

The Fairfax County Federation of Citizens Associations
4022 Hummer Road Annandale, VA 22003
www.fairfaxfederation.org

January 9, 2010

Re: 2010 Legislative Program

Dear Fairfax County Legislative Delegation:

Thank you for this opportunity to speak before you today. My name is Jeffrey Parnes and I serve as the President of the Fairfax County Federation of Citizens Associations, better known as the Federation. For almost 70 years, the Federation has served as the countywide volunteer umbrella organization for the now more than 1800 civic, community, condominium, and homeowner associations throughout Fairfax County. On behalf of the Federation, it is my pleasure to offer for your review and consideration our 2010 Legislative Program, adopted at our October 2009 membership meeting.

Last year the Federation purposely moved our consideration of our positions from December to October so that we could provide you a copy earlier in the cycle, and so in December we were able to provide you by email an advanced copy of this program. I will send this final version to you later today.

As we reviewed last year's program, we were pleased to see that many of the recommendations we made were enacted by the legislature and we could remove them from this year's program. We thank you for your positive actions and hope that this year will be as successful.

As you can see, this year's program contains a wide range of legislative issues. I wish to bring to your attention the eight priorities of importance to our membership. In alphabetical order, these are:

- **Conservation** – Open space land conservation;
- **Education** – Funding of state and federal mandates for Kindergarten through 12th grade education;
- **Energy** – Energy conservation, including renewable energy and purchase of energy saving products;
- **Governance** – Reversal of the strict interpretation of the "Dillon Rule", and consistency and conformity in regional planning;
- **Infrastructure** – Funding of critical education and local transportation infrastructure needs;
- **Land Use** – Protection of local land use authority;
- **Tax Structure** – Modernization of the state and local tax structure; and
- **Taxation Authority** – Equal taxing authority for counties, cities, and towns.

In addition to the eight items above, let me recommend two specific items that are worthy of your heightened attention. The first, especially in consideration of this year's upcoming decennial census, is our recommendation that Virginia's legislature be redistricted by a

non-partisan group subject to approval by the legislature, similar to the Iowa model. The second deals with the law that allows payment for resale packages to be delayed until time of settlement. This directly impacts our member organizations that would prefer payment at time of packet delivery rather than at time of settlement. It is possible for a packet to be prepared for a prospective buyer who never goes to settlement. When the ultimate buyer finally enters settlement, the association cannot then ask that buyer for payment for the original packet that they did not receive.

As President of the Federation, I ask that you take the time to review our full Legislative Program, and hope our priorities and other legislative issues will receive your consideration during the upcoming General Assembly session. One last item, over the past several years, the members of this delegation were instrumental in recommending to the Federation persons for consideration as Citizen of the Year. We would appreciate your continuing to do so, and will provide you a link in the re-transmission of this packet. <<<http://www.fairfaxfederation.org/coy1.htm>>>

If you have any questions, or need additional information, please contact me at FedPres2009@fairfaxfederation.org or 703-424-2956. You can also contact our Federation Legislative Committee Chair, Tania Hossain, at FedLegislationChr2009@fairfaxfederation.org. This is my third, and hopefully, last time that I appear before you as President of the Federation. It has been an honor and a privilege to address you over the years and I wish you and your colleagues the best as you take on these countless and difficult issues for the benefit of Virginians, both individually and collectively, during the upcoming session.

Sincerely,

Jeffrey M. Parnes, President
Fairfax County Federation of Citizens
Associations

The Federation

(Established 1940)

2010 LEGISLATIVE PROGRAM

**PRIORITIES, POSITIONS, AND
PROPOSALS
OTHER LEGISLATIVE ISSUES**

Adopted October 2009

***Fairfax County Federation of
Citizens Associations***

**The Fred M. Packard Center
4022 Hummer Road * Annandale, VA 22003**

www.fairfaxfederation.org

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2010 LEGISLATIVE PROGRAM

PRIORITIES AND OTHER LEGISLATIVE ISSUES

PRIORITIES

(In alphabetical order)

1. **Conservation** – Open space land conservation
2. **Education** – Funding of state and federal mandates for K-12 education
3. **Energy** – Energy conservation, including renewable and distributive energy
4. **Governance** – Reversal of the strict interpretation of the “Dillon Rule”; consistency and conformity in regional planning
5. **Infrastructure** – Funding of critical local education and transportation infrastructure needs
6. **Land Use** – Protection of local land use authority
7. **Tax Structure** – Modernization of state and local tax structures
8. **Taxation Authority** – Equal taxing authority for counties, cities and towns

1. CONSERVATION

OPEN SPACE LAND CONSERVATION: Support establishment of annual dedicated funding of \$50 million, or two (2) percent of the General Fund budget, for natural resources without jeopardizing funding education and transportation, to include acquisition of land and conservation easements to be used as open space, such as natural areas, watersheds, farmland, forests, parks, and historic sites. (continued from 2000)

***Rationale:** Virginia is the only state on the East Coast without dedicated funding for acquisition of open space. In 2004-2006, Virginia budgeted \$2.5 million annually for natural resources and added another \$10 million in 2005. Governor Kaine announced in June 2006 that he would like Virginia to conserve 400,000 acres of Virginia land as open space.*

