

The Federation (Established 1940)

2012 LEGISLATIVE PROGRAM Fairfax County Federation of Citizens Associations

Priorities in Alphabetical Order

1. **Community Associations and Services:** Eliminate delayed payment
2. **Citizens Interest:** Buy American
3. **Education:** Relief from state mandates
4. **Energy:** Mandatory Renewable Energy Portfolio Standard
5. **Environment:** Maintain the existing ban on uranium mining in Virginia
6. **Human Services:** Virginia Health Care Exchanges
7. **Infrastructure:** Transportation Funding
8. **Land Use:** BRAC Impacts
9. **Public Safety:** Ignition Interlock Devices
10. **Taxation Authority:** Local Taxing Authority

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2012 LEGISLATIVE PROGRAM

1. CONSERVATION

OPEN SPACE LAND CONSERVATION: Support legislation establishing annual dedicated funding of 2% of the General Fund Budget and incorporate other efforts to acquire and maintain open and recreational space for natural resources without jeopardizing the funding for education and transportation. (amended 2000, 2011, 2012)

***Rationale:** Virginia does not have any dedicated funding for the acquisition and maintenance of open space and recreational space for natural resources conservation. This dedicated funding will enhance quality of life issues for all Virginians. In addition, open and recreational space in Fairfax County should continually increase until the Federation's recommended goal of 20% is met. (amended 2012)*

2. COMMUNITY ASSOCIATIONS AND SERVICES

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

***Rationale:** Community organizations are facing increasing difficulties in attracting and retaining volunteer officers, directors, and trustees. Imposing unreasonable limitations and personal obligations on this critical volunteer group will inhibit active community engagement. (amended 2012)*

b. ELIMINATE DELAYED PAYMENT TO ASSOCIATIONS FOR DELIVERY OF RESALE PACKET: Support restoration of the previous statutory provision that resale disclosure packet and resale certificate payments be made no later than at the time of delivery. (2011; amended 2012)

***Rationale:** Delayed payments for resale disclosure packets and resale certificate payments cause financial harm to associations. The Federation supports the amendment section 55-509.6 of the Virginia Property Owners Act (Fees for resale disclosure packet) and section 55-79.97 of the Virginia Condominium Act (Fees for resale certificate). The amendment would eliminate the mandate (from H.B. 516 of 2008) that payment to Common Interest Community (CIC) Associations for delivering packets to prospective home buyers be delayed until settlement. If settlement does not occur within 90 days H.B. 516 stipulated that the packet cost will be assessed against the lot. In 2011, the General Assembly reduced the 90 days period to 45 days. Now it is time to reduce the 45 days to zero days that will eliminate the delayed payment provision altogether. (2011; amended 2012)*

3. EDUCATION

a. EARLY EDUCATION: Support additional state and federal funding for pre-kindergarten education and child care programs to 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; amended 2012)

***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 Limited English Proficient (LEP) student 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.

b. RELIEF FROM STATE MANDATES: Support legislation to provide relief to local public school districts from new unfunded and underfunded mandates. (2009; amended 2012)

Rationale: *Given the significant projected FCPS budget shortfall, relief from unfunded and underfunded state mandates would help preserve essential programming. (amended 2012)*

c. HIGHER EDUCATION FUNDING: Support legislation to provide adequate funding for all state institutions for higher education. Funding for Northern Virginia Community College (NVCC) and George Mason University (GMU) should be at a level equivalent to that for other state institutions. In addition, the state should develop and fund a higher education Capital Improvement Program (CIP) to support projected growth. (amended 2012)

