

The Fairfax County FEDERATION of Citizens Associations

Established 1940

November 2006

THE BULLETIN

Volume 56, Number 3

General Membership Meeting



Thursday, November 16, 2006

7:30 p.m.

**Packard Center Main Conference Room
4022 Hummer Road, Annandale**

**Topic: Adoption of the Federation
2007 Legislative Program**



Upcoming Membership Meetings

December 14, 2006 7:30 p.m.

(Please note this is the second Thursday of the month.)

Guest Speaker: The Honorable Dana Kauffman

*Lee District Supervisor and Past Chairman of the Washington
Metropolitan Area Transit Authority (WMATA)*

Topic: METRO

**Packard Center Main Conference Room
4022 Hummer Road, Annandale**

January 18, 2007 7:30 p.m.

Education in Fairfax County

February 15, 2007 7:30 p.m.



Federation Board Meetings

All Board meetings at the Packard Center.

November 30, 2006 7:30 p.m.

December 21, 2006 7:30 p.m.

January 25, 2007 7:30 p.m.



President's Message

The **NEXT MEMBERSHIP MEETING** is **THURSDAY, NOVEMBER 16**, at **7:30 p.m.** at the Packard Center. The membership will consider the 2007 Legislative Program; please review the recommended draft in this newsletter. Come ready to debate, offer amendments and vote on this year's program. Contact *Sally Ormsby*, our Legislative Committee Chair, if you have questions.

On October 19, the Federation co-sponsored a Forum on the Impacts of Immigration with the Fairfax Committee of 100 at JR's Stockyard Inn; the speakers were *Harris Miller* and *David Ellis*. Because it is such a complex subject, many attendees came out of the meeting with more questions than answers. Afterward, we held a brief membership meeting, voting on a new Treasurer, *Scott Schlegel*. The entire board thanks Scott for volunteering. The membership also approved the BRAC (Base Re-alignment and Closure) resolution (*published in the last newsletter*); it has been sent to the Board of Supervisors for consideration.

In response to requests and with short notice, on October 27 the Federation co-sponsored, with the Fairfax Committee of 100, a debate on the first constitutional amendment featuring *Delegate Robert Marshall*, chief patron of the amendment, *Mrs. Victoria Cobb* of The Family Foundation, former Commonwealth Secretary of Education *James Dyke*, and *J. Douglas Koelemay*, Managing Director of Qorvis Communications. The moderator was *Frederick Thomas*, General Manager of MHZ networks. The debate was broadcast on local cable networks and rebroadcast statewide.

I am pleased to have been invited to speak about the Federation at the *North Springfield Citizens Association* membership meeting. North Springfield just celebrated its 50th year and the Federation extends its congratulations!

Lee District Supervisor and past WMATA Chairman *Dana Kauffman* will present an update on Metro at our December 14 membership meeting. Additional program topics in the new year include the County Budget, Tourism, the Report from Richmond, Growth, and the State of the County. We are also preparing an Emergency Preparedness Forum this spring.

I am pleased that over these past two years, the Federation has held meetings and events throughout Fairfax County including Mason, Mount Vernon, Dranesville, and Braddock Districts. For many of these, we have partnered with respected organizations, such as the Mount Vernon Council of Citizens Associations, the Fairfax County Chamber of Commerce, the League of Women Voters of the Fairfax Area and the Fairfax Committee of 100.

Please check our website **www.FairfaxFederation.org** and sign up for email blasts or schedule updates. As always, if you would like to become more involved with, or have questions about, the Federation, please contact me.

John Jennison, President

FedPres@FairfaxFederation.org (703) 591-5586

Happy Thanksgiving!

Fairfax County Federation of Citizens Associations Membership Meeting of October 19, 2006

DRAFT MINUTES

(for approval at the November 16, 2006 membership meeting)

The meeting of FCFCA was held at JR's Restaurant in Tysons Corner. It was preceded by a sit-down dinner and a panel forum jointly sponsored by the Fairfax Committee of 100 and the Federation. The panel forum, "Immigration: Why Should We Care?", included Harris Miller, former president of World Information Technology and Services Alliance and a recent candidate for the Democratic nomination for U.S. Senator, and David Ellis, Fairfax County community building coordinator. Fairfax Committee of 100 President Maria Merenda and Federation President John Jennison also welcomed all attendees to this jointly sponsored session.

The Federation monthly membership meeting followed the conclusion of the immigration panel forum.