2. EDUCATION

a. FUNDING FOR K – 12 MANDATES: Support legislation requiring state funding to reflect realistic costs for meeting state mandates such as the Standards of Quality (SOQ), the Standards of Learning (SOL) and the Standards of Accreditation (SOA) as well as federal mandates such as the Individuals with Disabilities Education Act (IDEA) and the No Child Left Behind (NCLB) Act. (continued from 2005; revised in 2010)

***Rationale:** The Commonwealth budget approved in 2005 provided total increases in funding for Fairfax County Public Schools (FCPS) amounting to \$28.4 million – an increase from 19% to 20% of the FCPS budget. However, State funding was reduced in fiscal year (FY) 2010 and is expected to be further reduced in FY 2011. The General Assembly should increase such funding to reflect cost increases related to re-benchmarking of state standards.*

Federal funding for IDEA is slightly less than one-half of the 40% promised when the mandate to educate all children with disabilities was legislated, and the funding for NCLB is significantly less than what is

needed to raise the achievement of all students. However, about \$25 million in federal stimulus money was distributed directly to FCPS for special education in FY 2010. This funding will be continued for only one more year. The General Assembly should adopt resolution and strategies to encourage Congress to increase funding for IDEA and NCLB or provide more flexibility to states and school districts in meeting federal mandates. (revised 2010)

b. RELIEF FROM STATE MANDATES: Support General Assembly relief from existing unfunded mandates. (2009)

***Rationale:** Given the significant projected FCPS budget shortfall, relief from State mandates would help preserve some important programs.*

3. ENERGY

a. ENERGY CONSERVATION AND RENEWABLE ENERGY PRODUCTION: Support legislation that will encourage energy conservation and the use of renewable and distributive energy generation. (2008; revised 2010)

***Rationale:** Most energy conservation projects will pay for themselves in less than five years so providing consumer educational advice and low cost energy saving equipment such as CFL light bulbs will not only reduce our demand for fossil fuel generated electricity but also save money for Virginia residents. Similarly, encouraging distributive renewable generation will decrease the risk of power disruptions due to natural disasters or malicious activity.*

b. RENEWABLE PORTFOLIO STANDARD: Support enactment of a Renewable Portfolio Standard requiring an increased fraction be produced from renewable emission-free sources. (2009; revised 2010)

***Rationale:** Establishing a Renewable Portfolio Standard will address climate change. Furthermore, renewable sources are clean and getting cheaper while conventional sources may be risky, subject to cost volatility, and finite.*

c. PURCHASE OF ENERGY SAVING PRODUCTS: Support legislation to amend the Virginia Public Utilities Act to encourage the purchase of energy saving products by consumers by allowing and encouraging utility companies in Virginia to provide low rates for capital costs for effective purchases of energy saving equipment and to be repaid through utility bills. (2009)

***Rationale:** The initial capital costs for energy saving equipment make it difficult for home owners and businesses to make the changes that can decrease energy demand.*

4. GOVERNANCE

a. DILLON RULE: Support modification of the “Dillon Rule” to grant local jurisdictions those governing powers not expressly reserved to the Commonwealth or the federal government. (continued; revised 2002)

***Rationale:** The Commonwealth of Virginia practices a strict interpretation of the decision of federal Judge John F. Dillon of Iowa more than a century ago whereby local governments have only those powers expressly granted by the state or “indispensable to the declared objects and purposes of the corporation” (locality). Considering the significant growth in population and local jurisdictions in Virginia over the past century, this parsimony in local governing powers prevents local elected officials from being able to enact local ordinances to manage their communities effectively and efficiently.*

b. PLANNING: Support legislation to ensure consistency and conformity among local, subregional, Washington metropolitan regional and state short- and long-range land use and transportation plans. (continued; revised 2009, 2010)

***Rationale:** State legislation would be necessary for Fairfax County to enter into any regional compact to coordinate land use, transportation, including the Greater Washington 2050 Compact. (continued; revised 2010)*

5. INFRASTRUCTURE

a. STATE SUPPORT FOR SCHOOL CONSTRUCTION:

1.) Virginia should increase its insignificant financial support for school construction, renovation and debt service and allow localities to approve alternative sources of funding such as impact fees in addition to land proffers or increases in sales tax after approval by the local governing body.

***Rationale:** Virginia ranks near the bottom of states in financial support for school capital improvements although mandated and incentive programs require additional space or renovations, i.e., special education, reduced class size, Limited English Speaking (LEP) services, alternative programs for disruptive students, and applications of instructional technology.*

2.) Support legislative for the use of Virginia unallocated Tobacco Master Settlement Agreement Fund to be used for state school capital construction and renovation of elementary, secondary, and high schools with such funds to be distributed to local school districts on the basis of average daily membership. (2006)

***Rationale:** The Tobacco Master Settlement Fund is intended to reimburse the taxpayers for the past expenditures for medical treatment of tobacco-related illnesses. The reimbursement of expenditures for school construction would guarantee the return of the Fund to the local communities and aid the increased education programs to deter smoking by children.*

b. TRANSPORTATION FUNDING: Support continuing legislative action at the federal, state, and local levels to obtain the necessary funding from a variety of sources, including appropriate public-private partnerships, to allow for implementation of currently adopted transportation plans, with rail and mass transit as the highest priority. (continued, revised 2006, 2007).

