after you take it. All right, okay.

[01:29:17] Supervisor Sainz? Well, this is probably more to Mr. Letourneau than staff, but correct me if I'm wrong, wasn't the first phase of the server line in the PLA? The first phase? Yes. I couldn't, was certain to answer that question. Some parts of it may have had a PLA. Parts of phase two did as well. So my question, But they were voluntary.

[01:29:40] You probably have the resources to do this. Can you verify that? And then also, to your point you just made about in-state, out-of-state, or whatever, can you get a number from your colleagues in Metro to see? From phase one. Well, it wasn't Metro's project, of course.

[01:29:56] It was the airport's authorities. But I don't know if I have any special way of finding that out, but we could certainly ask, sure. Since you're on the board, but, you know, yeah. And I guess we could send a, our staff, could we send an email to MWA and ask that question? Since it was MWA, and who was the construction firm that they kind of formed that partnership with?

[01:30:15] I forget. I know phase two. I don't remember phase one. Well, I'm asking for phase one and our phase two, I guess, to see, just out of curiosity. So, thank you. All right. Chair Randall. We're closing, so. Thank you.

[01:30:32] Supervisor Turner. Thank you, Madam Chair. This is not the first time I've heard this. If I heard it correctly, I disagree with it. I think I have some fact base here. I looked it up. According to the U.S. Department of Labor, this is a quote to the question, do you have to become a union member to be covered by a PLA?

[01:30:50] The answer is no. Workers covered under PLAs do not have to join unions to work on construction sites or to get referred to construction jobs via hiring halls. And it is illegal for unions to discriminate against non-union workers when making hiring hall referrals. Just wanted to make that point.

[01:31:05] Thank you for that information. Chair Randall, let me see, before you go to closing, Supervisor Letourneau, were you going to make an amendment at this time? Well, I was just going to ask, at least for consideration, for staff to identify instead of select a road construction project.

[01:31:26] I think that maybe if I close, it may help you with that discussion. Okay. Okay. So first of all, on page nine of our presentation, it actually says use of union and non-union workforce. It's right there in the presentation. So it's not true that you have to use union workforce. That's the first thing. Second thing, Virginia has not even allowed public sector unions and has really been pretty negative toward unions at all. So to say that the vast majority of Virginia's workforce are not unionized, well, I guess not. But we're starting to change, and then we're changing now, and I think we should change with that.

[01:32:03] So I don't think that's a standard that can be used. Thirdly, when we first start talking about this, we actually had a road project in there from the very beginning. I don't know when that dropped out or how that dropped out when it came to this motion, but we put it back in because it had been what we were discussing, a building and a road project was the discussion from the very beginning.

[01:32:26] So I am just now, I am reinserting what have been the discussion from the beginning. So I would not actually accept that as a friendly. I think a pilot just means just that. It's a pilot. Let's see where we go.

[01:32:42] Let's see what happens. You know, I actually, with due respect, don't agree that the, I mean, I think the staff did suggest that we don't do this, but we are the supervisors. I don't think any person on this dais has a 100% voting record with everything the staff has suggested.

[01:33:01] So to say the staff didn't suggest it, thus we shouldn't do it, is illogical. Why are we here? Why are we here? So no, the staff didn't. But I will say this to the staff's credit, after that white paper was done, the staff took the white paper, spent some time with it, read it, asked questions, and this is where we've come to.

[01:33:19] And so, and I really appreciate that because truthfully, they, you know, they are the experts and our three staff aides, our three chiefs of staffs that did this put a lot of time in it, but it was taken very seriously by the staff when the, after the time was put into it, it was delivered to Mr. Hemstreet, it was delivered to, and to everybody else, quite frankly.

[01:33:41] So I appreciate that very much. So I think we, we, we want to do this pilot. You know, other counties are doing a pilot, and we will see where we come out. It may be at the end of this we go, you know what, maybe that's not where we want to go.

[01:33:57] Or it may be this was okay, this was very good. At the very least, I definitely want to see if something like this can address the issue of paying people under the table and all those types of wage theft issues that are rampant, just rampant in all of Virginia and also here in Loudoun County because what that is doing, what wage theft does is impact your economy in every possible way.

[01:34:28] That money is not going into the workforce. Kids are dropping down to school so they can work more. I mean, it's a huge problem, wage theft. If that can even address that, I'd appreciate that. So I won't be taking any friendly amendments at this time, Madam Chair. All right. All right.

[01:34:44] We'll go to a vote. All in favor, please say aye. Aye. Those opposed, say nay. And that will pass 4-1 with Supervisor Letourneau dissenting. Erin, you had something you wanted to clarify. Mr. Hemstreet sorted out my question for me, so I'm good.

[01:35:02] Oh, okay. All right. Does anyone need food? There is food. Okay. do you want to take a 15-minute break she did all three at once yeah all right we we have three we have land acquisition for North Star and then we have budget development process items two of those food all right we're gonna

[01:35:36] break for 15 minutes okay great okay we've got Karen we've got Nancy we've

[01:54:50] got, Megan. We're now on item number 17, transfer of funds for land acquisition for North Star Boulevard, Phase 1, Route 50 to Evergreen Mills Road. Karen. Okay, thank you. Good evening, Chair Umstead and Finance Committee members. Item number 17 is seeking endorsement from the Finance Committee to transfer additional land acquisition funds to cover the increase in land prices for land acquisition for the North Star Boulevard project. Staff recommends that the

[01:55:29] Finance Committee recommend to the Board of Supervisors to authorize the transfer of an additional \$18 million with funding identified from the CIP contingency account and the debt Service Fund. In addition, staff recommends the committee requests the Board of Supervisors to direct staff to transfer \$16,745,000 from the Capital Improvement Program contingency account and \$1,255,000 in bond proceed interest from the Debt Service Fund to the North Star Project

[01:56:07] in the Capital Projects Fund. The North Star Corridor is one of four major north-south roadways in Loudoun County, with the others being Route 15, Loudoun County Parkway, and Route 28. Out of these corridors, Route 28 and North Star have been designated as corridors of statewide significance.

[01:56:29] When completed, travelers will have an uninterrupted corridor for motorized and non-motorized users, linking many major communities in Loudoun County. This roadway will allow enhanced points of access for travelers without having to use heavily used corridors such as Route 50 and Route 28.

[01:56:49] The project was awarded as a design-build contract in December 2020, and the design-builder Shirley Contracting is responsible for right-of-way acquisition. VDOT provided right-of-way authorization

on December 30th, 2021. As property appraisals were received, staff realized that the land values in the corridor had escalated beyond the project budget. And as you'll recall at the board business meeting July 19th, 2022, the board authorized an increase in land acquisition funding in the amount of \$54,534,139.

[01:57:28] The project required land rights from 26 properties, and the design builder began the process of land acquisition with initial offers being sent out on August 1st, 2022. After they exhausted efforts to negotiate with property owners, on May 14th, 2023, the design builder requested the county to proceed with using its eminent domain power.

[01:57:53] At the Board's public hearing on July 12, 2023, the Board authorized and approved the public use and necessity to acquire the remaining property interests by condemnation. The project currently has approximately \$50 million available to finalize acquiring the land rights for the remaining properties.

[01:58:15] Since the original offers were made to property owners last August, a little over a year ago, property values in the corridor have continued to escalate. The county is required to deposit the current market rate value into court when filing the certificates of take.