Business Meeting

a. President John Jennison thanked Bill Hanks for proposing the idea of holding the joint event with the Fairfax Committee of 100 and for working to make it possible. Bill Hanks encouraged those present to consider joining the Fairfax Committee of 100.

b. The minutes for the September 21 membership meeting were approved unanimously as written.

c. Carol Hawn introduced Scott Schlegel and nominated him as Federation Treasurer for the 2006-07 year. The nomination was seconded by Bill Hanks. He then moved that the nominations be closed and that the Secretary be instructed to record that a unanimous ballot had been cast for Scott Schlegel. The motion was seconded by Sally Ormsby and carried unanimously.

d. President John Jennison noted the Fairfax Committee of 100 has agreed to co-sponsor with the Federation an October 27 pro and con forum on the proposed constitutional amendment on marriage, which will be on the ballot this fall. After the forum was suggested, he checked with members of the Federation Board individually because of the limited time available to make a decision. The majority supported going forward with the forum. He noted that those speaking against would be J. Douglas Koelemay, managing director of Qorvis Communications, and James W. Dyke, Jr., Esq., partner of McGuire Woods, Corporate Services Department, and those in support would be Mrs. Victoria Cobb, executive director of the Family Foundation, and Delegate Robert G. (Bob) Marshall, R-13th District, House of Delegates. He asked for volunteers to help with the event.

e. The BRAC resolution previously published in the Bulletin was put forward by Sally Ormsby, since Earl Flanagan could not be present. (BRAC stands for the Defense Base Closure and Realignment Commission, which recommended a very large increase in personnel levels at Fort Belvoir; under current law, this change must be fully implemented by September 15, 2011.) A friendly amendment from Charles Dane was discussed and accepted, having been previously discussed with and accepted by Earl Flanagan as well. The resolution was unanimously approved, as amended.

f. Carol Hawn reminded those present that the deadline to apply to vote absentee by mail is October 31; satellite voting

is available from 3:30 to 8:00 Monday to Friday at most governmental centers.

Next Membership Meeting: November 16, review of proposed Federation legislative program. (This meeting will be in the usual location at the Packard Center.)

Next Board Meeting: October 27, 2006.

Meeting adjourned at 10:00 p.m.

Citizen of the Year Nominations

Nominations are being accepted for the Fairfax County Federation of Citizens Associations/Washington Post Citizen of the Year Award. Nomination forms are available on the Federation website: www.fairfaxfederation.org and will be available at county governmental centers. If you know an individual whose contributions and accomplishments have benefited the residents of Fairfax County, we invite you to nominate them for this prestigious commendation. The deadline for nominations will be January 15, 2007. If you have questions, or for more information, please contact Carol Hawn, Award Selection Committee Chair, at (703) 266-6872 or via email at cahawn@att.net. The annual Awards Banquet will be held in early spring.

Virginia's 400th Anniversary Events Underway

The Fairfax County Virginia 2007 Community Citizen Planning Committee encourages residents to participate in upcoming 400th Anniversary events. You can receive event schedules and other information via periodic email updates. To subscribe, visit www.fairfaxcounty.gov/email/lists. Look under "General News and Information", and subscribe to "Virginia 2007 - 400th Anniversary Celebration Information." For additional information, you can also contact the Office of Public Affairs at (703) 324-3187.

Federation Newsletter Available Online

The Bulletin, the Federation newsletter, is available online for reading or printing at your convenience. If you would like to receive notification when the latest newsletter is posted, please contact Jeffrey Parnes, webmaster, at FedWebmaster@fairfaxfederation.org. Not only will you receive *The Bulletin* days earlier than you would through the mail, you will also receive email alerts if Federation meetings are cancelled.

Inclement Weather Policy

With the potential for inclement weather, the following is in effect: if either Fairfax County Government or Schools are closed after 12:00 noon the day of a Federation membership meeting, or if it is announced that Fairfax County Government or Schools will be closed the day after a scheduled Federation membership meeting due to inclement weather, the Federation will not hold that event. This does not pertain to regularly scheduled closures. Membership meetings will not be rescheduled, although speakers may be asked to attend an upcoming meeting. We will attempt to post the cancellation on our website, www.fairfaxfederation.org or you can call (703) 266-6872 for more information.