***Rationale:** The transportation funding shortfall in Northern Virginia in 1993 was \$5.6 billion. The TransAction 2030 report of 2006 by the Northern Virginia Transportation Authority (NVTA) projects a cost of \$30 billion to meet the needs of the Constrained Long-Range Plan (CLRP) by 2030, additional recommended improvements would cost an additional \$16.6 billion, making the total cost \$46.6 billion in 2005 dollars. Broken down on an annual cost basis, the need is nearly \$2 billion annually. (2007)*

The 2001 Alternative Transportation and Land Use Activity Strategies (ATLAS) Study suggests the following potential funding strategies for Northern Virginia: split-rate tax districts; tax increment financing; distance-based fees; regional funding authority; priority funding areas; congestion pricing; parking pricing; proffers; and community development authorities. The Metropolitan Washington Transportation Planning Board has recommended several potential sources: increased fuel tax; tolls on new highways; increased sales tax; 1.0% income tax; and a payroll tax.

c. TRANSPORTATION FUNDING FORMULA: Support continuing state and local legislative actions to assure increased state transportation funds for Northern Virginia in general and to Fairfax County in particular. (continued; revised 2010)

Rationale: While the 2007 General Assembly enacted new revenue sources for transportation infrastructure, they fall far short of the actual funding needs to meet the goals of the Virginia Six-Year Program and the Northern Virginia TransAction 2030 program goals and projects. (revised 2010)

d. METRO FUNDING: Support an increase in the federal and state shares of funding for Metro capital and operating costs and a regional dedicated funding source for the Metro system capital, operations and maintenance programs. (continued from 2001; revised 2005)

Rationale: The state of Maryland pays the full cost of Maryland's share of the Metro system whereas Virginia pays only a small part of Northern Virginia's share. There is an additional two (2) percent gasoline tax in Northern Virginia, the proceeds of which are dedicated to Metro funding.

The 2007 Virginia General Assembly session approved the required \$50 million Virginia contribution – from NVTAF funds – to be matched with District of Columbia and Maryland funds in order to get \$150 million in federal funds annually over ten (10) years as part of the METRO funding reauthorization bill sponsored by then-Congressman Tom Davis. This provision was passed by Congress as part of the Amtrak Reauthorization Bill.

The Washington area is the only major metropolitan region in the country without a dedicated funding source for its Metro system. Portions of the Washington Metro rail system are now more than 30 years old and badly in need of major maintenance. Also, the Red and Orange lines are at capacity during commuting hours. The \$1.5 billion Metro Matters capital program provides 185 new buses and 120 rail cars, but the 10-year program calls for 300 rail cars and 460 buses to serve the system adequately. (revised 2009)

6. LAND USE

LAND USE AUTHORITY: Oppose any diminution of local land use authority. (continued from 1999, revised 2010)

Rationale: Land use authority should remain with the local jurisdictions. At the same time, there should be regional consideration of land use plans and issues. This supports a Fairfax County legislative position.

7. TAX STRUCTURE

a. LOCAL AND STATE TAX POLICIES: Support comprehensive restructuring and modernization of the Commonwealth's state and local tax policies. (continued from 1999)

Rationale: Reform of the state-local tax system, a long standing Federation position and priority, is necessary to relieve heavy dependence on the real property tax. While studied by legislative committees for many years, no real solution has been forthcoming. The 2004 General Assembly increased the general sales tax by half a cent and reduced the sales tax on food but gave counties only an increase in one revenue source – the tax on cigarettes.

b. LOCAL SHARE OF STATE TAX REVENUES: Support the enactment of legislation to revise the state and local tax structure in Virginia to return a portion of state income tax revenue to local governments for their unrestricted use. (1999; revised 2001, 2002 and 2010)

Rationale: Until such time as the General Assembly revises the taxation structure in the Commonwealth to ensure fairness to local governments, one method for localities to receive general revenues through other than real and personal property taxes is through a share of the state income tax. (revised 2010)

c. LIMITATION: Strongly oppose state-imposed limits on local real property taxing authority. (2004)

Rationale: *There has been much discussion during political campaigns about “capping” the annual increase in residential real estate taxes. With the increasing heavy dependency on real property tax revenue to fund local government operations, such a limitation would have severe consequences in the provision of services by the County. Real property taxing authority should remain a purely local power because it is the only revenue source over which a county has sole authority.*

8. TAXATION AUTHORITY

a. LOCAL TAXING AUTHORITY: Support state legislation to grant counties the same taxing authority as cities and towns but oppose requiring counties to assume responsibility for construction and maintenance of roads. (continued from 1998; revised 2004)

Rationale: *Currently cities and towns can increase sales and use tax on certain products and services without conducting a voter referendum, as must be done by counties before taking such action. This legislation would enable counties to increase taxes on transient occupancy (hotels and motels), food and beverage (restaurants), and admissions without referendum, thereby enabling them to reduce reliance on property taxes for revenue. The 2004 General Assembly increased the transient occupancy tax but dedicated a portion of the revenue to tourism and economic development (Visit Fairfax).*

b. ADDITIONAL LOCAL TAXES:

1.) Support revocation of the current state legislation authorizing a local income tax for transportation purposes only.