[01:58:34] To fund the acquisition of the remaining properties, an additional \$18 million is needed to deposit into court and or to settle with remaining property owners if they're willing to settle before we file certificates of take. When staff requested additional land acquisition funding in 2022, the average land costs were \$45 a square foot. A year later, they have continued to escalate by approximately 30 to 45 percent. In 2022, the total project cost was estimated to be

[01:59:14] \$171 million, with approximately \$91 million dedicated to the land acquisition phase. The additional \$18 million will increase the total land acquisition cost to \$109 million. With the supplemental increase, the land acquisition budget will be sufficient to fully fund the amounts needed to be deposited into court once we have filed the certificates to take there will still be a process of settling with the property owners in the future and you know there could be the possibility that

[01:59:50] we will still need to come to the board at a later date this staff report provides a recommended motion for the board and that concludes staff's presentation and we're available for any questions you may have. Thank you.

[02:00:06] Supervisor Letourneau, would you like to ask questions within a motion? Yeah, I can do that. All right. Go ahead and make a motion. I move the Finance, Government, Operations and Economic Development Committee recommend the Board of Supervisors authorize the transfer of \$18 million of funding that has been identified in the CIP contingency account and the debt service fund. I further move the Finance, Government, Operations, Economic Development Committee recommend the Board of Supervisors authorize the amendment of the FY 2024 capital Improvement Program by directing staff to execute a budget adjustment, which moves \$16,745,000 from the CIP contingency account, appropriates \$1.255 million in bond proceeds interest proceeds from previously used Economic Development Authority bonds in the debt service funds,

[02:00:46] and transfers those funds to North Star Boulevard, Shreveport Drive, to Route 50 Project, and the Capital Projects Fund. Is there a second? Second. I heard Chair Randall. All right. Motion and a second. Supervisor Letourneau, go ahead. So most of the properties in question are data centers.

[02:01:03] Have any of them dedicated right-of-way or given us a discount on right-of-way? Microsoft has donated some land to the county. Thank you, Microsoft.

[02:01:19] Yes. Off the top of my head, I'm not remembering any others that have done that. Well, I would like it to be said that as beneficial as data centers can be for our county, in this particular instance, they have driven the land value costs that have skyrocketed, which are necessitating us to have to put an extraordinary amount of additional money into this project.

[02:01:48] Do we still have property owners who are not being responsive, or have we been able to at least have conversations with everybody at this point? For the property owners who are not responsive, we have already filed certificates of take.

[02:02:06] There are some property owners that we are very far apart in our negotiations and to the point where we, you know. And that's why we need to put this funding in because we have to show we have. Yeah, we're going to have to file a certificate of take because we're not going to be able to. Do you have the total project cost of this project all inclusive?

[02:02:28] The total project cost is \$171 million. \$171 million, which includes this additional \$18 million, or is that? That's before the \$18 million.

[02:02:44] Okay, so we're going to go from \$171 to \$188 or whatever. \$189. \$189, okay. All right, well, this is an expensive project. We did get a federal TIGER grant of, I think it was \$25 million a long time ago.

[02:03:01] at this point for that that 25 million back then i think we thought was something like you know a third or a half of the project it's definitely not at this point um and it also necessitated a very long review so that's not helping us the permitting delays that we're seeing as a country on these kind of things are then right leading to higher project costs which are a real problem so obviously i don't think we have a choice we we're we've already broken ground on the project we're inactive construction. We can't stop now. It's a very important project. It's essential to help link the central part of the county with the southern part of the county.

[02:03:42] It will provide a lot of relief and other roads, but nevertheless, it's frustrating and disappointing that we have to put this much money into it. And certainly, I hope that any of those property owners are listening and can come to the table and help us complete a project which benefits all of our residents. Thank you. Supervisor Briskman. Thank you. Staff, do you know how much money is in the contingency fund that we're with, that we're drawing down right now? There's currently 60 million available. 60 million available and we're taking 16? 16. Okay.

[02:04:19] Okay. 0.7. Okay. And then what's the total cost of the project going to be? 189 million dollars. Okay. Thank you. Thank you. Anyone else? Supervisor Letourneau, do you have any closing? All in favor, please say aye. Any opposed, say nay. That will pass 5-0. Thank you all very, very much.

[02:04:44] Thank you. Thanks. All right. We move on now to item. We have two remaining items, both on the FY 2025 budget development process. We have item number 18, capital improvements program guidance. And so we've got Megan and Nikki and Nancy and Scott. All right. Who gets this one? Nikki? All right.

[02:05:25] Good evening Madam Chair, members of the committee. I have a presentation for you. I will not go through all of the slides, but we are before you tonight to provide an overview of the development of the FY25 through FY2030 CIP and to seek your guidance about funding priorities for the program.

[02:05:44] As you're aware, the proposed FY25 CIP will introduce two new fiscal years, which is FY29 and FY30. And as with any CIP process, cost increases on existing planned projects are prioritized and new projects are typically considered for inclusion in later years.

[02:06:08] One area in particular that staff would like to discuss with the committee is the projects identified for future development section of the budget. The original intent of this section was for projects identified for inclusion in the CIP, typically through the capital needs assessment or the countywide transportation plan, but funding was entirely in a future fiscal year.

[02:06:32] This section was recommended by staff as a basis for evaluating the priority of projects to move into the six-year period. Over the past few years, the board has expanded the use of this section to include projects the board desires to explore receiving proffers and or public-private partnerships and projects for which board members are generally interested in being provided scope and cost information.

[02:06:59] Staff has not been provided direction on how the board would like projects off this list to be brought into the CIP, and based on prior guidance, many of these projects may not move into the CIP, especially since there are more projects than funding available. Over the past, I'm sorry, staff has provided direct, excuse me, one of the standing criteria for CIP development has been to prioritize funding for existing and recurring projects.

[02:07:30] There are four substantial recurring projects on the county side that are expected to need more funding during the six-year period. This includes the County Renovation Program, the Linear Parks and Trails Program, or LPAT plan, the Intersection Improvement Program, or IIP, and the Sidewalk and Trails Program, or STP.

[02:07:49] The county renovation program supports space planning and the board's space strategy. This program continues to be evaluated for the appropriate level of funding. LPAT provides for land acquisition, design, and construction of the countywide linear parks and trails system.

[02:08:07] Land acquisition costs are continuing to increase, and the needs of this project are likely to require more funding. The intersection improvement program addresses safety and capacity challenges at intersections, And the sidewalk and trails program addresses missing segments in the pedestrian bicycle network and plans for three to five miles of sidewalks and or trails per year.

[02:08:29] For both of these programs, as the planning phase has been completed on initial priority projects and design is initiated, the scopes are more complex than originally anticipated and resulting in much higher cost than anticipated.

[02:08:46] The level of funding needed to support the intended output goals of these programs is expected to be higher than currently planned for. And so staff would just be seeking confirmation that the committee does want these projects to remain priorities for additional funding as staff continues the development of the CIP.

[02:09:12] So general information affecting the CIP development. Projects are re-estimated periodically as they move closer to the year of appropriation, aligned with design and other project milestones. And staff is seeing that industry-wide construction costs remain high and are impacting project budgets as well as the land acquisition costs, which continue to increase.

[02:09:36] The Loudoun County Public Schools CIP is another factor. As you may recall, there were considerable changes made to the FY24 CIP in order to accommodate new projects and cost increases on existing projects, the most significant of which was the replacement of Parkview High School.