Fairfax County Federation of Citizens Associations
2007 DRAFT LEGISLATIVE PROGRAM
PRIORITIES, POSITIONS AND PROPOSALS

(for approval at the November 16, 2006 membership meeting)

PRIORITIES (in alphabetical order)

1. **Conservation** - Tree preservation and open space conservation
2. **Education** - Funding of state and federal mandates for K-12 education
3. **Governance** - Reversal of the strict interpretation of the "Dillon Rule"
4. **Infrastructure** - Funding of critical local transportation and education infrastructure needs
5. **Land Use** - Protection of local land use authority
6. **Tax Structure** - Modernization of the state and local tax structure
7. **Taxation Authority** - Equal taxing authority for counties, cities and towns

1. CONSERVATION

a. **LAND CONSERVATION.** Support establishment of **annual dedicated funding** of \$50 million, or 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.*

b. **TREE PRESERVATION.** Support Fairfax County's initiative for legislation enabling urbanized jurisdictions to require preservation of trees on development sites to meet tree canopy requirements in proportion to pre-development canopy, to permit increasing the amount of tree canopy required 20 years after development on residential sites, and to allow the designation of native species of new trees that could earn tree canopy credits. (2003)

Rationale: The goal is the preservation, rather than replacement, of trees during the development process and a specified degree of tree canopy on site.

2. 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 for Accreditation (SOA) as well as federal mandates such as the Individuals with Disabilities Education Act (IDEA) and the No Child Left Behind (NCLB) Act. (2005)

Rationale: The state 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. The

General Assembly should increase such funding for fiscal year (FY) 2006 to reflect cost increases related to re-benchmarking of state standards.

Federal funding for IDEA is slightly less than one-half of the 40 percent 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. The state legislature 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. (2006)

3. GOVERNANCE

a. **DILLON RULE.** Support modification of the "Dillon Rule" to grant to 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.

[NEW] b. **HOUSE OF DELEGATES COMMITTEES.** Strongly oppose the 2006 House Rule 18 that allowed subcommittees to act on bills without an open public process or a (recorded or unrecorded) vote and encourage House Leadership to rescind that rule to make subcommittee meetings open to public participation and formally record all votes. (2007)

Rationale: In 2006, House Leadership waived the requirement for subcommittees to have an open process on bills before them or to vote, either informally or recorded, before deciding action on a bill. This is not democratic or fair because it limits public input, blocks transparency of the legislative process and obscures accountability of member voting records.

4. 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 referendum.

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, English for Students of Other Languages (ESOL) services, alternative programs for disruptive students, and applications of instructional technology.

(2) Support legislation for the use of Virginia's unallocated Tobacco Master Settlement Agreement Fund to be expressly used for state school capital construction and renovation of elementary,

(see **Draft Legislative Program** - continued on page 4)

(Draft Legislative Program - continued from page 3)

secondary and high schools with such funds to be distributed to local school districts on the basis of average daily membership.

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 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. (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 (TPB) has recommended several potential sources: increased fuel tax; tolls on new highways; increased sales tax; 1.0 percent income tax; and a payroll tax.

c. TRANSPORTATION FUNDING FORMULA. Support state and local legislative actions to assure increased state transportation funds for Northern Virginia in general and to Fairfax County in particular. (Continued)

d. METRO FUNDING.

(1) Support an increase in the state's share of funding for Metro capital and operating costs. (Continued from 2001)

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 2-cent gasoline tax in Northern Virginia, the proceeds of which are dedicated to Metro funding.

(2) Support a regional dedicated funding source for the Metro system capital, operations and maintenance programs. (2005)

Rationale: (1) The Washington area is the only region in the country without a dedicated funding source for its Metro system. Portions of the Washington Metro rail system are now 30 years old and badly in need of major maintenance. (2) The Red and Orange lines are at capacity during commuting hours. The \$1.5 billion Metro Matters capital program will provide 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. Ridership increased 10 percent in 2004. (3) H.R. 3496 (Davis), which passed the House on July 17, 2006, but as of

October 26 has not been acted on by the Senate, would provide \$1.5 billion over a ten-year period - if Maryland, D. C., and Virginia each dedicate \$50 million per year to this fund - for maintaining and improving the Metro system. Both Maryland and D. C. have promised to provide the matching funds; Virginia has yet to do so.

5. LAND USE

LAND USE AUTHORITY. Oppose any diminution of local land use authority, either by further limiting the scope of local regulatory authority or by creating new and more elaborate land use regulatory structures. (Continued from 1999)

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.

6. TAX STRUCTURE

a. LOCAL AND STATE TAX POLICIES. Support a 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 until such time as the General Assembly revises the taxation structure in the Commonwealth to ensure fairness to local governments. (1999; revised 2001 and 2002)

Rationale: 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.

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 purely local power because it is the only revenue source over which a county has authority.