2.) Reduce general reliance on real and property tax as the primary local revenue base by authorizing local government bodies options by levy, (a) a piggy-back income tax, (b) a piggy-back sales tax, (c) a piggy back gasoline tax. (1998, revised 2003, 2008, and 2009)

Rationale: *(1) Enacted in 1991, the legislation authorizing a local income tax for transportation purposes, through referendum, requires that the tax supplement, not supplant, current local investment in transportation projects. (2) Current reliance on real and personal property taxes to raise approximately three-fourths of each year’s County revenue stream places an undue burden on property owners when alternative revenue sources used in other states could be made available. Piggy-back tax approaches provide tax revenues with a near-zero local government collection cost. Approximately 12% of new local sales and gasoline tax revenues generated would be paid by pass-through customers who now benefit from Fairfax County government funded services without paying for any share of those benefits.*

OTHER LEGISLATIVE ISSUES

CITIZEN INTERESTS

a. LIVING WAGE: Support legislation to authorize Fairfax County to require County contractors to provide a living wage to employees. (2007)

***Rationale:** Nearly nine (9) percent of Fairfax County households have incomes under \$25,000 per year. The high cost of living makes it particularly difficult for low-income workers to meet their basic needs. If state enabling legislation is required, the Federation applauds this effort.*

b. MINIMUM WAGE: Support a minimum wage indexed to the CPI increase. (revised 2007, 2008 and 2010)

***Rationale:** The federal minimum wage is now \$7.25 an hour. That minimum wage is not adequate in Fairfax County. (revised 2010)*

c. EARLY VOTING: Support legislation to enable qualified voters to vote absentee in person without providing an excuse or reason for not being able to vote in person on Election Day while retaining all present statutory specific reasons enabling a voter to cast an absentee ballot for those persons who vote absentee by mail. (2009)

***Rationale:** Early voting would enhance voter participation. (revised 2010)*

d. RESTON TOWN STATUS: Recommend that a task force be convened within the current legislative session comprised of affected interests, including: General Assembly members, Fairfax County government, and key referendum stakeholders, and co-chaired by a representative of each of the following: Reston Citizens Association, the County of Fairfax, and the General Assembly, to address the mechanical issues of how the self governance of Reston should be implemented, identify and analyze the options, and make recommendations as to the governance of the proposed town of Reston. (2008, revised 2009)

***Rationale:** The Code of Virginia (15.2-817) prohibits the establishment of any new towns within the boundaries of an urban county with more than 200 people per square mile. More than 3,600 Reston residents signed a petition asking the General Assembly to authorize a referendum on whether Reston should become incorporated as a town.*

e. CAR TITLE LOAN: Cap the predatory car title loan interest rate to a maximum of 36 % per year. (2010)

***Rationale:** The car title loan is a predatory lending practice where the individual must pay back the loan with an interest rate of 25-30% per month, or 300-360% per year. Predatory lending has financially destroyed many thousands of individuals and families who too often lose their most valuable possession, their car. (2010)*

f. RESTORATION OF RIGHTS: Amend Virginia's Constitution to automatically restore the civil rights, including voting rights for most or all felons once they have completed their sentences. (2010)

***Rationale:** Virginia is one of two states that do not automatically restore the civil rights of felons once they have completed their sentences. Individuals with felony convictions are permanently barred from voting, even after fully completing their sentences under Virginia's Constitution. Although voting rights may be restored only by an act of the Governor, this act takes a very long time and contributes to the disenfranchisement of a significant number of the population. All other states, except for Virginia and Kentucky, automatically restore voting rights for most or all felons once they have completed their*

sentences. Approximately, 300,000 Virginia residents cannot vote due to a felony conviction, even though most have fully paid their debt to society and are now productive members of their communities. (2010)

COMMUNITY ASSOCIATIONS AND SERVICES

a. ASSOCIATION OFFICERS, DIRECTORS, TRUSTEES: Strongly oppose legislation that imposes unreasonable limitations on volunteer officers, directors or trustees of homeowners associations or that imposes obligations other than those in an association's governing documents. (continued from 2001; revised 2010)

b. DELAYED PAYMENT TO ASSOCIATIONS FOR DELIVERY OF RESALE DISCLOSURE PACKET: Support amending a recent law (House Bill 516) affecting Common Interest Communities (HOAs and Condominium Associations) to eliminate the new mandate that payment to Associations (for providing a resale disclosure packet to a home buyer) be delayed until settlement. We support restoration of the previous statutory provision that payment be made prior to delivery of the packet. (continued from 2009; revised 2010)

***Rationale:** H.B. 516, passed in the 2008 General Assembly session, amended section 55-509.6 (Fees for disclosure packet) of the Virginia Property Owners Act and section 55-79.97 (Fees for resale certificate) of the Virginia Condominium Act. The law now requires that the fee be collected out of settlement proceeds. If settlement does not occur within 90 days, the cost of the resale packet cost is assessed against the lot. This mandate to delay payment will cause financial harm.*

Common Interest Community (CIC) Associations should be allowed to collect fees at the time of packet delivery. If payment is delayed until settlement, the Association may wait for months before being paid, or they may never be paid. First, not all those who receive packets will ultimately purchase; potential buyers may back out. Second, Associations all over the state have a number of homes in foreclosure. In many such cases the Associations will likely never collect the delinquent assessments from the sellers, and will therefore also not be able to collect the disclosure packet fees. There are good features of H.B. 516 but this delayed payment provision is harmful.