[02:09:56] To accommodate those changes, LCPS made significant reductions to their capital facility and renewals program, and it is anticipated that the FY25 CIP request will include increases to this program to restore funding levels. Additionally, during the FY24 budget work sessions, the board voted to send funding consideration of \$7.94 million to the FY23 fund balance discussion for weight rooms, press boxes, and tennis courts at Dominion High School, Potomac Falls High School, and Heritage High School.

[02:10:36] So staff is assuming the board intends to approve the funding for these projects as part of the FY23 fund balance discussion in December. and would just seek confirmation and that LCPS would represent this funding as prior year funding in their proposed CIP. And this is the end of the presentation of kind of the overall CIP development. Just a couple of notes here on this slide are two projects that we had for follow-up.

[02:11:09] The Community Arts Center, as part of the FY24 budget work sessions, staff was directed to provide the Finance Committee some information on cost and scope for Community Arts Center, and DTCI is initiating a study of this type of facility using the Franklin Park Performing a Visual Arts Center.

[02:11:30] And then from the indoor sports facility, this was a project that was discussed back in 21, where the committee gave staff direction to not include this in the CIP, but pursue public-private partnerships rather than adding it to the CIP, and that work is still ongoing. And we are happy to take any questions. Thank you very much.

[02:11:53] Supervisor Briskin, then Supervisor Letourneau. Okay. So, I mean, in general, I would still like these programs that you list here to be prioritized um if you're looking for my feedback on that um a couple questions um where is the the uh expansion of the jail in the cip how close is that yeah it's an active project so that's in the in the cip i want to say it's fiscal year 26 but i had to double check on that for has that project

[02:12:32] been started in design or anything like that so we've done an original in a um i forget the an assessment that had to go to the board uh the virginia board of uh jails i forget the exact group but they approved the project and provide um recommendations and it's got to go through them to to be a viable project and it was returned as a viable project with some sort of it was a funding amount um for the design and construction i believe it's 25 percent that went to does the state provide funding at all for that i believe that was the the the 25 percent 25 percent is the

[02:13:09] I just, I kind of question that because our jail population is down 58% right now. And so I would like us to review, actually, if we still need to be doing that expansion, given the jail population is down something from 425 to, I think at last check, it was 225 or 203 maybe housed at the jail.

[02:13:36] So I think we might want to reassess that. I believe LCPS actually added the \$7.9 million back into their CIP, right? They have intention to do that once the fund balance is allocated.

[02:13:54] Okay, I thought they already did it. They added a portion of those facilities due to timing when you adopted the budget versus theirs. Yeah, okay. And then do we have progress? Because this is something that's now in the outer years, But I think that staff was working on evaluation of renovation of

buildings like the Cascades Library and Senior Center, understanding that this is kind of like the first couple of county buildings kind of that need this, you know, the newer buildings that need this renovation.

[02:14:28] Do we have any updates on where that might stand, like kind of estimates of the cost of that at all? And I'm asking because the Cascades Marketplace application is coming through.

[02:14:44] Yeah, I don't believe we've done any estimates on that yet. Okay. We'll consider it, yeah. Okay. Okay, thank you. Thank you, Supervisor Bruce. I'm sorry, Letourneau. Are we still getting an item at Finance to talk about the scope of the Performing Arts Center?

[02:15:02] Because I thought that was a follow-on motion at that work session last year or earlier this year. So DTCI has initiated the study, so we can bring back an item once results from that study have been. Okay. Would that be before the CIP, though, discussion next year?

[02:15:24] We'll have to discuss the timing and figure out what. Okay, because it would be helpful if we're going to put something in the CIP or have a discussion about it. We should, you know, at that point it would have been a year since we initiated it, so we should be able to have some discussion about what it is we wanted to do with it.

[02:15:42] Okay. So, I feel like we're kind of being asked a little bit here on prioritization. For me, the intersection improvement program is paramount because those are safety issues and as important as Leninger Parks and Trails and Sidewalks and Trails are, you know, people aren't dying necessarily at the rate we have in some of these intersections or at least accidents aren't occurring. So, I do think if staff believes that we are insufficiently capitalized and that area for the need and we have something like 20 category 5 projects i think hanging out there

[02:16:21] we should prioritize that at least that's my point of view on that i also will point out because i feel like it continues to need to be said that most of the road projects are also sidewalk and trail and multimodal projects and so we have a tendency sometimes to like talk about these as though they're you know competing but in reality when we build a road we usually also are building a trail system or a trail next to it with it so we're actually doing both and you know therefore obviously we still have a lot of infrastructure projects we have a lot of big

[02:16:58] projects obviously you guys are very well aware of the Loudoun County Parkway interchange project I don't know if we have an update on where we are with the interchange access report, I didn't say justification report, and whether we will know more by the time we get into a CIP discussion, but that would be helpful because I think we may need to redesign that interchange concept based on what we're going to hear from VDOT and get into an urban point type of project, which then has a different cost equation than what we have in the CIP now.

[02:17:34] And then similarly, I know we are, I think, trying to schedule time to talk to the airport's authority for our follow-up on the collector road project, but also, you know, something that we need to advance. If for no other reason, then I think both of those projects could be the type of projects that we can get some federal assistance and other assistance with.

[02:17:55] So that's kind of where I'm coming from overall. All right. Very good. So it does appear that Supervisor Letourneau is correct, and there's a suggestion inherent in here that the board prioritize the four categories, county renovation program, linear parks and trails, intersection improvement program, and sidewalks and trails.

[02:18:26] Is that your request of us, that we do give you prioritization guidance on those four categories? Yes, if you have specific guidance, we would take that. As mentioned, as kind of the traditional guidance that we've adhered to, or one of the criteria that we've adhered to, is to prioritize existing and recurring projects needing funding.

[02:18:51] And so just as a matter of course, that is, those projects would be addressed, but we just want to confirm that that is still the board's desire that we keep those types of recurring programs as priority. All right. But we are not requesting you prioritize those programs against each other.

[02:19:11] Those are the recurring projects that we would prioritize new or additional funding toward before adding any new projects to the six-year period. All right. So this is a good review, but do you need some particular guidance from the committee tonight on this?

[02:19:30] So we know that the CIP is over-programmed, so we are adding two years to the CIP. Right now, our priority extending into those two years is to take existing projects that are part of the current CIP and then make sure they're fully funded and extend them out.

[02:19:50] After that, the priorities that we would normally follow would be school projects for new schools, and then we would try then to address priority projects that the board may have around transportation or potentially facilities, and then we would get into these standing projects that you just talked about, the intersection improvement program and then the sidewalks and trails program and the linear parks and trails program.

[02:20:20] But that's generally the prioritization that we use for the CIP. And so we just want to confirm with the finance committee that you would still want us to continue with that type of prioritization because we know that we are over allocated for the current program.

[02:20:37] I think I want to be clear also, in addition to that, the community arts center, as well as the indoor sports facilities were added to the CIP, but there's no budget for them. And so the question is, do you want us, regardless of when we get to the scope or when we get to some of these other things, to start including a level of budget for these two projects in the CIP or to continue to leave them as a part of the CIP but unfunded?

[02:21:04] And so we could use a little bit of guidance as to where the finance committee is on those two projects as to whether or not we should attempt to start funding them because they are in the out years. Obviously, those budgets will change as we get into a level of engineering design.