Rationale: *Access to higher education is essential for economic development, a skilled work force, and for global competition. GMU and NVCC significantly impact the economic, educational, and cultural vitality of Northern Virginia, but should be funded at a level equivalent to similar state institutions. GMU is funded at a level less than for other doctoral-degree granting, research institutions in Virginia and NVCC enrollment is expected to increase by almost 25,000 by 2015. Lack of adequate funding has caused increased costs of tuition and fees, an economic burden on families. Additional facilities are needed to accommodate a greatly increased number of students within the coming decade. To the extent possible, funding for higher education should not undergo further budget cuts. . If additional cuts to higher education must be made, the cuts should not be made across the board, given the disproportionate impact on rapidly growing institutions such as GMU, which is the fastest-growing four-year institution in Virginia. GMU also produces more masters degree graduates than any other university in the state. Northern Virginia has sectors of the economy that thrive because it has college graduate workers. More than 70 percent of GMU graduates live and work in this region. (amended 2010, 2012)*

d. REFORM OF STATE AND FEDERAL ACCOUNTABILITY SYSTEMS: Target access to public school choice and supplemental services to individuals within subgroups that fail to achieve No Child Left Behind (NCLB) benchmarks. (2006; amended 2009, 2010)

Rationale: *Although SOL test scores have risen as a result of curriculum alignment, familiarity with the tests, and intensive remediation efforts, there is evidence that students and schools in poor and minority communities are likely to experience lower graduation rates, causing their schools to lose accreditation and federal funding. Such results will punish these students, schools, and communities without eliminating the causes of failure and will doom the standards movement, which has the potential to strengthen education at every level. In addition, the requirements of NCLB for meeting Adequate Yearly Progress (AYP) have created situations where schools that meet Virginia's high standard are subject to federal sanctions, such as loss of funding, because of unreasonable requirements such as standardization testing of students who understand little English or have severe disabilities. (2009; amended 2012)*

e. RETIREMENT FUND: Lower the teacher retirement fund deferred payment interest payment interest rate to the current Fairfax County Bond interest rate. (2011; amended 2012)

Rationale: *The Federation commends the General Assembly the 2010-2011 budget relief in authorizing an option for deferment of a portion of teacher retirement fund contributions until 2014-2020 and for supporting enforcement of the programmed Local Composite Index periodic readjustment. The full adjustment to the teacher retirement fund will ensure its stability and viability. (2011; amended 2012)*

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

***Rationale:** Growth of the Governor’s Commonwealth College Course Collaborative and FCPS partnerships with Northern Virginia Community College (NVCC) and George Mason University (GMU) will require state and/or federal funding to minimize the financial burdens on students and families of such enriched high school opportunities. (2005)*

g. PUBLIC SCHOOL CALENDAR: Support legislation permitting local public school boards to set the opening day of school. (2005, amended 2010, 2012)

***Rationale:** The Code of Virginia mandates that schools open after Labor Day and as a result FCPS students have less classroom time before the Commonwealth requires SOL exams, and nationally scheduled advanced placement (AP) exams, usually taken in early May. Over half of the school divisions receive waivers to open as much as three weeks earlier than Labor Day, and yet, FCPS as a district has never qualified to participate in early opening. Repeal of the “King’s Dominion” law would allow setting the school calendar to allow additional instruction prior to assessments of academic achievement, would permit students taking both high school and college courses to start at the same time as local colleges. (2005; amended 2009, 2011, 2012)*

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

***Rationale:** Many FCPS students are multi-ethnic, and NCLB determines pass or failing schools based on 26 categories, many of them ethnic categories. (2008)*

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

***Rationale:** The State differential covers approximately 740 categories and includes all agencies with State classified employees in Northern Virginia. The instructional rate was last increased in 1996 based on 1995 Joint Legislative Audit and Review Committee report, and the non-instructional rate was last increased in 2004 to reach the rate recommendation made in 1995. (2008)*

j. ELEMENTARY AND SECONDARY EDUCATION ACT REAUTHORIZATION: Support common-sense reauthorization and funding of federal accountability programs including portions of NCLB. (2009; amended 2011)

***Rationale:** Common-sense revision will ensure the fair and accurate assessments of student achievement as well as making certain that any interventions appropriately address the academic needs of a school. Currently, as a sanction for failing to meet NCLB targets, all students within a “failing” school are provided access to additional school choices. In many cases, this includes large numbers of students who are achieving at or above benchmarks. Allowing such students the choice of leaving the underperforming school will result in a lower average score for the remaining students. (2009; amended 2012)*

4. ENERGY

a. MANDATORY RENEWABLE ENERGY PORTFOLIO STANDARD: Support legislation for a Mandatory Renewable Energy Portfolio Standard for the state, requiring that a minimum percentage of electricity be produced from cost-effective, renewable, and emission-free sources. (2009; amended 2011, 2012)