7. TAXATION

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 in 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

(see Draft Legislative Program - continued on page 5)

(Draft Legislative Program - continued from page 4) 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 the revenue to tourism and economic development (EDA in Fairfax County).

b. LOCAL INCOME TAXES. (1) Support rescission of the current state legislation authorizing a local income tax for transportation purposes only. (2) Support legislative action to authorize local government bodies to levy a piggy-back income tax to reduce reliance on the real and personal property taxes as the primary local revenue base. (1998 and 2003)

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) The two property taxes currently comprise about three-quarters of the County's revenue stream. The real property tax is no longer the primary indicator of a person's wealth as it was many decades ago.

OTHER LEGISLATIVE ISSUES

CITIZEN INTERESTS

a. VIRGINIA FREEDOM OF INFORMATION ACT. Support assurance of open government and citizen access to government, its administration and operations. (Continued from 1999)

Rationale: Supports an open governmental process with access by citizens to all aspects of its operation except for those areas expressly exempt.

[NEW] b. SMOKING IN PUBLIC PLACES. Support prohibition of smoking in buildings open to the public except for those retail establishments that are exclusively devoted to the sale and use of tobacco products. (2007)

Rationale: Studies have shown that second-hand tobacco smoke can affect one's health. Therefore, public buildings should have a "no smoking" policy.

[NEW] c. PAYDAY LOANS - USURY. Prohibit all lending institutions and businesses from charging prohibitively high interest rates to people who must borrow money for short terms, especially those lower wage workers who have difficulty sustaining themselves and their families from payday to payday. (2007)

Rationale: The Code of Virginia currently allows charging exceptionally high and unfair interest rates for short-term loans, such as payday-to-payday loans. This unfair practice hurts especially the lower-wage workers. The current allowed interest rate in Virginia is 15% regardless of the term of the loan plus a fee for 6% with late payments. The minimum term is seven days with a maximum loan of \$500. Example: A lender of \$300 for 7 days can charge up to \$45, an APR of 782%!

[NEW] d. MINIMUM WAGE. Support an increase in the minimum wage from \$5.15 an hour in annual increments of \$1.00 per hour until the minimum hourly wage of \$8.15 is achieved. From that point in time, index the minimum hourly wage to the CPI increase. (2007)

Rationale: The only explanation of the need for this legislation is that it is impossible to support self or family on the minimum wage. Even \$8.15 per hour would not enable a person or family to rise above the poverty level.

COMMUNITY ASSOCIATIONS AND SERVICES

a. COMMERCIAL VEHICLES IN NEIGHBORHOODS. Support amendment of Virginia Code 46.2-1224 to expand the types of commercial vehicles subject to local prohibition of parking on public streets in residential neighborhoods. (Continued from 1998; revised 2005)

Rationale: Fairfax County would support legislation to enable it to restrict parking of mid-size commercial vehicles on neighborhood streets.

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.

c. OFFICERS, DIRECTORS AND TRUSTEES. Strongly oppose legislation that imposes unreasonable limitations on volunteer directors or trustees of homeowner associations or that imposes state authority upon associations other than that imposed by state corporation law. (Continued from 2001)

EDUCATION

a. AFTER-SCHOOL PROGRAMS/AT-RISK YOUTH/GANG PREVENTION. Support 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)

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 back 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 the 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 ESOL 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 of higher education. In addition, 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 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. Lack of adequate funding has caused increased costs of tuition and

(see Draft Legislative Program - continued on page 6)

(Draft Legislative Program - continued from page 5)

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.

e. PUBLIC SCHOOL CALENDAR.

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

(2) Support inclusion in the current law the following important reasons 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)

Rationale: The Code of Virginia mandates that schools open after Labor Day although, for the 2004-05 school year, 71 of Virginia's 132 school divisions received waivers to open as much as three weeks earlier. 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.

f. REFORM OF STATE AND FEDERAL ACCOUNTABILITY SYSTEMS.

(1) Align and revise the state and federal accountability system to ensure that high stakes decisions for students and schools are made on the basis of valid tests and procedures, reasonable SOL passing scores, and professional judgment; and that the analyses of data required by NCLB are used to help rather than punish students and schools. (2002; revised 2005)

(2) Target access to public school choice and supplemental services to individuals within subgroups that fail to achieve NCLB benchmarks. Allow only those students failing to meet NCLB targets the option of transferring to a school meeting Adequate Yearly Progress (AYP) targets. (2006)

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 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 standardized testing of students who understand little English or children with severe disabilities.

