

Fairfax County Federation of Citizens Associations  
Legislative Program Issues Evaluation

MEMBERSHIP MEETING - 29 OCTOBER 2015

The 2016 Federation Survey of Citizen Issues and Opinions shows that we have many varied county and state issues on our minds, along with many opinions for solving them. This year's survey had a 124% increase in respondents over last year's survey which included almost 500 comments received and assigned into nine relevant Committees.

Federation Committees evaluated the survey responses using all comments and then summarized their results into **18 Draft Reports** representing the majority of issues.

The Committees represented nine general areas of community interests and services:

- Budget & Finance
- Citizen Associations Services
- Conservation & Environment
- Education
- Governance
- Human Services
- Land Use
- Public Safety
- Transportation

These 18 Draft Reports will be considered and voted for inclusion in the Final Report at the Thursday, October 29, Membership Meeting at the Gatehouse Administration Building, Room 5055, 8115 Gatehouse Rd, Falls Church, 7:30 PM. **Be prepared to vote YEA or NAY on each issue for inclusion in the 2016 Federation Legislative package.**

The final Top 10 will be in the 2016 Federation Legislative Issues Final Report to be presented to the 25 members of the Fairfax Delegation to the Virginia General Assembly. Judging from their comments about last year's Federation Report, they appreciate the citizen opinions expressed in these researched reports. It clarifies and reinforces issues for legislators to develop bills for Legislative consideration.

Some interesting charts about the overall survey results are presented in the next two pages. No further assessment of this information has been conducted at this time. Page 23 is available for your notes that you may want to refer to in the October 29 Meeting.