EDUCATION

a. AFTER-SCHOOL PROGRAMS FOR AT-RISK YOUTH/GANG PREVENTION: Support continuing coordination of resources and activities among local, state, and federal agencies and with local nonprofit and community organizations aimed at prevention of gang violence and in support of comprehensive after-school programs, other prevention measures and academic enrichment programs. (2005; revised 2008)

***Rationale:** Two of the strongest predictors of adolescent substance abuse and other behavioral disorders are academic difficulties and unsupervised time after school. Although gang activity predominantly occurs in the community, it spills into the schools and constitutes safety threats to students and staff.*

b. COLLEGE CREDIT INITIATIVE: Support legislation that will encourage and help fund partnerships between school divisions and higher education to allow high school students to earn college credit and facilitate their pursuit of technical training for industry certifications. (2005)

***Rationale:** Growth of the Governor's Commonwealth College Course Collaborative and FCPS partnerships with Northern Virginia Community College (NVCC) and George Mason University (GMU) will require state and/or federal funding to minimize the financial burdens on students and families of such enriched high school opportunities.*

c. EARLY EDUCATION: Support additional state and federal investments in pre-kindergarten education and child care programs, which will improve school readiness and reduce the costs of remedial education and social services, especially for children from low-income families, without creating an additional unfunded mandate. (2006)

***Rationale:** Thirty years of research have demonstrated that every dollar invested in early education for children from low-income families produces \$7 in cost avoidance for remedial and LEP instruction, and health and social services. Additional funding would provide training for pre-school programs and daycare providers so that more education and fewer maintenance activities are provided in daycare settings.*

d. HIGHER EDUCATION FUNDING: Support efforts to provide adequate and equitable funding for all state institutions for higher education. Fund NVCC and GMU at a level equivalent to that for other state institutions. In addition, the state should develop and fund a higher education Capital Improvement Program (CIP) to support growth projected through 2010.

The state should fund a new Cost of Living Allowance (COLA) adjustment for GMU faculty and staff. (revised 2002; 2005 and 2006)

***Rationale:** Access to higher education is essential for economic development, preparing a skilled work force, and the continuing education needed for global competition in an information society. GMU and NVCC impact significantly the economic, educational, and cultural vitality of Northern Virginia, but should be funded at a level equivalent to similar state institutions. GMU is funded at a level less than for other doctoral-degree granting, research institutions in Virginia and there have been significant increases in the number of students at NVCC in school year for 2009-10. Lack of adequate funding has caused increased costs of tuition and fees, an economic burden on families. Additional facilities are badly needed to accommodate a greatly increased number of students within the coming decade. GMU is having a difficult time recruiting and retaining staff, and a COLA adjustment appears the most equitable method of continuing to improve their position.*

Virginia's institutions must increase college participation by all segments of the population to maintain our current standard of living and to compete globally. We ask that, to the extent possible, higher education be held harmless in any further budget cuts. Virginia lags behind Maryland, Kentucky, and North Carolina in its higher education appropriation per capita (the figures are \$245 for Virginia versus \$280, \$316, and \$413, for the other states, respectively). If additional cuts to higher education must be made, the cuts should not be made across the board, given the disproportionate impact on rapidly growing institutions such as GMU, which is the fastest-growing four-year institution in Virginia. GMU also produces more master's degree graduates than any other in the Commonwealth. Northern Virginia has sectors of the economy that thrive because it has college graduate workers. More than 70 percent of GMU graduates live and work in this region. (revised 2010)

e. PUBLIC SCHOOL CALENDAR:

1.) Support new legislation permitting local school boards to set the opening day of school in accordance with the consensus of the local community. (2005, revised 2010)

2.) Alternatively, revise current law to include the following important reasons for opening school prior to Labor Day: "additional effective instruction to students prior to assessments of academic achievement, the provision of appropriate summer remediation programs for students, and increased professional development opportunities for staff." (2006; revised 2010)

***Rationale:** The Code of Virginia mandates that schools open after Labor Day although over half of the school divisions received waivers to open as much as three weeks earlier and as a result FCPS students have less classroom time before the State requires SOL exams. Repeal of the "King's Dominion" law would allow setting the school calendar to allow additional instruction*

prior to assessments of academic achievement, extended-year calendar options, and provision of stronger summer programs for student remediation and professional development. (revised 2009)

f. REFORM OF STATE AND FEDERAL ACCOUNTABILITY SYSTEMS: Target access to public school choice and supplemental services to individuals within subgroups that fail to achieve NCLB benchmarks. (2006; 2009; revised 2010)

***Rationale:** Although SOL test scores have risen as a result of curriculum alignment, familiarity with the tests, and intensive remediation efforts, there is evidence that students and schools in poor and minority communities are more likely to fail to graduate and their schools to lose accreditation and federal funding. Such results will punish these students, schools and communities without eliminating the causes of failure and will doom the standards movement, which has the potential to strengthen education at every level. In addition, the requirements of NCLB for meeting Adequate Yearly Progress (AYP) have created situations where schools that meet Virginia's high standard are subject to federal sanctions, such as loss of funding, because of unreasonable requirements such as standardization testing of students who understand little English or children with severe disabilities. (revised 2009)*

g. MODIFICATION OF CALCULATIONS FOR SUBGROUPS: Support modifying achievement calculations for subgroups such that students who are members of multiple subgroups do not have a disproportionate impact on accountability results. (2008)