Currently, as a sanction for failing to meet NCLB targets, all students within a school failing to meet those targets are provided access to these 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. (2006)

ENVIRONMENT**a. CHESAPEAKE BAY PRESERVATION ACT.**

(1) Oppose any legislation that weakens the Act. (Continued)

(2) Perennial streams. Seek a Fairfax County policy change to require approval by the Board of Supervisors for removal of the designation of a perennial stream on the Resource Protection Area (RPA) map after stream analysis utilizing accepted County or state protocol. (2005)

Rationale: The approval of the Board of Supervisors is required to place a perennial stream, determined using established protocol, on the RPA map, but according to the Public Facilities Manual a perennial stream may be removed from the RPA map administratively based on "observational information."

(3) Permit fees. State environmental permit fees should be set to fully cover the direct costs of administering the waste and water permit programs. (2005)

Rationale: The Department of Environmental Quality (DEQ) administers Virginia's waste and water permit systems. The projected program costs of these permitting programs for FY 2005 total \$15.4 million, which are borne primarily by Virginia's taxpayers. Although in 2004 the General Assembly raised the permit fees, revenues from these fees still cover only 39 percent and 35 percent of the costs of these programs, respectively.

b. SOLID WASTE. Support federal legislation that would allow states and localities to place restrictions on interstate solid waste, including medical and nuclear waste. (Continued)

c. STREAM AND GROUNDWATER PROTECTION. Support legislation requiring the state to require pollution prevention measures, erosion and sedimentation controls and storm water management facilities in state projects and programs. (Continued with expansion)

d. 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 most cost efficient than aerial facilities.

e. 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 County residents who lack the resources to help themselves. Parenting classes and respite services for caregivers intervene to protect individuals at risk of abuse and might prevent a demand for more costly services. A JLARC report in 2002 ranked Virginia 42nd in the nation in state and local spending on public welfare, hospitals and health. Virginia's economic conditions have prevented improvement in state funding for these essential services.

[NEW] b. TAX DEDUCTION FOR ORGAN DONORS. Support legislation to allow a tax deduction to donors of organ transplants in the lesser amount of \$5,000 or the amount actually paid for expenses not covered by insurance that are directly related to the transplant operation. (2007)

Rationale: Approximately 93,000 persons are on the nation's waiting lists for organ transplants. Thousands die each year while waiting for a transplant. HR 1489 was introduced in 2006 and, if passed, would have provided a further incentive for transplants by granting a tax deduction for organ recipients. However, the intent was to provide the incentive to donors, not the recipients. Further, the expenses incurred should also include transportation, meals and lodging for the donor if those expenses are not otherwise reimbursed or covered.

(see **Draft Legislative Program - continued on page 7**)

(Draft Legislative Program - continued from page 6)

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 supportive 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.

[NEW] c. EMINENT DOMAIN. Support legislation that would prohibit the "taking" of private property for private development. (2007)

Rationale: The US Supreme Court found in the 2005 Kelo v. New London, CT decision that private property could be taken for private development. The Federation believes the right of eminent domain should not be expanded to include such "takings" but should be utilized only for public facilities and infrastructure.

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. TRANSFERABLE DEVELOPMENT RIGHTS. Support legislation that would authorize Fairfax County to enact an ordinance allowing the transfer of development rights, provided that the development rights sold can never be reinstated. (Continued)

Rationale: The transfer of development rights allows for adding density in areas that have infrastructure to support additional development, such as in transit station areas, by taking planned density from areas that should be kept in lower density to provide relief between more urban activity centers. The receiving area would provide financial consideration to the sending area for giving up its density.

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 prohibit 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 sales at gun shows. (Continued; amended in 2004)

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: This issue has been raised in state and local public forums during the past year. There is 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 FY 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 changes in 2004 included the cap on personal property tax reimbursement to localities at \$950 million, which will soon 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. STATE MANDATES. Support full funding by the State of all State mandates. (Continued from 1999)

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.

TELECOMMUNICATIONS

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. 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)

b. 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 CAAA 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)

Fairfax County
FEDERATION
of Citizens Associations

4022 Hummer Road
Annandale, VA 22003

**Membership
Meeting**

Thursday,
November 16th

7:30 p.m.

The Packard Center
4022 Hummer Road
Annandale

Topic: *The 2007
Legislative Program*

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Directions to the

Packard Center, located in Annandale Community Park

Take I-495 (Capital Beltway) to Little River Turnpike (Route 236 - Exit 52B);
go east toward Annandale.

Turn left at the first stop light onto Hummer Road.

Go 200 yards to the entrance of Annandale Community Park, which is on the left.

Keep right to the large parking lot.

Please use the left entrance into the Packard Center Building.

Wishing you and yours a Happy Thanksgiving!

www.fairfaxfederation.org