# Fairfax County Federation of Citizens Associations Legislative Program Issues Evaluation

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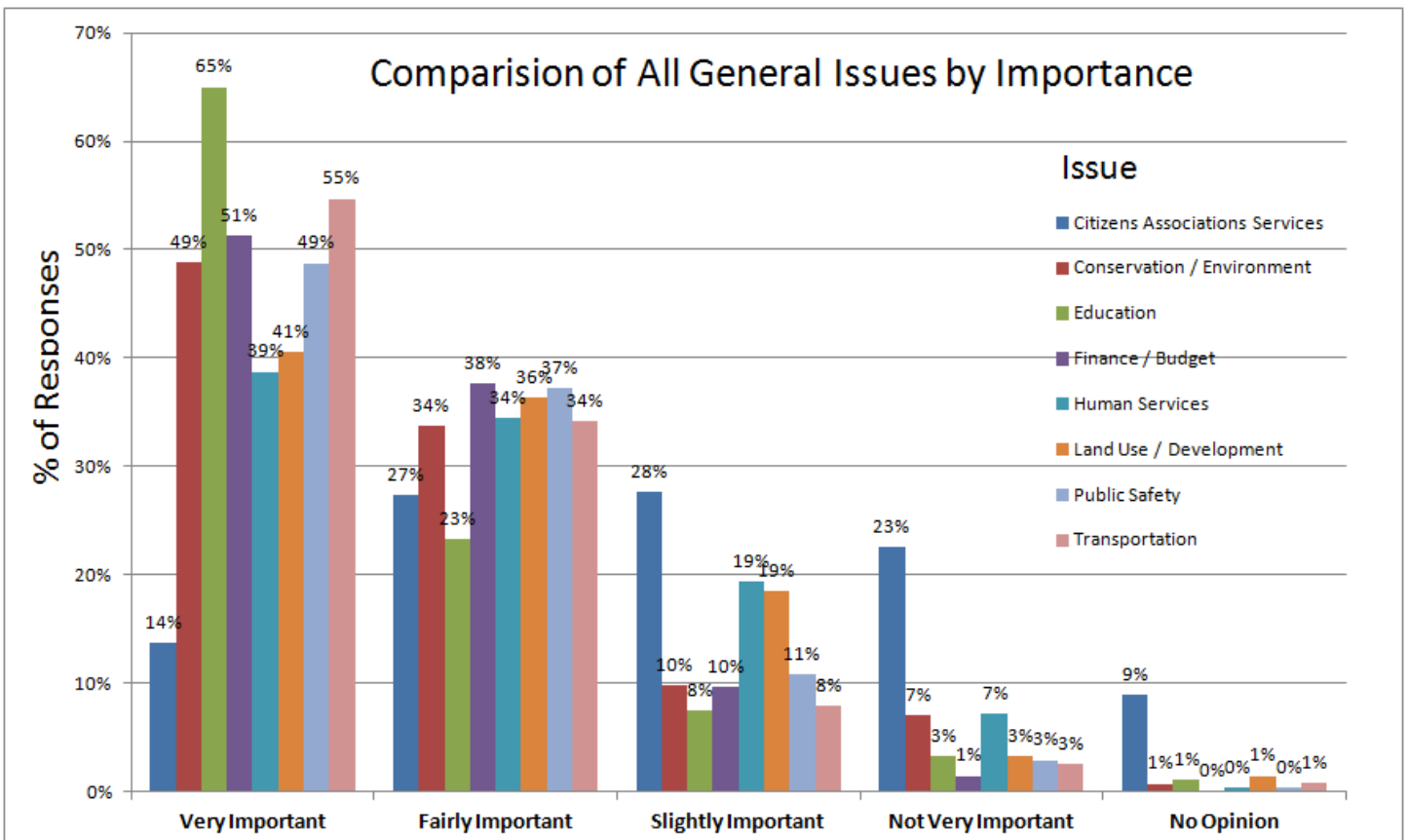
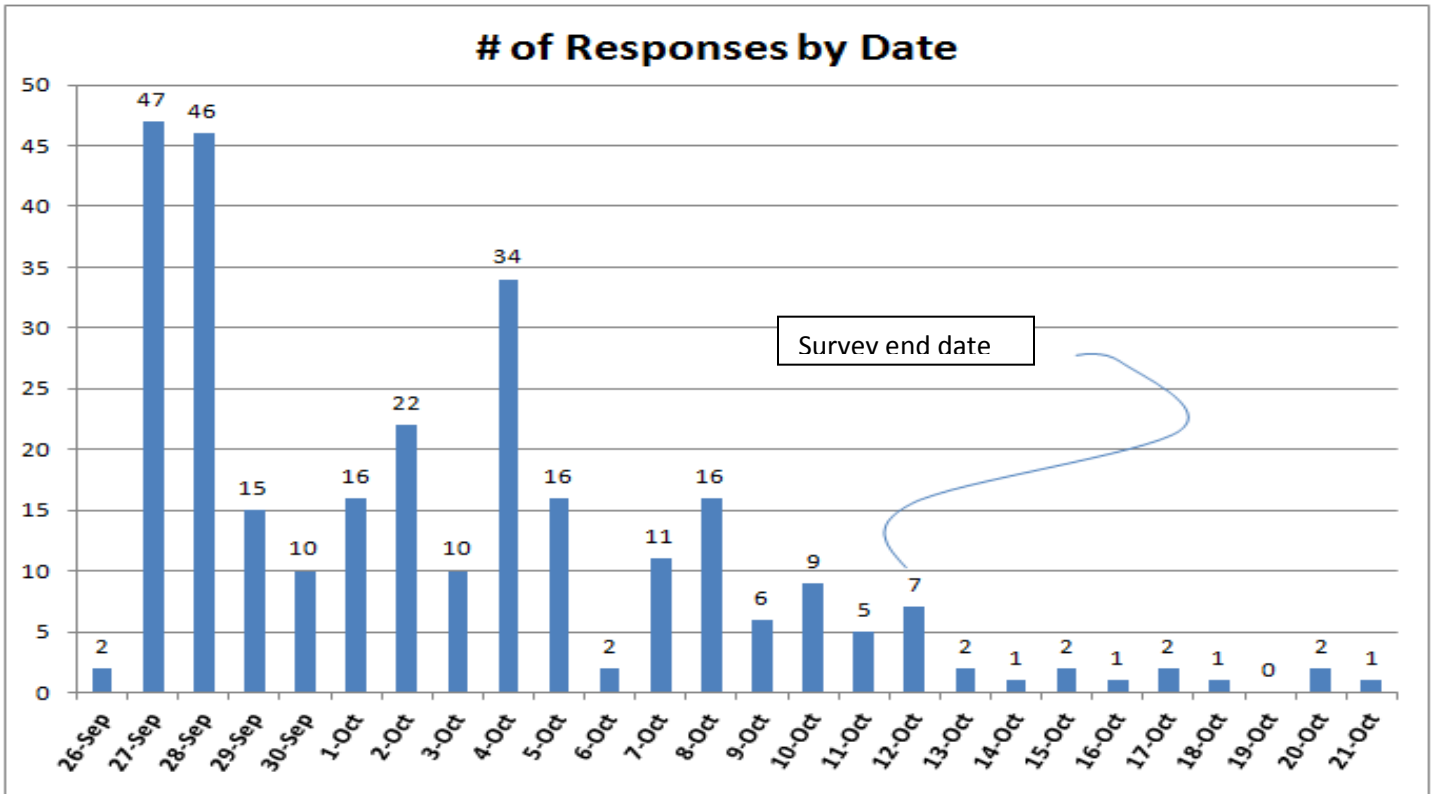
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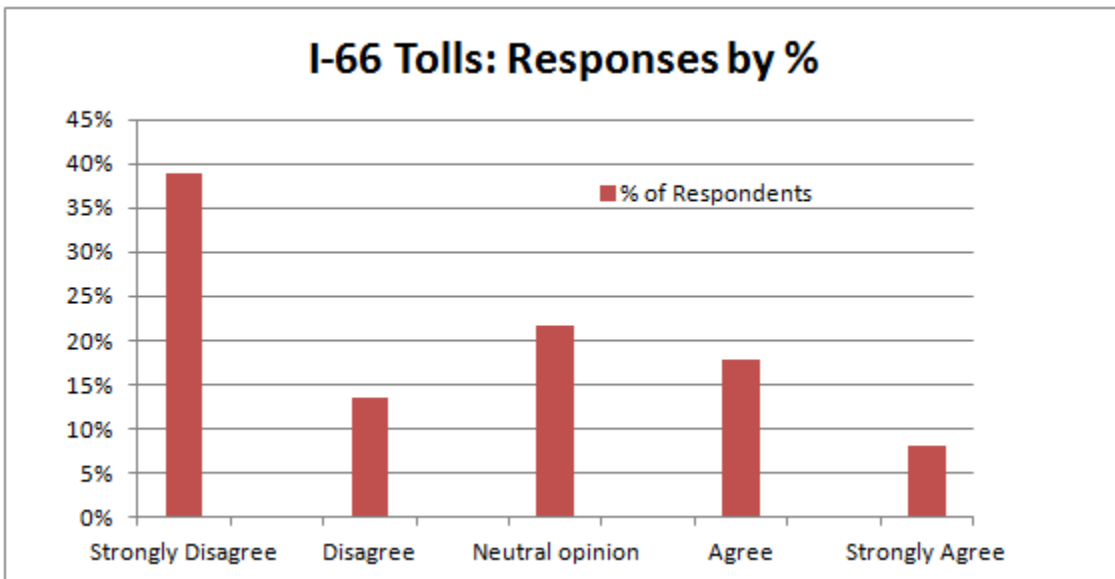
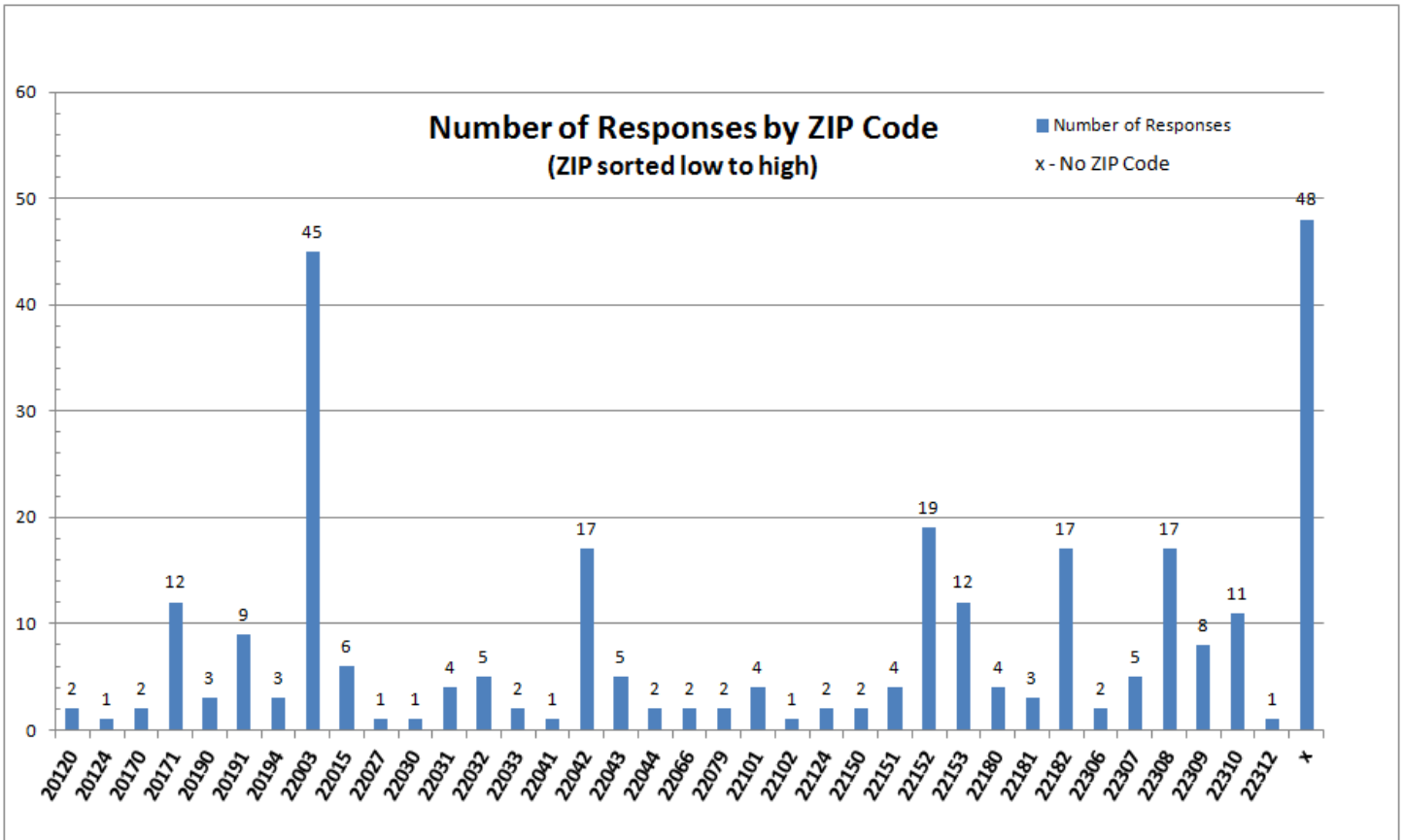
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# Fairfax County Federation of Citizens Associations Legislative Program Issues Evaluation