[02:21:23] And as we move forward, you know, years come forward in the CIP, those budgets will change. But right now, I just want to make it clear and remind the committee that neither one of those projects have any budget towards them. All right. Supervisor Briskman. Thank you. When you say, I think you said community facilities, does that include the fire and rescue stations?

[02:21:47] so they would be prioritized after the schools, or, I'm sorry, may I ask him that question? Yeah, go ahead. Or staff, sorry. I'm sorry, can you restate your question?

[02:22:05] So I noticed that we have a number of fire and rescue stations in here, fire and rescue training tower. I was just wondering, in that scheme that Mr. Hemstreet just laid out, where the fire stations fall? Like, where do the public safety facilities fall? He mentioned community facilities.

[02:22:23] I'm just wondering if community facilities is inclusive of public safety. So, yes, facilities are, yes. Okay, all right, all right. I didn't know if public safety was kind of a different level. I guess for me, let me ask this question.

[02:22:43] If we were to say, Mr. Hemstreet or staff, that, yes, in fact, we would like to start seeking out funding for the arts center and performing arts center and the indoor sports facility, does that then give those facilities priority over everything that's in the outer years list?

[02:23:09] Not unless the board tells us to prioritize them above that. Right now, however, we don't have a priority for them, so they're not funded yet. They're they're present in a list that we're tracking, but they are not they're not funded.

[02:23:26] So the question really is, do you want us to try to identify places in the CIP as we move forward? Do you want us to start trying to put a budget against some of these things or these two things in particular? Because they keep they come up at every CIP session. Yes.

[02:23:44] The challenge is, is once you get to your deliberations in March, the budget's put together. So if these are projects, if these two projects are something that the finance committee and then subsequently the board wants to see as a part of the budget with at least a preliminary budget for planning, design, or something, we kind of need that guidance.

[02:24:08] So, let me ask this in a different way. The list of projects that are in the projects identified for future development, because they're identified for future development, are they getting funding directed to them as you are describing would happen with the other two projects?

[02:24:32] So the projects that are on that list are projects that we have either identified as needing to be developed and that their start, their timing would not be until outside of the CIP period, or the board has specifically asked us to look into scoping or cost estimates for these projects and they're not funded.

[02:24:59] They're just a way of tracking requests that we have received. so for those two projects in particular the community arts center and the indoor sports facility we had received specific direction to return to the finance committee with information so in that case that's what we're doing here is to just inform you of where we are with that process and then further to get your direction on how you would want us to deal with those projects if at all in bringing them into the CIP.

[02:25:30] Okay, I still have more questions, so I don't know if you want me to... All right, let me go first to Supervisor Sainz, then back to Supervisor Letourneau, then Supervisor Briskman. All right, thank you. So in regards to the Performing Arts Center in Eastern Loudoun and the sports facility, yes, we gave guidance to do some research and come back, so do we have a time frame for that presentation or no?

[02:26:02] I wanted to clarify that we have initiated the study for the Performing Arts Center, and I think we were less than clear on whether that would be complete in time for the CIP discussions. We anticipate having that done by the end of this calendar year, so not for the early CIP discussions, but we should have some additional information in that time frame.

[02:26:21] Yeah, and the study really is going to just kind of help. It's not going to be a full scope of a project, but it's going to help guide some of that discussion. So in staff's opinion, then, is it makes sense then to even give guidance in regards to CIP funding until we get something back from you, or are you saying, yes, go ahead, and we can always remove or add?

[02:26:45] So what I'm saying is that we're adding two years to the CIP. Is this project something that the board, if we have room, would want to see funded? Because projects come into the CIP in year six, and they move up.

[02:27:05] Right now, there are more projects on your future fiscal years list, whatever we call it now, than there is room in those two years. So right now, what we're funding first will be existing projects that are not fully funded that go into those last two years.

[02:27:25] Then we'll look at school projects. Then we'll look at priority transportation projects or priority facility projects. then we'll get to the intersection programs and the sidewalks and trails programs and linear parks and trails programs these two projects right now are not funded so we can bring you back a study but the time frame that Ms. Boyd and Mr. Worst are talking about would unless you're going to not fund something that we're going to put into the CIP between now and December you would have to make a conscious choice to do that or you would need to wait until the FY26 budget or the FY27

[02:28:03] budget to potentially fund those projects so that's why we're saying now if you want to see those projects included would be the time to tell us though okay and before my time ends then if we were to give that direction what would how what would what would you recommend for the funding would just be to do right now we're here at guidance so all we're asking the question is do you want to see some do you want to see these projects included in some way if we can fit them in because we don't have we don't have numbers yet we'll come back to you when we start to put those together when it comes time for a motion i'll make the motion see where it goes we'll

[02:28:36] we'll see where the conversation goes all right um supervisor leturna then supervisor brisman we do not have any prepared motions so what i assume you want from us is a consensus uh yes all right okay all right i don't know if we're gonna have one so the answer to my question i think the question you're asking is no i want you to stick with the the way that you've outlined what our priorities would be because when we keep referring to the Performing Arts Center as this project I don't have any idea what the project is like it's hard to say I want I want that to be

[02:29:14] funded if I don't know what the need is now what was on the presentation there is a project similar to the Franklin Arts Center well if you if we listen to the say 15-20 people or so that came and gave us input last year on this if you talk to all nine of us and then if you talk to a bunch of people in the community and you ask them what they want in a community arts project you're going to get about 50 different answers. And even in the public comment to us, we were getting wildly different versions of this, ranging from a full-blown Disney concert hall to a black box theater. And so one of my questions was, what is our need and what is it feasible for the county

[02:29:50] to actually operate? And without knowing the answer to that question, I don't know how we could say, yeah, let's start jumping stuff that's in the CIP and been waiting for funding in order to fund this the other point is one of the reasons why we did both of these not just performing arts was so that we could potentially give credit to a developer if and when we have a project that would be suitable and i still think that that is viable um i still think that there are some projects out there where we may be able to do that and give credit to somebody and partner with somebody and we may need to come up with some appropriation for it which i would be supportive

[02:30:28] of but you know i think ultimately that's the way to get something really built that's beyond a frank nothing wrong with franklin arts center i don't mean to be critical but i think when people talk about

this they're thinking about something that's more expansive and i'm not sure that the county is necessarily going to pull that off by ourselves without having a private partner that really wants to come in and operate it and build something like we really would like to see so i for this moment would not say to prioritize that over other projects. As far as indoor sports, that always was going to be a deal we did with a partner, a private partner. There's a couple

[02:31:05] of different models out there. We've seen that. Visit Loudon did a study on it. I'm not sure we found the right partner. I'm not sure we found the right project for it. I know I've made some suggestions over the last few years. But again, I don't think that was ever envisioned to be a county project where we're putting a lot of money in the cip although tim we would probably need to put some in to be part of that partnership but without kind of having that those terms it would be difficult to do it so when i look at the other stuff that needs to get funded it is priority projects that are like seriously impactful on quality of life i keep talking about the southern

[02:31:41] services center for instance which is behavioral mental health it's hard for me to not prioritize those things over some of these other things so three minutes of my thoughts but that's kind of where i'm at all right supervisor briskman thank you um so i guess without staff telling me what would fall off the the list in lieu of the arts center and the um uh sports facility it's very

[02:32:14] difficult for me to make a judgment call whether I want funding to go toward it. Now, I do have a full understanding, though, that the county is going to have to have some skin in this game if we're going to build either of these things, probably. So my question is, is there a medium ground where we fund it enough to get the project to the point that we could talk to and think about a public-private partnership. Like right now, it's just sort of out there floating and it's not

[02:32:51] anchored. The study might help us do that, but I guess I'm getting the feeling that if we don't have anything on paper, we don't have any reports, we don't have any sort of design ideas or concepts, it's going to be really hard for us to attract someone for a public-private partnership. So I'm not sure how to accomplish indicating to our potential partners that we're ready to do this without putting some funding behind it to create the project. I mean, one thing that I think we

[02:33:26] might be able to do is just have a motion that, or at some point, that just adds it to the future development list at least. We could at least recommend that the board add it to the projects identified for future development. I don't know that that's even happened yet, has it? Are they in that list? Yes. Yes. Okay, they are. I apologize. They're listed, but they're not.