***Rationale:** Many FCPS students are multi-ethnic, and NCLB determines pass or failing schools based on 26 categories, many of them ethnic categories.*

h. SALARY COMPETING FACTOR: Support FCPS position on supporting use of a cost of competing factor in the SOQ reimbursement formulas in recognition of the higher salaries paid by school boards in identified locations in order to attract and retain skilled teachers and other personnel within its competitive local regional wage market. (2008)

***Rationale:** According to FCPS, the State differential covers approximately 740 categories and includes all agencies with State classified employees in Northern Virginia. The instructional rate was last increased in 1996 based on 1995 JLARC report, and the non-instructional rate was last increased in 2004 to reach the rate recommendation made in 1995.*

i. ELEMENTARY AND SECONDARY EDUCATION ACT REAUTHORIZATION: Support common sense reauthorization and funding of federal accountability programs including No Child Left Behind. (2009)

***Rationale:** Common sense revision will "ensure fair, accurate, and meaningful assessments of student achievement as well as "making certain that any interventions appropriately address the academic needs of a school" [from FCPS Legislative Program].*

Currently, as a sanction for failing to meet NCLB targets, all students within a "failing" school are provided access to additional school choices. In many cases, this includes large numbers of students who are achieving at or above benchmarks. Allowing such students the choice of leaving the underperforming school will result in a lower average score for the remaining students.

j. LOCAL COMPOSITE INDEX: Support fair and equitable state funding distribution formulas, including recalculation of the Local Composite Index (LCI) that accurately reflects both local ability to pay and the resource needs of local school divisions, and especially prohibit the one-year delay of the LCI recalculation proposed by the ex-Governor. (2010)

Rationale: A study of the LCI formula should consider all of the impacts and update the Joint Legislative Audit and Review Commission's findings so as to provide a fairer distribution of funds to the State's school districts. While the State is responsible for funding elementary and secondary education, recalculation of the LCI on an annual basis (rather than the use of out-of-date information) would more closely reflect present circumstances in the localities. Furthermore, while the LCI has been recalculated every 2 years, the ex-Governor proposed delaying this year's scheduled recalculation. This may result in a loss of about \$60M for Fairfax County Public Schools, unless the recalculation is made this year as scheduled.

ENVIRONMENT

a. CHESAPEAKE BAY PRESERVATION ACT:

1.) Oppose any legislation that weakens the Act and call for the Clean Water Act to explicitly give the Environmental Protection Agency (EPA) and the authority to regulate non-point-source pollution. (continued; revised 2010)

2.) **WATER QUALITY IMPROVEMENT FUND:** Support increased funding for the Water Quality Improvement Fund (WQIF), preferably with a dedicated source of revenue to ensure continued funding. (2007)

Rationale: In 1997 the Virginia General Assembly passed the Water Quality Improvement Act that established the WQIF. The fund provided grants for the purpose of reducing the amount of nutrients entering the Chesapeake Bay. Both non-point sources such as agriculture operations and point source discharges such as wastewater treatment facilities are eligible for grants from the WQIF. The Virginia 2006-2008 budget provided \$100 million per year for WQIF but the estimated need for this program through 2025 is \$2.3 billion for upgrade of sewage treatment plants and other programs.

b. ENDOCRINE DISRUPTOR COMPOUNDS, PHARMACEUTICALS, AND HORMONE WATER POLLUTION: Urge research and ensuing legislation that would mitigate endocrine disruptor pollution in Virginia waters. (2008)

Rationale: Endocrine disruptor compounds (EDCs) inhibit the regulation of biological processes related to growth, development and reproduction that have impacts on marine life and human health. This is a complex, highly technical, and very important issue that needs immediate attention through research and development of remedies. Pollution from pharmaceuticals is also a problem and may be partially responsible for multi-antibiotic resistant infections.

c. PETROLEUM TANK FARMS: Support the City of Fairfax and the County of Fairfax in the phased relocation of the Pickett Road Tank Farm so as to minimize exposure to hazards in residential neighborhoods. Also support legislative initiatives, such as allowing a maximum number of tanker truck trips to and from tank farms located in or near densely populated areas; providing state and local authority for additional safety requirements for bulk petroleum storage; increased state authority to regulate intrastate pipeline safety; and strengthening, codification, and enabling state and/or local agencies' enforcement power of nuisance laws. (continued; revised 2008, 2009, 2010)

Rationale: Governor Wilder appointed a Governor's Advisory Commission on the Pickett Road Tank Farm following discovery in September 1990 of a massive oil spill of an estimated 200,000 to 300,000 gallons of hydrocarbons from the Texaco facility at the tank farm. Among the recommendations in the Commission's report of December 18, 1992 was relocation of the tank farm to a more appropriate location. The tank farm is located in a completely developed area with 400 tanker trucks a day going to and from the facility. Oil spill incidents and the addition of ethanol trucking have brought renewed urgency to this issue of safety and environmental degradation. The increased use of ethanol in gasoline mixtures requires truck transport of ethanol to the tank farm. (revised 2009)

d. SOLID WASTE: Support federal legislation that would allow states and localities to place restrictions on interstate transfer of solid waste, including medical and nuclear waste. (continued)

e. STREAM AND GROUNDWATER PROTECTION: Support state legislation to require pollution prevention measures, erosion and sedimentation controls, and storm water management facilities in state projects and programs. (continued)

f. UNDERGROUND UTILITIES: Support legislation to encourage utility companies to install lines underground and to convert aerial lines to underground facilities. (revised 2007)