## Fairfax County Federation of Citizens Associations Legislative Program Issues Evaluation



## Fairfax County Federation of Citizens Associations Legislative Program Issues Evaluation

<b>Issue ID:</b> 16A01 - Enforcement of HOA Rules
<b>Date Submitted to Federation Board:</b> 10/21/2015
<b>Issue:</b> Several survey respondents stated their great concern that they are mandated to enforce HOA rules and covenants but lack the appropriate tools. Respondents are seeking possible legislative options for restoring to HOAs flexibility in obtaining homeowner compliance with covenants and rules.
<b>Background:</b> The ability of some HOAs to enforce their own rules has been diminished by court rulings in recent years. The rulings have said that an association may assess monetary charges for rules violations by residents only if the declaration (covenants) explicitly provides such authority. These judicial interpretations have greatly hampered the ability of community associations to govern themselves. Community associations will greatly benefit from legislation that would restore authority to assess monetary charges for rules violations to those associations whose governing documents are silent on that issue. Homeowners are increasingly concerned that other homeowners who do not adequately maintain their homes and yards and that violate architectural rules will result in deterioration of community appearance, bringing down property values.
<b>Existing Conditions/Impacts:</b> The Federation supported a legislative solution in the 2014 GA session, but we were ultimately disappointed. HB 791 would have fixed the problem by restoring to HOAs the ability to seek compliance through the use of monetary charges for rules violations, even if not explicitly authorized in their HOA covenants. The bill also had features that ensured due process in seeking compliance by ensuring that owners had a right to be heard, adequate time to respond, etc. HB 791 passed after numerous changes, but restoring authority to assess monetary charges was unfortunately removed from the final version of the bill. Most Fairfax county legislators supported the Federation position in 2014, but several did not. Two legislators actively opposed our position.
<b>Preferred Position:</b> We propose no specific bill in the 2016 General Assembly. We need to continue to educate our elected state representatives on the need to allow HOAs to have the tools they need for appropriate HOA governance, especially the authority to assess monetary charges. Amending HOA covenants to give the association such authority is frequently too great a hurdle, with some covenants requiring 80 or 90% approval. We need to overcome the belief that most HOAs abuse their authority, and to communicate that most homeowners in HOAs want their HOA boards to have such authority and to exercise it carefully and judiciously. The following quote from a respondent to the Federation survey expresses a widely held view among Virginian homeowners: Association members who follow the rules get frustrated with those who don't.
<b>Benefits:</b> Restoring the ability to encourage compliance with rules and covenants will greatly improve the ability of associations to govern themselves. The ability of associations to assess monetary charges for rules violation provides a low-cost way to achieve compliance with architectural rules and other community rules. Without the ability to establish moderate yet effective enforcement mechanisms, communities must frequently choose between two extremes -- (1) doing nothing to enforce the community standards and (2) attempting to achieve compliance through lawsuits, which can be very costly for all concerned. Failure of a community to take action may lead to lack of compliance, deteriorating homes, and declining values for all homes in an association. Legislation to restore authority to establish monetary charges for rules violations will achieve compliance with community standards in a cost effective way, fair to all concerned.
<b>Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations):</b> Supporters are the vast majority of HOA residents that want their rules enforced, while safeguarding due process. HOA Board members are key community leaders. Allies in any future legislative solutions and in educating about HOAs include the Community Associations Institute and its Virginia Legislative Action Committee (VALAC).
<b>Lead Federation Committee:</b> Citizen Association Services
<b>Prepared by:</b> Don Hinman, CASC Chairman
<b>Email &amp; Phone:</b> 703-795-4675, FedAssociationServicesChr2016@fairfaxfederation.org

Fairfax County Federation of Citizens Associations  
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<b><u>Issue ID:</u></b> 16B01 - Education Priority for Funding
<b><u>Date Submitted to Federation Board:</u></b> 10/23/2015
<b><u>Issue:</u></b> Education should be the highest priority for distribution of state and local funding.
<b><u>Background:</u></b> There were several possibilities suggested for funding in the upcoming budget process, including education, transportation and public safety. Of 42 separate responses to the question of Financing and Budget, the largest number of responses (12) was Education.
<b><u>Existing Conditions/Impacts:</u></b> With tight budgets the question is what should receive the highest priority in funding from the budget.
<b><u>Preferred Position:</u></b> Full funding of education is the number one priority for state and local funding.
<b><u>Benefits:</u></b> Full funding of education should help maintain or improve property values and encourage economic development in the area.
<b><u>Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations):</u></b> Parent Teacher Organizations, Teachers Unions, School Board Members.
<b><u>Lead Federation Committee:</u></b> Education
<b><u>Prepared by:</u></b> Curtis M. Anderson
<b><u>Email &amp; Phone:</u></b> <a href="mailto:curtisanderson@cmamlc.com">curtisanderson@cmamlc.com</a> 703.867.4487