[02:33:54] I think the reason why we're here is, as Nikki said, we are here because we are asked to bring these back to the Finance Committee. We are at a point that if you want us to try to fit something into the CIP, we just need to know if that's something you want us to try to do or not.

[02:34:12] I think we would not, to answer your question directly, Supervisor Brisbane, we would not be proposing, you know, the complete project funding. We would start with, you know, some planning and engineering dollars to make sure we understand exactly what the board would want to see in terms of those projects.

[02:34:34] Because right now, even if I think Supervisor Letourneau also articulated this, we would not know what we're trying to partner with with somebody. So, in many cases, we've been completely reactionary based on whatever the private sector may want to propose.

[02:34:51] And so, I think if these are projects the board wants to pursue, they need to be added to the CIP with a level of funding that directs us to start putting something together so that... So, we're ready. Yeah. I mean, and keep in mind, we're not asking you to give us a dollar amount.

[02:35:09] We're just asking, is this something you want us to try to include should there be funding? Madam Chair, can I just ask one more quick question? So when you say add, you're saying to put it in the next two years of the CIP? Yeah, unless you... To move things forward.

[02:35:25] Okay, all right. I'm on the fence. Thank you. Chair Randall. Thank you. I wish Ms. Glass had come to this meeting tonight because the Art Center has been kind of her initiative to some degree.

[02:35:42] You know, Mr. Laterno makes such a good point, but it's tough because, you know, the one thing allowed in is missing, I think, is art just in general. And as somebody who obviously cares a lot about mental health and behavioral health, every single study says that when you have art in your community, you have actually less violence, less suicides, better mental health outcomes.

[02:36:06] And so none of these things are in a silo. All of these things work together. That's why the CIP is so hard to try to fit everything in a CIP at one time. There has been, I think, more discussions with community partners than we may have known to the county administration or even the entire board is aware of.

[02:36:29] There has been discussions with, obviously, the Loudoun Symphony. There has been discussions with some fairly large stakeholders in our county about how to do a capital campaign around this. there's even been discussions about where to have land donated it so so I think it's and I'm talking just with the community art center I think what might be helpful is that um I ask uh miss miss glasses staff to send something out to everyone so everyone can at least be on the same page as to what's been discussed what's been what's what's happened what might be needed what might

[02:37:03] not might not be needed because I think some of these things have been done a little bit in the silo I you know the CIP is tough it's why I mostly stay out of it to be quite honest but I do believe just speaking on behalf of the community arts center it is certainly something that is you know it is life enhancing but it is so important to a healthy community to have art and we don't and we have almost almost none to be quite honest almost no performing art almost There's no visual art, no sculpture garden, not botanical garden.

[02:37:38] We don't have art in Loudoun County. It's probably the one thing we are missing the most. But I will ask Ms. Glass, will she send something out that kind of details some of the discussions she's had, some of the, because I've been with her with most of those discussions, some of the community organizations, some of the capital campaigns that have been discussed, some of the places of land that are asked to be donated, and the amount, just having that background would help a lot, and you don't have that right now.

[02:38:09] So there's nothing you can do with that without that background. So we'll see if we can get something together for you all as soon as possible for that. Thank you. Question for staff. You were directed to, in relation to the indoor sports facility, to pursue a public-private partnership rather than add it to the CIP.

[02:38:35] But that does not appear to be the case with the Community Arts Center. Do you recommend a public-private partnership for the Community Arts Center? I mean, one idea that has come up is Ravana.

[02:38:53] Would Ravana be willing to partner with the county to put in a Community Arts Center, for example? because I believe this community arts center is geared towards Eastern Loudoun. So can we do that?

[02:39:14] Is there a reason why we could not do that? To put it in the same, to use the same approach for both these projects? And that would be public-private partnership. Nikki? Nikki, Erin?

[02:39:32] Maybe I can start on this and staff can add. So for both of these types of facilities, we have kind of the same type of issue, which is we're not quite sure what it is until we know what the partner might be able to do.

[02:39:56] So in the case of Ravana, you bring up Ravana, they do have in their plans a performance center. Now, it's probably not what we've been talking about, but this discussion is kind of illuminating that we're not exactly quite sure what it is.

[02:40:13] So the study that staff has already undertaken and any potential funding towards scoping a project would help us get there and then potentially could determine if there is, you know, a partnership opportunity available.

[02:40:28] The direction that we have had from the board on the indoor sports facility, because we're a little, in some ways, a little further along on that discussion because, if you'll recall, several years ago, Visit Loudoun did several studies. The county had some partnership with them, bringing some of that back to you.

[02:40:47] The challenge with an indoor sports facility is that we really have to find the right location, the right partner, and these kinds of facilities can be, they can be a huge range of type of facility.

[02:41:07] So our direction was see what the private sector might be able to partner with us on. County administration, finance staff, and economic development have had some discussions with some potential partners on indoor sports facilities.

[02:41:23] So we are still actively pursuing that, but that's kind of the challenge. So I think the overall answer to your question is we certainly could pursue a partnership on a performing arts center.

[02:41:38] But until we kind of have an idea of what we might be looking for from a partner, it's a little difficult. Staff can certainly talk to Ravana about how they're going to continue to develop their plan to see if there are partnership opportunities there.

[02:42:00] But it's kind of difficult to answer that question. Okay, so you've asked us for guidance. I'm trying to figure out a way to give you guidance. And it's a bit challenging. So I'm going to go down the dais.

[02:42:17] We've heard from Supervisor Letourneau. I am unwilling to bump any current projects in order to accommodate these two in the CIP, because I think we have limited revenues that we have to recognize. But Supervisor Brisbane, do you want to get these two projects into the CIP?

[02:42:42] I would like staff to tell us what the potential trade-off is. And I don't think they're ready for that tonight. I guess my answer is I'm willing to put them in the two years, but I need to know what staff would recommend taking out of those two years, if anything.

[02:43:04] If I may, and the budget staff can correct me here, but if you want to see scenarios with something like this added, I think that's what staff is asking for. And they can bring back scenarios that

will show you what we would suggest be displaced.

[02:43:23] Yes, please. That would help me a lot. Okay. I would like to do it, and there might be some projects that are going to be way later. We already know we're going to be so much later for funding reasons or because they're not getting revenue from the state or they're not getting federal funding.