Rationale: This would reduce the number of power and other utility outages created by storms causing overhead utility lines to break and would improve the appearance of our communities. Also, life cycle cost analyses may show that underground facilities are more cost efficient than aerial facilities.

g. UTILITY EASEMENTS: Support legislation that would require new or replaced utility lines (subsurface and aerial) to be located in commonly shared easements and to be balanced in consideration of both aesthetic and economic impacts, with siting approved in consultation with local officials. (continued from 1999)

HUMAN SERVICES

a. ESSENTIAL PROGRAMS: Support adequate state funding for essential human services programs that offer protection from abuse, neglect and exploitation and that assist people in achieving and maintaining independence and self-sufficiency. (2005)

Rationale: Federal or state statutes mandate many of these programs while other, non-mandated programs provide assistance for residents who lack the resources to help themselves. (revised 2009)

b. LIBRARIES: Support removal of the population cap on state aid to libraries. (2006)

Rationale: According to state Code, the formula for state aid to public libraries is based on population, square miles served, and local effort. The current formula allocates \$0.30 per resident up to the first 600,000 residents and \$0.10 per resident above that population. Only Fairfax County suffers from this criterion.

LAND USE

a. ADEQUATE PUBLIC FACILITIES ORDINANCE: Support legislation to enable Fairfax County to adopt an Adequate Public Facilities Ordinance to ensure an orderly and coordinated land development and support infrastructure program, including transportation and schools. Oppose any effort to add language obligating local governments to provide such facilities within a restrictive time frame set by the General Assembly. (continued)

b. ARCHITECTURAL STANDARDS: Support legislation to enable Fairfax County to consider architectural standards as part of development proposals. (continued from 2001)

Rationale: Counties are authorized to have Architectural Review Boards for consideration of architectural features in historic districts only.

c. BRAC IMPACTS: Support state funding to assist with the costs of providing the infrastructure, including rail, to accommodate the several thousand new employees who will be

assigned to Fort Belvoir and nearby areas plus those employees who will be moved there from other Northern Virginia locations. (continued; revised 2008)

Rationale: *Most of the Base Realignment and Closure (BRAC) funding in the current state biennial budget was provided to Virginia Beach to prevent closure of the Oceana Naval Base. With minimal funding by the federal government, Northern Virginia must look to the state government for financial assistance.*

d. PRIVATE PROPERTY RIGHTS: Support the existing legal process that reviews protection of private property rights on a “case by case” basis. (continued)

e. PURCHASE OF DEVELOPMENT RIGHTS: Support a state Revolving Fund for the acquisition of historic properties, environmentally significant areas and natural open spaces and the application of protective easements prior to their resale. (continued from 2000)

Rationale: *This would enable and ensure protection of these valuable properties without requiring them to be owned and maintained by the public sector over the long term.*

f. MAINTAIN PRESENT PROFFER PROVISIONS: Oppose any change in the present proffer authority granted to the County. (2009)

Rationale: *During the 2008 session of the General Assembly, a bill was introduced to prohibit cash proffers and authorize limited impact fees instead. The proposed impact fees were at a level that would have resulted in far less value to Fairfax County than the value of proffer packages that rezoning applicants have been willing to negotiate in the past. This bill was not adopted, but could be reintroduced in the 2010 session.*

LEGISLATIVE PROCESS

a. HOUSE OF DELEGATES SUBCOMMITTEES: Support legislation that would require all committees and subcommittees to hold recorded votes on any bill before the House of Delegates. (2007; 2009; revised 2010)

Rationale: *The practice of public votes on bills should be made part of the Laws of Virginia.*

b. LEGISLATIVE REDISTRICTING: Support Virginia’s legislative redistricting by a nonpartisan group subject to approval by the legislature, on the Iowa model. (2007; revised 2010)

Rationale: *The legislative redistricting process should be fair and ensure competitive districts. (2010)*

NORTHERN VIRGINIA REGIONAL ISSUES

REGIONAL PLANNING: Support legislation to strengthen regional planning and cooperation through Regional Commissions by amending Virginia Code 15.2, Chapter 42, to delete the exclusion of planning districts which have multi-state councils of government. (continued from 1998)

PUBLIC SAFETY

a. ASSAULT WEAPONS: Enable local jurisdictions to regulate the sale of assault weapons. (continued; revised 2006)

b. DANGEROUS WEAPONS: Enable Fairfax County to regulate possession of dangerous weapons in public parks and County-owned or leased facilities or properties. (continued from 2000; revised 2006)

c. FIREARMS: Support increased penalties for illegal gun sales and for gun sales to minors. Also, support background checks for all gun sales, including private sales at gun shows. (continued; 2004; revised 2010)