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<b><u>Issue ID:</u></b> 16B02 – Reduce or Hold State Taxes
<b><u>Date Submitted to Federation Board:</u></b> 10/23/2015
<b><u>Issue:</u></b> Should taxes be increased, decreased, or held constant?
<b><u>Background:</u></b> Taxes are needed to support the spending programs in the budget. Higher tax collections, within a balanced budget, allow for spending on more programs. Lower tax collections, within a balanced budget, would reduce the amount available to spend on programs and probably would require a reduction in programs or services. Holding tax collections constant, if costs went up, would require a reduction in programs or services.
<b><u>Existing Conditions/Impacts:</u></b> In Fairfax County property taxes are the primary method of collecting revenue. In recent years the rate of tax collections has exceeded the rate of increase of the average homeowner income, which some claim has resulted in middle class families leaving Fairfax County for other lower taxed localities. This “tax flight” could result in loss of tax revenue requiring further tax increases to maintain tax collections, which would start a process whereby more people would leave and taxes would then be increased again.  Budgets are tight, without increased tax collections programs and services will have to be cut back.  Of 42 separate respondents, 7 respondents indicated a preference to lower taxes, 2 respondents indicated a preference to increase taxes.
<b><u>Preferred Position:</u></b> Do not increase tax rates, but try to hold the line on taxes and work within existing tax collections.
<b><u>Benefits:</u></b> Avoid the “tax flight” while not significantly reducing tax collections, allowing for funding of most current programs and services.
<b><u>Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations):</u></b>
<b><u>Lead Federation Committee:</u></b> Budget
<b><u>Prepared by:</u></b> Curtis M. Anderson
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Fairfax County Federation of Citizens Associations  
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<b>Issue ID:</b> 16B03 – Taxation Fairness for Fairfax County
<b>Date Submitted to Federation Board:</b> 10/23/2015
<b>Issue:</b> Fairfax County is not treated fairly in the distribution of state tax collections and in its ability to raise revenue to meet its needs.
<b>Background:</b> Fairfax County is limited in its sources of tax collection, which limits its options to increase revenue, and sends more money to the state than it gets in return in services.
<b>Existing Conditions/Impacts:</b> <ol style="list-style-type: none"><li>1. Fairfax County primarily raises revenue through property taxes and sales taxes. The state limits the sales tax rate that can be charged. There are a few other Business, Professional and Occupational taxes.</li><li>2. Suggestions for other taxes include a meals tax, tobacco tax, and local control of sales tax rates.</li><li>3. Taxes collected from Northern Virginia by the state are not returned in an equal amount of services to the region. As a result Northern Virginians are subsidizing services in other parts of the state while their own services are not being adequately met.</li></ol>
<b>Preferred Position:</b> <ol style="list-style-type: none"><li>1. Allow Fairfax County the flexibility to set its own sales tax without state interference.</li><li>2. Revise the formulas for allocating state resources so that a greater share of taxes collected in Northern Virginia are returned to the local jurisdictions and citizens.</li></ol>
<b>Benefits:</b> <ol style="list-style-type: none"><li>1. Northern Virginia will be able to decide the appropriate level of taxation for itself.</li><li>2. Northern Virginia will be able to maintain and improve local services.</li></ol>
<b>Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations):</b> Northern Virginia Boards of Supervisors; local chambers of commerce.
<b>Lead Federation Committee:</b> Budget
<b>Prepared by:</b> Curtis M. Anderson
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Fairfax County Federation of Citizens Associations  
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<b><u>Issue ID:</u></b> 16C01 - Plastic Bags Regulation
<b><u>Date Submitted to Federation Board:</u></b> 10/22/2015
<b><u>Issue:</u></b> Decrease environmental degradation through plastic bag ban or regulation.
<b><u>Background:</u></b> Litter in general and plastic shopping bags in particular adversely affect our community because it clogs and undermines the storm water infrastructure, contaminates water, degrades our stream corridor parks for residents and wild life, is blown onto our streets where it gets entwined in and damages our vehicles, and reduces home values. Ultimately this is a public health, environmental justice and economic issue facing our residents.
<b><u>Existing Conditions/Impacts:</u></b> The amount of energy required to make 12 plastic shopping bags could drive a car for a mile. Currently 100 billion plastic bags pass through the hands of U.S. consumers every year - almost one bag per person each day. Laid end-to-end, they could circle the equator 1,330 times.(Earth-Policy.org)  Over 150 U.S. cities and counties ban or require fees for plastic bags. California passed the first statewide ban in 2014, though Hawaii had a de facto ban through county ordinances. Over 49 million Americans live in communities that have passed plastic bag bans or fees.
<b><u>Preferred Position:</u></b> Support legislation and measures to reduce litter from plastic shopping bags on our streets, in our neighborhoods and in our streams. Legislation could take the form of a ban, increasing the cost to shoppers or retailers in the form of a plastic bag tax, or requiring that retailers provide a credit to shoppers that provide their own bags.
<b><u>Benefits:</u></b> Regulating bags can mitigate harmful impacts to oceans, rivers, lakes and the wildlife that inhabit them. Reducing bag use can also relieve pressure on landfills and waste management. Reduction of bags as litter in the community can increase property values.
<b><u>Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations):</u></b> Soil and Water Conservation District, Park Authority, Clean Water Action, Choose Clean Water Coalition, as well as local and regional stream cleanup organizations such as the Friends of Accotink Creek and the Alice Ferguson Foundation
<b><u>Lead Federation Committee:</u></b> Environment
<b><u>Prepared by:</u></b> Flint Webb & Monica Billger
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<b><u>Issue ID:</u></b> 16C02 - Reduce Greenhouse Gas Emissions
<b><u>Date Submitted to Federation Board:</u></b> 10/24/15
<b><u>Issue:</u></b> Virginia needs to reduce greenhouse gas (GhG) emissions and adapt to climate change.
<b><u>Background:</u></b> <ol style="list-style-type: none"><li>1) Virginia is already experiencing the effects of climate change in the form of increased flooding in Hampton Roads and elsewhere in Virginia.</li><li>2) The EPA has proposed regulations that will require the Commonwealth to develop regulations to reduce greenhouse gasses from existing power plants</li></ol>
<b><u>Existing Conditions/Impacts:</u></b> <p>Failure to stabilize greenhouse gas emissions will cause drastic impacts to the economy of the Commonwealth. Climate Change is causing sea level rise which has lead to increase flooding in tidewater Virginia. Increased carbon dioxide concentrations in the ocean causes acidification which will be devastating to the oyster and crab industry. Warmer ocean waters will lead to more intense or more frequent tropical storms.</p>
<b><u>Preferred Position:</u></b> <p>Virginia should join the North Eastern States in the Regional Greenhouse Gas Initiative (RGGI) and use the proceeds from the sale of GhG emission credits to:</p> <ul style="list-style-type: none"><li>• Help communities like coastal Virginia adapt to climate change,</li><li>• Help consumers reduce their energy consumption through energy efficiency, and</li><li>• Help southwestern Virginia adapt a low carbon economy.</li></ul>
<b><u>Benefits:</u></b> <p>The Coastal Protection Act will encourage the development of a domestic renewable energy economy and fund adaptation and energy efficiency purchases.</p>
<b><u>Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations):</u></b> <p>In the 2015 session The Coastal Protection Act was introduced in both houses; HB2205 was introduced by Villanueva and SB1428 was introduced by McEachin. The bill failed in this year's session it has been building support.</p>
<b><u>Lead Federation Committee:</u></b> Environment
<b><u>Prepared by:</u></b> Flint Webb, Environment Chair.
<b><u>Email &amp; Phone:</u></b> <a href="mailto:FHWebb@aol.com">FHWebb@aol.com</a> , (h) 703-560-5203, (w) x571-526-7706, (c) 703-582-8094

Fairfax County Federation of Citizens Associations  
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<b><u>Issue ID:</u></b> 16C03 - Chesapeake Bay Protection
<b><u>Date Submitted to Federation Board:</u></b> 10/24/15
<b><u>Issue:</u></b> The waters of the Chesapeake Bay need to continue to be protected.
<b><u>Background:</u></b> The protection of the Chesapeake Bay has been mostly the responsibility of Counties east of the I-95 corridor, but the drainage from other parts of the Commonwealth lead to the Bay. All counties with waters that flow into the Chesapeake need to require the same controls as the Eastern Counties.
<b><u>Existing Conditions/Impacts:</u></b> Counties that border the Chesapeake Bay, including Fairfax County have tighter regulations than other counties that only drain to rivers that in turn lead to the Bay.
<b><u>Preferred Position:</u></b> Require all counties that drain to rivers that drain to the Chesapeake Bay to have more strict regulations reducing sediment, and nutrient loads and to increased enforcement.
<b><u>Benefits:</u></b> Better water quality, more open spaces, and the protection of important maritime industries in the Chesapeake Bay.
<b><u>Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations):</u></b>
<b><u>Lead Federation Committee:</u></b> Environment
<b><u>Prepared by:</u></b> Flint Webb
<b><u>Email &amp; Phone:</u></b> <a href="mailto:FHWebb@aol.com">FHWebb@aol.com</a> , (h) 703-560-5203, (w) x571-526-7706, (c) 703-582-8094