[02:43:40] Like, there may be some of those out there that we know can't go in the two years, and that can give us breathing room so i'm willing to consider it i'm not going to say a flat out no i'm willing to consider it all right so we have we have supervisor briskman would like to see scenarios uh supervisor laterno only if it has a pla just just kidding um i uh yeah okay i mean i think i think it would really be helpful though if we could get the analysis of what the project

[02:44:16] is so that because i still think we have sort of a i keep using this analogy this week about the zoning ordinance mars and venus i think there's people that have very different expectations about what the facility is versus what staff may be working on and obviously the budgets are very different and then i've been personally talking to a few private partners that have their own ideas on this which are in some cases quite expansive um i don't know what they might require of us so i'm okay with scenarios right but i almost think the scenarios need to be tied to

[02:44:51] the scope of what it actually is based on some analysis of what the need or the viability of the venue is um and i think the same is true on the indoor sports so if we're going to do scenarios on one we might as well do for for the other and that's okay but i just wouldn't want the default and i think the way this was presented was it sort of sounded like the default would be these things would be in and something else would be out the default should be the existing projects that have been fully baked should be in and then these scenarios should exist for us to make swaps if we want to all right chair randall are you comfortable with that i mean it it's tough because

[02:45:30] i it's it's a tough it's tough because these projects that are in here now are already in somebody's district somebody has worked to have them in there sometimes it's from a previous board where someone put them in the six-year-out and they're now just reaching us.

[02:45:46] Yes, obviously a scenario would help because maybe it's something that it didn't cost the amount of money we thought. I remember last term, it was the science something. We took it out completely and it left all that money that just came out of nowhere kind of fell on our heads.

[02:46:04] And so it was very, it was like, oh, look at that. So those type of... Science library. The science library. And because we were having science libraries at every school, I think, we took it out, and all this money just kind of fell out of that. So some things like that happen. So yes, sure. At the same time, I do think that it is important to get on the same page as to where everybody is. Again, I think Ms. Glass and I have probably had the most meetings about at least the art center, and it's not nearly as expansive as some people think that it that they look they're working that they're working on there is literally

[02:46:42] a community of of of ladies in the county who have been doing serious work on this issue and so sure i'll see the scenarios and then we'll see where we go from there but i you know i'm not really into bumping anyone's project that's been in in the cip now for four years very good all right uh supervisor sayings that's a thumbs up from you um okay does that give you the guidance you need tonight yes all right thank you very much all right we move on to our last item item 19 fy 2025 budget development purchase of development rights program

[02:47:19] megan stays caleb and dan galindo well good evening committee members as the rest of the staff is getting sat down i'll just briefly introduce this item so this item tonight is to discuss the staff, initial staff recommendation for a purchase of development rights program.

[02:47:54] This is being brought tonight as a budget development item for the FY25 process, specifically to engage with the Finance Committee at a point to review this proposal, ask questions, and at a time when no distinct action is required.

[02:48:11] With me tonight is Jennifer Moore and Mr. Golindo from Planning and Zoning, Kristen Brown from Mapping. We do have a presentation, which we are prepared to go through, or we could go to questions at the committee's pleasure. What would you all like? Do you need a presentation?

[02:48:28] All right, let's go to questions. Anyone have any? Chair Randall, and then Supervisor Bruceman, and then Supervisor Letourneau. Thank you so much. So I don't really want the full presentation, but I don't know if everyone understands what a PDR versus what a TDR is.

[02:48:46] And so if we can maybe get that question answered and the fact that my only one question would be, when we had the PDR program before and you look at the numbers that between 2000 and 2004 were funding available, there resulted in 50, 508 development rights extinguished it and 44 parcels.

[02:49:09] I don't know what to compare that to. So I see that number and that sounds like a lot to me. And that was just in four years. I don't know what to compare that to, so if you can help me know what to compare that to, that would be helpful. And if anyone can tell me why in 2004 the PDR program was stopped, that would be helpful as well.

[02:49:31] So, I'm sorry, I asked three questions all at once. The first one was PDR versus TDR. Could you explain to people what that is? Absolutely. Thank you. So, we do have proper definitions that I can just zoom to, which are very long. So, purchase and development rights.

[02:49:47] Well, let me just stop you. So I know what the proper definitions say, right? This is one of these moments where 95% of people in the county are going to hear you say the proper definitions, and you're going to go through it, and then they're going to be like, I have no idea what she just said. So I get that those are there, but if you can also give a little nuance or flavor to those definitions, it would be helpful.

[02:50:07] Glad to. So purchase of development rights, PDR, that means that the property owner would continue to own their land, But the county would buy their development rights, and a development right just quickly is the right to build a house. So they would give up the right to develop at a large scale, potentially large scale.

[02:50:28] It doesn't necessarily mean the property owner couldn't just build an accessory dwelling unit to age in place, for example, or to have family reside nearby. That's purchase of development right program. It does not require CPAM, ZOAM, any of that. transfer of development right program, TDR, would require CPAM and ZOAM. And that is because mapping would need to be done of a sending area to send the density to a receiving area. And of course, those would have to be well-designated areas to participate. And PDR has, you know,

[02:51:05] that conversation and the work has been done pretty far down on that one, whereas TDR has not had. And it would, of course, like I said, require ZOAM and CPAM. Now, your next question is what? My next question was, if you look in the package, not the presentation, but the package itself, on page or

the item, I think it's just on page two at the top, it talks about the previous operated PDR program, and it has the numbers attached to it. I read those numbers, and I don't know how to compare those numbers. I don't know how to place those numbers. Is this, was that a lot of development rights that were extinguished

[02:51:43] and the 44 parts was placed under easement? Was that just a few comparatively? I don't know where to place that. So Chair Randall, the staff recommended program with the 350 acres per year targeted for preservation, based on our assumptions, that would be approximately 70 development rights extinguished in a year.

[02:52:09] And to answer your last question about the program history, our understanding is there was a change in Board of Supervisors that occurred in 2004, and the board changed the policy direction on the program. Thank you. Can you come back to me? Because with due respect, I didn't hear the answer.

[02:52:27] May I add what our local neighboring jurisdictions do, if that sort of provides some sort of reference? Clark County has 9,000 acres in PDR. Falk here has 12,900 acres currently in PDR, just for some sort of reference.

[02:52:48] Dafford has 1,035, if that helps at all. It does. Thank you. All right. Supervisor Briskman. Thank you. So let me just clarify one thing because it might answer one of my questions. Did you say that only the TDR program would need a ZOAM and a CPAM?

[02:53:08] So the PDR program does not? Correct. Okay. And staff in the report, I think, said if we did 350 acres a year, then a third of the county would be in easement by 20 years from now?

[02:53:24] A third of the county? So in table one of the item on page four, the goal that staff has proposed is a total of 35,000 acres in conservation easement by the end of the program.

[02:53:44] But the annual goal would be 350 acres, so 1% of that. So it would be a program with a very long time horizon. 35,000 acres, but you said Clark has 9,000 acres? Correct.

[02:54:01] I mean, I know you can't really compare apples to apples because counties can be different sizes as far as... Clark's very small, and theirs has been in continuous operation for 20 years. Okay. How much of this acreage, if it were to be put into easement or developed rights purchased, how much of this acreage would be eased to Route 15?

[02:54:27] We have no way of knowing that. It would depend on who would be interested in the program. depends on who would be interested in the program okay and um i mean i guess i just kind of question the premise that such a program is going to because it said in the item would benefit the entire county by adding green space and i think it depends on where the green space is whether it would benefit quote unquote the entire county so i i question that premise that was was in the item Um, and I forgot, I think I forgot my last question.

[02:55:02] We can come back to you. Yeah, I'll remember it as soon as I turn off my microphone. Three, two, yeah, come back to me. We'll come back. Um, Supervisor Letourneau. All right, so would there be a county attorney review of a property that was in the PDR program?