TAXATION AND FINANCE

a. BUSINESS, PROFESSIONAL AND OCCUPATIONAL LICENSE (BPOL) TAX: Ensure that any state or local legislation that might eliminate exemptions to the BPOL tax does not remove the current exemptions for non-profit organizations. (continued from 1998)

b. COURT-RELATED SALARIES: Support increased state funding of salaries for magistrates, District court employees, probation officers and public defenders. (2006)

***Rationale:** There are local higher-than-normal turnover rates in magistrate (23%) and probation officer (20%) positions. Some attorneys will no longer serve as public defenders because of very low pay rates. Localities can supplement magistrate and probation staff compensation. In fiscal year 2006, Fairfax County did fund a 25% supplement to magistrates even though compensation is a state obligation.*

c. JAIL OPERATIONS: Support full state reimbursement to localities for the actual cost of confinement of State inmates in local jails. (2006)

***Rationale:** The current state reimbursement, established nearly 20 years ago, is \$8 per day and rises to \$14 per day on the 61st day after a court-ordered conviction (when state law requires state prisoners to be transferred to state facilities). The actual cost of housing, feeding and other services for inmates is \$125 per day.*

d. PERSONAL PROPERTY TAX: Support action by the General Assembly to repeal the personal property tax cap on reimbursement to localities of \$950 million per annum. (2005)

***Rationale:** The General Assembly tax charges in 2004 included the cap on personal property tax reimbursement to localities at \$950 million, which will have an impact on local revenues because of inflation. The Commonwealth must act to ensure that localities have a revenue source to replace this loss.*

e. FEDERAL AND STATE MANDATES: Support full funding by the federal and state governments of all federal and state mandates, respectively, on local government. (continued from 1999; revised 2007)

f. TWO-YEAR BUDGETING: Support allowing local governments and school divisions to adopt biennial (two-year) instead of annual operating budgets. (2005)

***Rationale:** A biennial budget process for localities and school divisions would mirror the state's two-year budget, afford a longer time frame for financial planning, allow more time for program review and evaluation, and could be less expensive and time consuming than annual budgeting.*

g. SOLAR ENERGY TAX CREDITS: Support a State solar tax credit for residences and businesses. (2009)

***Rationale:** This action reinstates and expands a former solar tax credit. It would encourage increased use of solar energy, a renewable resource, and reduce the use of carbon-based fuels.*

TELECOMMUNICATION

TELECOMMUNICATIONS FACILITIES: Ensure that any legislation protects the zoning powers of local government, ensures the public's right to be heard on proposed facilities regardless of whether the land is publicly or privately owned, protects the environment and communities, and restricts VDOT's ability to allow construction of telecommunications facilities without prior approval of the affected locality's land use and/or zoning authority. (continued)

TRANSPORTATION

a. SAFETEA-LU AND CLEAN AIR ACT AMENDMENTS (CAAA): Support implementation strategies to assure efficient and cost effective compliance with all mandated SAFETEA-LU (2005) and CAA requirements; assure adoption of all necessary actions to prevent potential loss of federal transportation funds, including support for Air Quality/Congestion Management Plans developed by the Metropolitan Planning Organization (MPO), i.e., the Metropolitan Washington Council of Governments. (continued)

b. STOP FOR PEDESTRIANS: Support legislation to direct VDOT to require vehicles in a jurisdiction with the Urban County Executive form of government to stop for pedestrians at marked crosswalks at unsignalized intersections on roads with speed with limits of less than 35 miles per hour. (2008)

***Rationale:** The lack of a law requiring vehicles to stop for pedestrians in marked crosswalks is very unsafe. For example, Arlington, which builds, maintains and oversees its roadway network, has such a requirement. All urban areas need this requirement.*

c. TRUCK SAFETY: Support increased enforcement of truck safety laws, including inspections. (continued from 1999; revised 2005)

d. HIGH SPEED RAIL: Support a study to evaluate high speed rail along major transportation rights of ways. (2009)

***Rationale:** Rail corridors would provide construction jobs, increase revenue, reduce air pollution, and reduce delays on roads and at airports.*

e. FEES FOR OVERWEIGHT TRUCKS: Support legislation that establishes changes to existing fees for overload and overweight truck that will more closely reflect the pavement and bridge damage costs caused by these vehicles. (2010)

***Rationale:** In 2008 the Virginia General Assembly directed the Virginia Department of Transportation to review the existing fee structure for permits granted to overweight vehicles on Virginia's highway to determine what fees should be associated with highway damage and added maintenance costs caused by such vehicles. The review, which was carried out by the Virginia Transportation Research Council, found that monetary damages and additional maintenance costs caused by overweight trucks are significantly higher than the fees paid by those vehicles, many of which receive permits for overweight loads without any fee payment whatsoever. Unfortunately VDOT has drafted legislation that recommends fee changes that do not reflect full costs of damage and added maintenance costs. A fee structure that establishes appropriate user charges for overweight trucks would allow the Commonwealth to generate sufficient revenue to more fully recover the costs that the Commonwealth incurs to mitigate the damage and added maintenance costs caused by overweight trucks.*

Approved by the Federation Membership on Thursday, October 15, 2009.

**More information and updates on the Fairfax County Federation of Citizens Associations' 2010 Legislative Program is available on the following website:
www.fairfaxfederation.org/legislation1.htm.**