Fairfax County Federation of Citizens Associations  
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<b><u>Issue ID:</u></b> 16E01 - Increased Tobacco Tax for Schools
<b><u>Date Submitted to Federation Board:</u></b> October 22, 2015
<b><u>Issue:</u></b> Because tobacco products sold in Virginia are taxed at a much lower rate than in neighboring states, Virginia is missing the opportunity to earn additional funding.
<b><u>Background:</u></b> In Virginia, the cigarette tax per pack is 30 cents. It was increased to this amount in 2004. Even so, Virginia has one of the lowest tobacco taxes in the U.S.
<b><u>Existing Conditions/Impacts:</u></b> Among all states, the average cigarette tax per pack is over \$1.50. Our neighboring major tobacco-growing states have a higher cigarette tax per pack than Virginia (Kentucky is 60 cents per pack, North Carolina 45 cents, and Tennessee 62 cents). The Campaign for Tobacco Free Kids says: “Tobacco prevention measures also have strong public support in the tobacco growing states as demonstrated by the 71 percent of Virginia voters who supported a 75-cent per pack increase in a January 2004 poll.”
<b><u>Preferred Position:</u></b> Support legislation to increase tobacco taxes, allocating the increased revenue to education and health care.
<b><u>Benefits:</u></b> Increasing tobacco taxes could help reduce smoking, especially among our youth, and thus reduce smoking related illnesses such as cancer. Young people are disproportionately affected by smoking, and education funding has become increasingly reliant on local property taxes. Thus, we recommend using these funds for education and health care.
<b><u>Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations):</u></b> Educational and health related organizations
<b><u>Lead Federation Committee:</u></b> Education
<b><u>Prepared by:</u></b> Nancy Trainer and Ed Saperstein
<b><u>Email &amp; Phone:</u></b> <a href="mailto:edsaperstein@cox.net">edsaperstein@cox.net</a> and <a href="mailto:ntrainer@cox.net">ntrainer@cox.net</a>

## Fairfax County Federation of Citizens Associations Legislative Program Issues Evaluation

<b><u>Issue ID:</u></b> 16E02 - School Opening Date
<b><u>Date Submitted to Federation Board:</u></b> October 22, 2015
<b><u>Issue:</u></b> Local school boards are not permitted to set their own opening date of the school year.
<b><u>Background:</u></b> The “Kings Dominion” Law was adopted by the Virginia General Assembly in the 1980s to help amusement parks and other tourism attractions staff their businesses with a summer labor pool of high school age workers. Today’s economy has changed; the tourism industry is attracting various workers in other age groups. But now the tourism industry contends that a change of law would hurt tourism. Almost all states allow schools to start before Labor Day, including states whose economies are heavily dependent on tourism such as Florida and California. As Virginia Beach Public Schools said in supporting a change in law, “If a pre-Labor Day start was really damaging to a state’s economy, it would have been banned across the country a long time ago.”
<b><u>Existing Conditions/Impacts:</u></b> The Code of Virginia mandates under the so-called “Kings Dominion” Law that schools open after Labor Day. As a result, FCPS students have less classroom time before standardized tests such as the nationwide Advanced Placement (AP) and International Baccalaureate (IB) tests. The AP and IB tests, for example, figure substantively in college admissions, scholarships, course selection and advanced standing. The current law puts our students at a competitive disadvantage as almost all states allow schools to start before Labor Day. Over half the school divisions in Virginia get waivers to start school before Labor Day, but FCPS does not qualify to participate in the early openings.
<b><u>Preferred Position:</u></b> Support legislation permitting local school boards to set the opening date of the school year.
<b><u>Benefits:</u></b> It would help our FCPS students as it would most likely provide more instructional time before major tests such as the AP and IB.
<b><u>Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations):</u></b> FCPS and about 120 of the 130+ school districts in Virginia, the Virginia PTA and Fairfax County PTA, and Fairfax County Chamber of Commerce.
<b><u>Lead Federation Committee:</u></b> Education
<b><u>Prepared by:</u></b> Nancy Trainer and Ed Saperstein
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<b><u>Issue ID:</u></b> 16E03 - County-City Revenue Equalization
<b><u>Date Submitted to Federation Board:</u></b> October 22, 2015
<b><u>Issue:</u></b> Equalizing the revenue-generating authority of counties with that of cities.
<b><u>Background:</u></b> The distinction between the taxing authority of Virginia’s cities and counties has been a source of contention for many years. Many believe the distinction has lost any rational basis. Fairfax County serves over one million citizens, and yet is tightly constrained in its ability to address the fiscal needs of its community, whereas municipalities serving a fraction of that number enjoy much greater flexibility.
<b><u>Existing Conditions/Impacts:</u></b> Virginia caps the amount that counties (but not cities) can apply to meals, lodging, cigarettes, and admissions, and requires that meals taxes in counties (but not cities) be subject to approval by referendum. To cite one example: While Fairfax County has been authorized by the Commonwealth to charge a county tobacco tax up to the state amount of \$0.30 per package of cigarettes, the city of Alexandria charges \$1.15 per package, the city of Fairfax charges \$0.85 per package, and the city of Falls Church charges \$0.75 per package. Counties have become increasingly reliant on real estate taxes for their revenues. As the state’s financial support for K-12 education has shrunk, county school systems are particularly vulnerable to relying on counties for funding, and counties are (in turn) limited in their ability to raise taxes other than real estate taxes.
<b><u>Preferred Position:</u></b> The Federation should support legislative efforts to equalize the revenue-generating authority of counties with that of cities.
<b><u>Benefits:</u></b> Counties increasingly experience the same kinds of pressures as urban areas, such as higher poverty levels and crime, and the costly solutions require a more flexible revenue-generating approach. Equalizing the tax treatment of counties and cities would permit a much-needed diversification of revenue streams in county budgets, and would better allow counties to match their communities’ needs with appropriate resources.
<b><u>Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations):</u></b> Educational organizations and county governments.
<b><u>Lead Federation Committee:</u></b> Education
<b><u>Prepared by:</u></b> Ed Saperstein and Nancy Trainer
<b><u>Email &amp; Phone:</u></b> <a href="mailto:edsaperstein@cox.net">edsaperstein@cox.net</a> and <a href="mailto:ntrainer@cox.net">ntrainer@cox.net</a>