[02:55:22] Absolutely, and the county attorney's office would deal with the deed of conservation easement, open space easement, I mean to say, and... Okay, so the program staffing needs only has three additional employees needed for this, but that's not inclusive of any additional workload in the county

attorney's office, which, quite frankly, right now is completely and totally buried, as we hear on an almost daily basis from everybody in the land development world.

[02:55:47] So we should make sure that we get a cost estimate for county attorney and workload estimate as well if we're now expanding this. County-wide. So we're nothing if not confusing in this county because we have a comprehensive plan which wants more housing, and now we're going to consider a county-wide program that would allow people to put, obviously, land in easement. Can we direct which properties we want to actually

[02:56:24] purchase development rights of, or do we have to open it to everything? So it would be open to everything if you could convince someone to have an interest in the program put an application in then in some ways yes but the the program would be set up with a essentially grading rubric that would be able to weigh properties against each other to try to find one objectively that offers the most benefits for the county so if the how do we define benefits well with what's in the score card which is not creative so we can bring that to the board we didn't bring it tonight since we were just talking about the the budget primarily but that's something that we can present when we

[02:57:03] present the full items yeah well i mean like we want more housing east at least that seems to be where the board's going so presumably we wouldn't want a property that could be developed as housing at least east of route 15 we may want it west of route 15 for instance would we have the ability to sort of pick and choose like that so the the program when it would be set up would have a board appointed advisory body that would be making those initial assessments it would not be a board decision if that's what you're asking. Okay. All right. This is getting more and more complicated

[02:57:36] as we ask. The question of the valuation of what the development right is worth, I imagine would be very specific to the market at that time. So that changes every year? Yes. So the cost, we have a set amount, but how much we actually could purchase would vary on how much actually is what the market is setting the price at, essentially, right?

[02:58:02] Correct. And then finally, I think we should do some research on why the board ended this. I mean, there were a lot of allegations at that time about who was getting these and how it was being conducted. So, yeah, I'll leave it at that. Okay, let me go to Supervisor Sainz, then I'm going to go back to Supervisor Briskman and then Chair Randall.

[02:58:24] Thank you. So is there a criteria or minimum for folks to meet to be able to get into this program? So say, for example, in Sterling, say if somebody has two acres, half an acre, one acre, three acres, would they qualify?

[02:58:41] Or is it just for folks who have bigger acreage to be in this program? There would be no minimum at this time. And in fact, in the original Loudon PDR program, two of the participating properties were in Ashburn and were smaller parcels. So as long as there's a high criteria for a certain point system asset, then the property would be considered.

[02:59:03] Okay, and maybe I'm confusing the two, but what's the difference between this and just regular just doing a conservation easement? A conservation easement would be like a tax relief situation, and this could be essentially cash to the property owner.

[02:59:21] And the county would pay the... For the development, right? It's correct. Okay. Yeah, I would be curious to hear a little bit more detail on why the program was stopped, and then staff, what is the benefit?

[02:59:40] So you're saying the benefit is for a property owner who I'm assuming has nothing built on the property to put it in conservation easement or easement, and then saying they're not going to build anything. Is that kind of the goal? They may have already something built on there. The idea is to prevent further large-scale development.

[03:00:03] ideally some properties would be an agricultural use and so that would be continued if they wanted an accessory dwelling unit like i said for you know aging in place or having family legacies would be considered depending on the you know terms of the easement but large scale residential subdivision would be what is just stopping a proper owner to put in their will or deed or whatever please do not do this this and this with my property next to can or whoever after i you know go on well the deed of open space easement is in perpetuity so it can't be undone

[03:00:41] when it's left to the next generation the next buyer um so that would be you know beyond just what someone leaves in a will if that's so so you're saying if i leave something in the will or whatever that can be broken and this cannot is that what you're saying this is in perpetuity this is a legal binding contract right but if it isn't a will or um what's the other thing you can do to leave property to your next to kin that that's not binding illegal as well isn't that the whole purpose of that so mr sane certainly you know landowners can voluntarily place

[03:01:19] properties into different types of conservation easements and there's lots of examples of this across the county with a purchase of development rights program specifically the the the landowner would be paid to extinguish the development right the right to build houses on that property so in in this case the it's not just um the the landowners getting compensated for their decision to to conserve the land okay i got one other question after that comment for mr caleb but all right we'll come back to you uh supervisor briskman thank you so so we're saying the owner

[03:01:56] gives up their right to develop housing do that would they give up their right to develop something else like a winery or a brewery or grocery store or not necessarily the focus of this would be the purchase of those development rights the specifics of any other use limitations would be specific to the open space easement so I don't want to say across the board yes or no it's it's going to be somewhat dependent upon negotiations who's holding the easement things of that nature and does open space mean the same thing as public access no not it's not guaranteed if now if we

[03:02:33] were to be purchasing the rights of land a lot in an area where for example we wanted a linear trail that could be something we could try to work into that specific agreement but it's not a guarantee that if you purchase those rights it suddenly becomes open to the public okay and this would be funded through ltf the the proposal here that staff has would be uh yes local local tax funding local appropriation for the program and the budget so local tax funding would go

[03:03:08] to make sure that's open space but not public not necessarily always public access so we're using public funds to put land in a in a place where the public may not even be able to access it and we wouldn't be able to put anything on it like trails we could maybe it would be it would be independent agreements that this would happen with but we could maybe put trails but it doesn't mean necessarily it's going to be a park or that there's going to be trails or that there's going

[03:03:47] to be a fishing pond for the yes because you're not purchasing the land outright that the county yeah program to do what it wants to do okay so you're either the property owner still maintains its rights within the realm of what's allowed by the easement so when they sell their property um the value of the

property could have gone up so not only did they get paid for their development rights but then they also sell the property in the end maybe so they I feel like that's a little bit of...

[03:04:19] Wouldn't the value of the property be higher if it had development rights? If it had development rights? Yes. So by purchasing those rights away, the value will go down. So the property has value. Yeah. I mean, I just...

[03:04:36] I don't buy the premise that open space on its own benefits the entirety of Loudoun County. And I'm not comfortable putting taxpayer dollars from the entire county into a program to basically buy development rights on land that the public can't access.

[03:04:56] Okay. Chair Randall. So this is an information item, so there's no vote on this tonight anyway, so this is just for us to gain information. You know, Ms. Bixman has a point, you know, to put money in land where the public can't access is a point.

[03:05:15] The other point is, and Mr. Letourneau most definitely has a point in that when I think about the PDR program, I never even considered this in the East. In my head, it's always been just for the West. But the other point of this is, you know, much, if not all, of our tourism tax dollars sits in the West because it's open space and open areas.

[03:05:43] If we start building the homes that could be built by Wright, and in no way do I believe every home that could be built by Wright will be built by Wright. And so some of the numbers that I see are, I think, exaggerated. But even if you take a quarter of those homes that could be built by Wright in the West, the amount of money we would have to start spending on schools, on roads, because unlike the East, the West doesn't have the infrastructure kind of built in already.

[03:06:14] And so we'd have to put the infrastructure there. The reason we have to put land at Route 15 right now is almost all by Wright housing. That's not homes that the county has approved. The county has approved homes in Loudoun County in the West in like literally three separate boards.

[03:06:31] No kidding. And so there is such benefit, tax benefit to the citizens in Loudoun to not allow housing in the West for this very reason. And so, you know, I want obviously to continue to see more information on it.