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<b><u>Issue ID:</u></b> 16G01 – Fair Redistricting
<b><u>Date Submitted to Federation Board:</u></b> 22 October 2015
<b><u>Issue:</u></b> The current redistricting process is biased and, therefore, unfair.
<b><u>Background:</u></b> Current redistricting frequently has as one of its goals ensuring that current legislators will be re-elected. Re-election is ensured by grouping precincts on the basis of their party votes. The process is called gerrymandering.
<b><u>Existing Conditions/Impacts:</u></b> Gerrymandering frequently groups people of considerably different interests and persuasions and frequently deprives voters from electing new officials. Virginia’s Congressional Districts 10 and 11 are typical of the results of gerrymandering. Voters would be better represented if all elections for political office were competitive.
<b><u>Preferred Position:</u></b> Redistricting should be done such that most political races are competitive. A constitutional amendment might be used or the Iowa plan might be used. The Iowa plan would be the easier method. If it does not result in competitive races, a constitutional amendment would be used. The constitutional amendment might require that the district have a ratio of north-south to east-west dimensions of, for example, between 0.8 and 1.25.
<b><u>Benefits:</u></b> The beneficiaries of the resolution would be the voters.
<b><u>Potential Supporters</u></b> (Community leaders, Public/Private Partnership Opportunities, Organizations): Voters, including the League of Women Voters
<b><u>Lead Federation Committee:</u></b> Governance / Land Use
<b><u>Prepared by:</u></b> Fred Costello
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<b><u>Issue ID:</u></b> 16G02 - Require Majority Vote
<b><u>Date Submitted to Federation Board:</u></b> 22 October 2015
<b><u>Issue:</u></b> Virginia should require election by a majority vote, even if run-off elections are necessary.
<b><u>Background:</u></b> With the growth of smaller political parties such as the Green Party, the Libertarian Party, and the Independent Party, we now have a good possibility that politicians will be elected by a plurality, rather than a majority vote. Votes decided by a plurality permit a politician with a small percentage of votes to be elected – a person the majority of people oppose. Currently, three people are running for Chairman of the Board of Supervisors. Theoretically, a candidate could win election with only 34% of the votes. In a recent election, there were five candidates, so 21% might have been sufficient for election.
<b><u>Existing Conditions/Impacts:</u></b> In Virginia elected officials can win an office without having majority support. In addition, major parties might fund a minor party that can win votes from the opposing major party. Two examples would be having Democrats fund the Libertarian campaign so Republicans get fewer votes or having Republicans fund the Green campaign so Democrats get fewer votes. Currently, eight states have run-off elections: Alabama, Arkansas, Georgia, Mississippi, North Carolina, Oklahoma, South Carolina, and Texas.
<b><u>Preferred Position:</u></b> To ensure that officials are elected by most of the voters, we need a run-off vote between the two candidates that received the most votes, unless one candidate received more than 50% of the original vote.
<b><u>Benefits:</u></b> Beneficiaries of the resolution would be the voters.
<b><u>Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations):</u></b> Voters, perhaps represented by homeowner associations, would be potential supporters of this resolution.
<b><u>Lead Federation Committee:</u></b> Governance / Land Use
<b><u>Prepared by:</u></b> Fred Costello
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## Fairfax County Federation of Citizens Associations Legislative Program Issues Evaluation

<b><u>Issue ID:</u></b> 16G03 - Subdivide Fairfax County
<b><u>Date Submitted to Federation Board:</u></b> 22 October 2015
<b><u>Issue:</u></b> Fairfax County has too many voters per elected official.
<b><u>Background:</u></b> Eight states, including Rhode Island, have populations less than that of Fairfax County. Yet we have only ten elected officials, whereas the states have 75 representatives and 36 senators, a ratio of 10,000 people per elected member of the legislature. Fairfax County as 100,000 people per elected member of the Board of Supervisors. Fairfax County has a population that is 18 times the population of the average Virginia county. The supervisors have little contact with most of the voters; therefore, small special-interest groups and developers have much influence on the decisions by the BOS. Also, the per capita cost of government is greater in Fairfax County and other large counties of Virginia than in the smaller counties, where the elected officials are in closer contact with the voters.
<b><u>Existing Conditions/Impacts:</u></b> The County has been divided previously. Fairfax County was founded in 1741. It has been broken into other counties on many occasions. In 1757, the northwestern two-thirds of Fairfax County became Loudoun County. In 1789, part of Fairfax County was ceded to the federal government to form Alexandria County of the District of Columbia. Alexandria County was returned to Virginia in 1846, reduced in size by the secession of the independent city of Alexandria in 1870, and renamed Arlington County in 1920. The Fairfax County town of Falls Church became an independent city in 1948. The Fairfax County town of Fairfax became an independent city in 1961.
<b><u>Preferred Position:</u></b> Divide Fairfax County into up to nine smaller (by population) counties.
<b><u>Benefits:</u></b> The beneficiaries of the division of Fairfax County would be the voters. The cost of government would be no greater than it is now and might even be less because the contact between the elected officials and the voters would be greater.
<b><u>Potential Supporters</u></b> (Community leaders, Public/Private Partnership Opportunities, Organizations): Voters, perhaps represented by homeowner associations, would be potential supporters of this resolution. Reston has long wanted to be an incorporated city; therefore, people in Reston are also potential supporters. Reston is almost coincident with a potential Hunter Mill County.
<b><u>Lead Federation Committee:</u></b> Governance / Land Use
<b><u>Prepared by:</u></b> Fred Costello
<b><u>Email &amp; Phone:</u></b> <a href="mailto:fac@facinc.com">fac@facinc.com</a> 703-620-4942

Fairfax County Federation of Citizens Associations  
Legislative Program Issues Evaluation

<b><u>Issue ID:</u></b> 16H01 Medicaid Expansion
<b><u>Date Submitted to Federation Board:</u></b> October 25, 2015
<b><u>Issue:</u></b> Medicaid Expansion involves receiving funds to allow the increase of Waivers that Virginia is entitled to. For the estimated 400,000 that include low income workers, unemployed and disabled individuals who have no insurance, they are at risk without stabilized insured care, which impacts their long term health outcomes as well as the current resources, to cover it all.
<b><u>Background:</u></b> Virginia has been eligible for the return of taxpayer funds from the Federal government as mandated under the Affordable Health Care Act for 2 years. The House of Delegates has continued to vote down any expansion in the budget. In the meantime, the increase to hospitals' impacted by this turndown to the Federal Funds which they would also receive, are more taxed than ever, with two hospitals in SW Virginia, having to close their doors due to lack of funds to operate.
<b><u>Existing Conditions/Impacts:</u></b> Statistics out July 2015 show that in Virginia, 962,183 were enrolled and receiving Medicaid and Chip benefits. The number of eligible citizens right now in addition to this number for Medicaid waivers is approximately 400,000. The argument against the waiver expansion is when the Federal funds cease that the increased waivers will cost the state as much as the Federal payments returned and with such high enrollment, they claim there would be no end in sight. This thinking is flawed and neglects the most important statistics that without any stabilized healthcare being uninsured, that healthcare escalates period. It is a fact that individuals with early stage and treatable chronic diseases do not get care in time. Because they cannot afford any fees for treatment or prescriptions, these individuals put off getting care and then, when diseases are much more serious, they end up in hospital emergency rooms, which elevates the overall costs significantly. Treating often an end stage condition is at least 3x the cost versus treatment if caught earlier. With Medicaid Expansion, more individuals would get early intervention, reducing the cost of overall care. More importantly, by having access to health care, individuals with Medicaid can enroll in many more state and federally funded wellness and prevention programs. One example would be nutrition, where bad habits can kill especially those with diabetes, hypertension, and many more conditions, all very treatable without hospital intervention, if monitored.
<b><u>Preferred Position:</u></b> We the Fairfax Federation of Citizen Associations appeal to the House of Virginia legislators to accept the Federal Taxpayer return of monies that 31 other States as mandated under the Affordable Care Act, have accepted so The Commonwealth of Virginia can underwrite more Medicaid Waivers for the qualified waiting, uninsured, individuals who are qualified under the terms of Medicaid.
<b><u>Benefits:</u></b> A reduction of costly health care treatment for more moderate health conditions that is now being met through the use of emergency healthcare will be the first benefit. The second but the most important will be that chronic conditions that might have ended in early death because of delayed treatment due to income disadvantages, will change and advantages to have more prevention and wellness with those changing lifestyles can and should, keep health costs at a level that is not more than the current enrollment funded.
<b><u>Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations):</u></b> <u>Every elected official in the State of Virginia who is a democrat, including the Fairfax BOS are behind Expansion acceptance. The large majority of faith based advocacy organizations also have joined behind the vote "for". And the professional healthcare industries in the state also support the vote to expand.</u>
<b><u>Lead Federation Committee:</u></b> Cherie Lejeune, Human Services Co_Chair
<b><u>Prepared by:</u></b> Cherie Lejeune
<b><u>Email &amp; Phone:</u></b> <a href="mailto:latripp24@gmail.com">latripp24@gmail.com</a> 203-400-3668

## Fairfax County Federation of Citizens Associations Legislative Program Issues Evaluation

<b><u>Issue ID:</u></b> 16L01 - Landowners Control of Rezoning
<b><u>Date Submitted to Federation Board:</u></b> 22 October 2015
<b><u>Issue:</u></b> In rezoning, counties can override the wishes of landowners.
<b><u>Background:</u></b> Developers and county officials have been working to increase the population and job densities in Fairfax County. The RSU case, R-to-P rezoning, and Revitalization Districts are three attempts by the county to greatly increase densities to the extent that the nature of residential communities would be greatly altered. Such alterations could be against the desires of current residents who bought their property specifically because of the zoning. In some cases, such as the RSU case, the County wanted to retain the zoning but not include the densification in population counts, parking requirements, street widths, etc., in the computation of items specified in the zoning limits. In the FCFCA survey, 15 of the 24 items pertaining to Land Development pertained directly to this issue.
<b><u>Existing Conditions/Impacts:</u></b> The current laws are not sufficient to protect landowners; therefore, additional laws are required. The problem is akin to the Kelo case, except that land is rezoned instead of condemned. Current landowners, perhaps within a quarter of a mile from the new development, should have a vote on the acceptability of a new development, perhaps a 51% vote, with landowners voting individually, not as a bloc. Also, traffic analyses should be performed for all densification proposals. The costs of congestion amelioration measures should be borne by the new development. Similarly, the costs of controlling stormwater runoff must be borne by the new development.
<b><u>Preferred Position:</u></b> One law is needed that requires current landowners to agree on a rezoning of their property. A second law is needed to ensure current landowners that zoning limits are retained (e.g., parking spaces, population counts, and building heights). These laws would become part of the Virginia Code, Section 15.2.
<b><u>Benefits:</u></b> The beneficiaries of the resolution would be home owners and land owners, who would be assured that the county will not force them out by rezoning, just as it has forced owners out by condemnation.
<b><u>Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations):</u></b> As a minimum the Reston Citizens Association (especially Terry Maynard) and the Mason District Council (especially Mollie Loeffler). Other homeowner associations, which we have not yet contacted, would be potential supporters of this resolution.
<b><u>Lead Federation Committee:</u></b> Land Use
<b><u>Prepared by:</u></b> Fred Costello
<b><u>Email &amp; Phone:</u></b> <a href="mailto:fac@facinc.com">fac@facinc.com</a> 703-620-4942

## Fairfax County Federation of Citizens Associations Legislative Program Issues Evaluation

<b>Issue ID:</b> 16P01 - Law Enforcement VFOIA
<b>Date Submitted to Federation Board:</b> 10-22-2015
<p><b>Issue:</b> Amend the Virginia Freedom of Information Act (VFOIA) to:</p> <ol style="list-style-type: none"> <li>1. Specifically allow Law Enforcement reports of incidents involving police shootings to be released to the public.</li> <li>2. Specifically allow the release of all Law Enforcement records, unless an Exemption 7 is specifically named, is evident, and is demonstrable.</li> </ol>
<p><b>Background:</b></p> <p>The Freedom of Information Act (FOIA; 5 U.S.C. §552) allows any person—individual or corporate, citizen or not—to request and obtain, without explanation or justification, existing, identifiable, and unpublished agency records on any topic. Pursuant to FOIA, the public has presumptive access to agency records unless the material falls within any of FOIA’s nine categories of exception.</p> <p><b>Exemption 7 [5 U.S.C. §552(b)(7)(A) - (b)(7)(F)]</b> Permits withholding investigatory records or information compiled for law enforcement purposes where:</p> <ol style="list-style-type: none"> <li>(A) Interference with law enforcement proceedings can be reasonably expected.</li> <li>(B) A person would be deprived of a fair trial or an impartial adjudication.</li> <li>(C) An unwarranted invasion of personal privacy could reasonably be expected.</li> <li>(D) Revealing a confidential source or information provided by a confidential source could reasonably be expected</li> <li>(E) Techniques and procedures for law enforcement investigations or prosecutions would be disclosed or guidelines for law enforcement investigations or prosecutions would be disclosed, provided such disclosure could reasonably be expected to risk circumvention of the law.</li> <li>(F) Endangering the safety or life of any individual could reasonably be expected.</li> </ol> <p>The Virginia Freedom of Information Act (VFOIA), § 2.2-3700 et seq. of the <i>Code of Virginia</i>, guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees. A public record is any writing or recording -- regardless of whether it is a paper record, an electronic file, an audio or video recording, or any other format -- that is prepared or owned by, or in the possession of, a public body or its officers, employees, or agents in the transaction of public business. All public records are presumed to be open and may only be withheld if a specific statutory exemption applies.</p>
<p><b>Existing Conditions/Impacts:</b> Pursuant to the VFOIA, all public records are presumed to be open to the public and may only be withheld if a specific statutory exemption applies; however, on many occasions, police records have been withheld on the basis of a “statutory exemption” regarding the release of Law Enforcement information. Such lack of openness has created an atmosphere of deep distrust of Police and open resentment within the public.</p>
<p><b>Preferred Position:</b> Amend the Virginia FOIA to <i>specifically allow</i> public release of information related to police-involved shootings and other police practices and procedures related to official police activities. The amended act should additionally encourage transparency and accountability by establishing a culture of disclosure within the organizations.</p>
<p><b>Benefits:</b> The purpose of the VFOIA is to promote increased awareness of governmental activities. In furthering of this policy, VFOIA already requires that the law be interpreted liberally and in favor of access, and that any exemption must be interpreted narrowly. However, time and time again, access to police records has been denied. The amendments would ensure the specific release of certain information, thus encouraging renewed public trust in Law Enforcement activities and policies.</p>
<p><b>Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations):</b> Fairfax County Board of Supervisors; Northern VA State Delegates; Fairfax County Federation of Citizens Associations (FCFCA);</p>
<p><b>Lead Federation Committee:</b> Public Safety</p>
<p><b>Prepared by:</b> Patrick Smaldore and Daniela Cockayne</p>
<p><b>Email &amp; Phone:</b> <a href="mailto:patricksmaldore@live.com">patricksmaldore@live.com</a>, 703-528-3935; <a href="mailto:d3a1@aol.com">d3a1@aol.com</a>; 361-739-4836</p>