[03:06:48] But I think if we're just looking at benefits, we can't just go, well, I don't have any access to that piece of open land, so I don't want to put money in it. There's other ways to lose tax money than not having benefits to open land. But I do want to, Mr. Letourne makes such a good point that, you know, we shouldn't be, you know, a county of contradictions.

[03:07:13] If we're having this discussion, where are we focusing this discussion at? And never once did I think we're talking about East Atlanta County. That's so interesting to say that. I also do need to have more information than a new board came into power about why the program was ended.

[03:07:30] If you want to give me that information and not right now or not here, that's fine. New boards come into power every four years and something that's working well doesn't just end. And so I'd like to know what that was and what happened. Thank you for giving me some of that information of how much acres is under PDR right now.

[03:07:52] I need a little more context around that because this was only four years for Loudoun County. So 2,600 acres seems like a lot in four years. Like, we did pretty well. That's why I want to know why it

stopped because it felt like it was going well when it stopped. So I just need more information about that.

[03:08:09] Thank you. Thank you. Vice Chair Sains, did you have a follow-up? Yes. Another question is, how will we determine how much we're going to give to a property owner who wants to participate in the PDR for their land?

[03:08:25] So the staff recommendation would be to use an appraiser to appraise the value of that development right. So the incremental difference between the value of the property with the ability to build the house or houses on the property, however many it would be allowed by right, and the value of the property without that right.

[03:08:47] When you guys come back, can we get maybe two examples just to kind of see that on paper, how that plays out? Is that possible, do you think? Yeah. So in the item, we estimated for a five-acre parcel, for example, which was the average parcel size in the previous program, that that would be about \$88,000 specifically for the acquisition cost.

[03:09:11] But we can work up some specific examples. Yeah, that would be greatly appreciated. Thank you. You're referencing on page seven, table two. Is that what you're talking about right now? Yes, sir. All right, and so to make sure I'm reading this, so the owner would get a fixed rate.

[03:09:34] Yeah, if we can, we may need to have a conversation offline to better understand this, but yeah, thank you. Supervisor Letourneau. So I'm a little unclear as to where this actually stands. Is this going to end up in the budget? So we will be bringing an item to the board based on previous board direction that would adopt an ordinance that would put the rubric in front of you that would have the board authorize the PDR board to be created that the board would then need to appoint people to.

[03:10:03] So we can set all that up and in place to the extent we don't necessarily have to do the board. Prior to the budget? Well, so we can set that in place prior to the budget. And if the board chooses not to fund it, it will just sit there on the books as an order. Well, I know, but is Tim going to include this in his budget presentation to the board based on some sort of previous board direction, which I think was only to explore the program and not actually to put it in the...

[03:10:26] Well, my understanding of the intention is to bring this back to the board prior to getting to the formal budget presentation next year. Well, it's not that far away. That's what I'm asking. So sometime between now and February, we're going to get an item on this coming back? Yes. Okay. Well, then I guess I'll save most of the debate for that point.

[03:10:43] But I want to stress, I get the point and I support the goal. But I think the issue is, number one, I mean this with the utmost respect, you guys are like barely staying afloat with everything happening right now and adding a really complex program like this on top of it from a workload standpoint it is a concern of mine because i'm not sure we're doing a great job as it is um and then like i said i have a concern on the county attorney side as well and i want to make sure that we're estimating costs accurately there um so that's one issue second issue is most of which most of what the goal is here from a

[03:11:21] cost avoidance standpoint can be accomplished by zoning if the board chooses to do that you know and that's part of what the prime ad soils discussion is playing out right now which i realize is a total third rail because it's sort of very difficult but i'm just saying like if that's what we're trying to do then there's other ways of accomplishing it rather than just simply doling out money to people and the third thing is i believe and this is more of a personal opinion that those individuals who would prefer not to

develop will not develop and seek conservation easements and other ways not to develop, and those individuals who wish to develop will do so.

[03:12:00] And I don't think this program can sway enough one way or the other to really make a difference in that and actually affect outcomes. So it's not enough to say X amount got put into easement the last time we had this program, because we don't know what would have happened without the program.

[03:12:16] What we do know is since we eliminated the program, There's been a lot of land put in an easement. So, you know, I don't take that as, you know, well, that means it was successful or not. So anyway, those are my concerns, and we can have more discussion. It doesn't mean I don't agree with the general premise of trying to preserve Western Loudon the way it is.

[03:12:35] I just, I've never been convinced this is a good way to do it. I'll note one thing that I think may not be here, but it was in many previous T-Lock items. Essentially, this is another tool in the toolbox. But you could be absolutely right that this is a minor tool compared to some of the other options that are out there. Very good. Thank you all very, very much. Appreciate your very good presentation. Do you need any other guidance from us?

[03:12:59] Sure, I'm stuck. Yes, Tim. So I need to answer, well, I would like to answer Supervisor Eternal's question directly. Sure. So the direction I have was this came before the board in September of 2022.

[03:13:18] The direction at that time was to authorize planning and zoning staff to reinitiate the work on the PDR program and to send the PDR program to the FGO EDC for discussion for the FY 2024 budget development process.

[03:13:34] We are currently in FY 2024. When it came to the Finance Committee last year in December of 22, the direction at that time was for me to prepare a proposal for the board as part of the FY 2025 budget development process so to answer supervisor eternal's question directly this would be a part included as a part of the fy 2025 budget unless i received direction prior to the development of the budget to not

[03:14:07] include it as a as a funded option may i ask a question yes absolutely and how how would one provide that direction if one wished to so certainly certainly a motion could be made tonight to not include it as part of the FI 25 budget, which we would then take to the board to have the board ratify that.

[03:14:31] Alternatively, I think we're coming for budget to guidance, budget guidance October next month. And so we would include that as part of previous board guidance. So at that point, at the next meeting, the finance committee could also remove that item as an FI 25 budget direction.

[03:14:51] Knowing my colleagues, I don't think anybody, I think not everybody would be ready to make a decision on the spot on something like this i wouldn't want to force that and make a motion tonight but chair umstead i i would be prepared to at the next finance committee meeting um revisit this topic and potentially make a motion at that point all right very good supervisor briskman any final statement um i i am prepared to to consider a motion that we not have this be part of our

[03:15:25] 2025 budget consideration in our 2025 budget. I think that staff has a lot of work on their plate right now, especially planning and zoning staff. I think that adding this to the 25 budget is, you know, may not be our top priority in the end. So I'm ready to pause the train. Okay.

[03:15:55] Do you want to make that motion? Should we consider that a motion? I can try to make a motion. I think, I mean, it was pretty clear that your motion would be that finance, government operations, economic development.

[03:16:11] Recommend to the Board of Supervisors that the PDR program be removed from consideration in the 2025 budget. All right. Is there a second? Point of clarification? Yes. To staff, would there be enough time, say, some of the questions that we asked tonight to come back to another finance present and then possibly, after that discussion, make the motion that Supervisor Brisbane is potentially making here and remove it?

[03:16:41] Would that be enough time? Yes. So the main items of follow-up that I have are additional information on the discontinuation of the program in 2004 and a few of the other clarifications. I think we could potentially do that by the October Finance Committee.

[03:16:59] Okay, I can wait a month. I'll withdraw the motion. Thank you. All right. Very good. Thank you very much. All right. With no further business to conduct, I call this Finance, Government, Operations, and Economic Development Committee meeting adjourned. Thank you all. See you all tomorrow.



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