## Fairfax County Federation of Citizens Associations Legislative Program Issues Evaluation

<b><u>Issue ID:</u></b> 16T01 - Transportation Funding
<b><u>Date Submitted to Federation Board:</u></b> October 22, 2015
<b><u>Issue:</u></b> Additional funding sources to support major transportation improvement and service projects are needed to address today's demands, but it should not create undue financial burden on taxpayers.
<b><u>Background:</u></b> Commuters are traveling greater distances to get to their jobs, places of worship and recreation. As such, our limited transportation network and funding sources is significantly overburdened and unable to meet the current transportation demand. However, major improvements to the existing transportation network, particularly I-66, is crucial to maintaining the economic vitality and allure of Fairfax County to businesses and residents.
<b><u>Existing Conditions/Impacts:</u></b> Current transportation improvement needs are more than available funding sources. The Virginia Department of Transportation is looking for alternative ways to finance Transform I-66, metro rail extension, tunnel expansion and bridge development projects and is considering (1) Authorizing private entities to develop and operate the expanded highway, and (2) introduce toll-lanes (outside the beltway on I66, inside VDOT will manage the tolling).
<b><u>Preferred Position</u></b> The Federation supports transportation policy, options and funding for mobility, connectivity, and accessibility to facilitate the easy movement of people and goods throughout Fairfax County. While the Federation understands both Fairfax County and the region's Transportation Planning Board voted to accept additions to its long-range plan including to toll stretches of I-66 both inside and outside the Beltway, we implore careful consideration to the potential financial burden placed on our residents that is being proposed.  1. If a Public-Private Partnership is identified as the most viable alternative, provisions should be made to protect the taxpayer's investment such as, solicitation should be made through a transparent Competitive Bidding process; Private entities must be made accountable (this includes enforcing fines and other penalties for project failures and delays); Careful consideration that limitations to future transportation projects do not forestall other needed improvements; and Assurances should be made that all identified long-term goal are achievable.  2. Prior to levying tolls on I-66, all efforts must be made to improve alternative transportation options. This includes improving adjacent roads, expanding public transportation (bus and rail service), tunnel expansion and bridge development. Additional analysis and a disparity study should be conducted before determining toll prices.  3. It must be re-emphasized that currently no non-HOV traffic can travel on I66 inside the beltway inbound in the morning or outbound in the evening; so the inside the beltway HOT-lanes proposal as just described is not imposing tolls on currently existing commuters, rather it is allowing those who wish to make use of the HOT lane feature the ability to travel where they could not before. Although tolling is being proposed in the opposite directions where it has not been imposed in the past, the tolls are not expected to be anywhere as steep as the predominate traffic tolling is expected to be.
<b><u>Benefits:</u></b> Provision of more affordable travel options, increase roadway safety on adjacent roads, and protect taxpayers.
<b><u>Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations):</u></b> Fairfax commuters, Fairfax communities, Voters, Transportation
<b><u>Lead Federation Committee:</u></b> Transportation
<b><u>Prepared by:</u></b> Karen Campblin   Jeff Parnes
<b><u>Email &amp; Phone:</u></b> Fedtransportationchr2016@fairfaxfederation.org

# Fairfax County Federation of Citizens Associations

## Legislative Program Issues Evaluation

<b>Issue ID:</b> 16T02 - Limited Transportation Options		
<b>Date Submitted to Federation Board:</b> October 22, 2015		
<b>Issue:</b> A regional transportation network, which is designed with only automobiles in mind, significantly limits traveler's transportation options, causes severe congestion, and overburdens jurisdictions O&M resources.		
<b>Background:</b> The Federation recognizes and applauds the tremendous strides made in the previous General Assembly to implement HB2, which provides guidance on investing limited transportation funds for the right projects. Moving ahead, jurisdictions should be required to conduct a more in-depth analysis of potential impact and affects to adjacent roads and local communities. This holds true especially for major transportation improvement and regionally significant projects such as the Fort Belvoir BRAC Program, Transform I-66, and Metro rail expansions.		
<b>Existing Conditions/Impacts:</b> Residents are concerned with increase traffic congestion, poorly maintained roadways and inadequate transportation management systems. Local roads are experiencing heavy congestion, due to spill-over traffic from 1-95/395/166/Rt50/Rt29 congestion, significant population growth increase, and a lack of or limited transportation mode options. However, there are no coordinated plans on how to accommodate the traffic increase outside of the major projects.		
<b>Preferred Position</b> The Federation supports transportation policy, options and funding for mobility, connectivity, and accessibility to facilitate the easy movement of people and goods throughout Fairfax County. The laws, policies and regulations of the Commonwealth should promote transportation priorities, which include public transportation modes as well as safe, and continuous pedestrian and bicycle transportation throughout the entire transportation network. Priority and funding should be given to the following transportation facilities that are/will be burdened by increased demand, but not limited to: <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top;"> <b>Major Roadway Improvement</b> <ul style="list-style-type: none"> <li>• Route 1 – Multimodal Expansion</li> <li>• Arlington Blvd (US Rt. 50)—</li> <li>• Seven Corners interchange complex</li> <li>• Lee Highway (US Rt. 29)</li> <li>• Old Dominion Dr. (VA Rt. 309)</li> <li>• Wilson Avenue</li> <li>• General – Complete Street Design for all new and major retrofitting project</li> </ul> </td> <td style="vertical-align: top; padding-left: 20px;"> <b>Public Transportation</b> <ul style="list-style-type: none"> <li>• Increase Bus Service</li> <li>• Metrorail Expansion</li> <li>• Metrorail Governance</li> <li>• Additional Metro Rosslyn station and Metro tunnel from Rosslyn to DC</li> </ul> </td> </tr> </table>	<b>Major Roadway Improvement</b> <ul style="list-style-type: none"> <li>• Route 1 – Multimodal Expansion</li> <li>• Arlington Blvd (US Rt. 50)—</li> <li>• Seven Corners interchange complex</li> <li>• Lee Highway (US Rt. 29)</li> <li>• Old Dominion Dr. (VA Rt. 309)</li> <li>• Wilson Avenue</li> <li>• General – Complete Street Design for all new and major retrofitting project</li> </ul>	<b>Public Transportation</b> <ul style="list-style-type: none"> <li>• Increase Bus Service</li> <li>• Metrorail Expansion</li> <li>• Metrorail Governance</li> <li>• Additional Metro Rosslyn station and Metro tunnel from Rosslyn to DC</li> </ul>
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<b>Benefits:</b> Less congestion, safer roads, increased access to affordable transportation options and improves the efficiency and capacity of existing roads.		
<b>Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations):</b> Fairfax commuters, Fairfax communities, Transportation		
<b>Lead Federation Committee:</b> Transportation		
<b>Prepared by:</b> Karen Campblin   Jeff Parnes		
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Fairfax County Federation of Citizens Associations  
Legislative Program Issues Evaluation

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