***Rationale:** Currently, the state's renewable energy portfolio standard program is voluntary to which investor-owned utilities apply to receive certain incentives. Establishing a Mandatory Renewable Energy Portfolio Standard will address culminating environmental issues such as climate change and move the state towards energy independence. Furthermore, renewable sources are clean and becoming increasingly affordable while conventional sources may be risky, subject to cost volatility, and finite. (2009; amended 2012)*

b. ENERGY END-USER CONSERVATION AND RENEWABLE ENERGY PRODUCTION: Support legislation to promote energy end-user conservation, the use of renewable and distributive energy generation, and the use of refurbished energy-conservation and renewable energy products which have a payback period of five years or less. (2008; amended 2011, 2012)

***Rationale:** Most energy conservation projects will pay for themselves in less than five years., Providing consumer research based information and low-cost energy saving equipment such as CFL light bulbs will not only reduce our demand for fossil fuel generated electricity but these initiatives will also save money for residents. Similarly, encouraging distributive renewable generation will decrease the risk of power disruptions. In addition, previously installed systems, such as solar water heating equipment, can be refurbished to further conserve energy. (2008; amended 2012)*

c. DEVELOP VIRGINIA'S OFF-SHORE WIND RESOURCES: Support legislation for the development of off-shore wind resources. (2012)

***Rationale:** The development of off-shore wind coupled with the development of on-shore wind resources will allow the state to be energy independent for the foreseeable future. Up to 20% of the energy demands of the state could be met by wind resources just off Virginia's coast. Off-shore wind resources are stable, be forecasted and be used for base load demand projections. Existing ship building resources in the Hampton Roads area could supply off-shore wind platforms for the entire eastern seaboard. Furthermore, it is estimated that the wind power industry could bring in \$200 million per year to the state. There already is a major electrical grid tie in near the coast at Fentress, Virginia, the best placed grid tie located in the Mid-Atlantic States. (2012)*

d. REPEAL THE TAX CREDITS FOR UTILITIES AND COAL COMPANIES FOR THE EXTRACTION AND CONSUMPTION OF VIRGINIA COAL: Support legislation to repeal the relevant section of the code that provides tax credit for utilities and coal companies. (2012)

***Rationale:** Currently, Virginians directly subsidize coal mining through approximately \$44.5 million in corporate tax breaks. The credit is more closely related to coal production than to employment, such that the credit could rise, even as coal employment goes down. The current tax credit creates a windfall for the coal industry and does not generate further job growth, especially in depressed parts of the state and at the expense of taxpayers. (2012)*

e. PURCHASE OF ENERGY SAVING PRODUCTS: Support legislation to amend the Virginia Public Utilities Act to incentivize utility companies to provide low rates for capital costs for effective purchases of

energy saving equipment and to be repaid through utility bills. (2009; amended 2010; 2012)

Rationale: *The initial capital costs for energy saving equipment make it difficult for home owners and businesses to make the changes that can decrease energy consumption. Amendment to the Virginia Public Utilities Act will encourage consumers to purchase and refurbish energy saving products in an affordable manner due lower rates for capital costs and gradual payments for energy saving updates through utility bills. (amended 2012)*

5. ENVIRONMENT

a. CHESAPEAKE BAY PRESERVATION ACT:

1.) Oppose any legislation that weakens the Act and support federal legislation that amends the Clean Water Act to explicitly give the Environmental Protection Agency (EPA) the authority to regulate non-point-source pollution. (amended 2010, 2012)

2.) Water Quality Improvement Fund: Support increased funding for the Water Quality Improvement Fund (WQIF), by including all Virginia cities and counties within the Chesapeake Bay watershed and requiring a dedicated source of revenue to ensure continued funding. (2007)

Rationale: *In 1997 the Virginia General Assembly passed the Water Quality Improvement Act that established the WQIF. The fund provided grants for the purpose of reducing the amount of nutrients entering the Chesapeake Bay. Both non-point sources such as agriculture operations and point source discharges such as wastewater treatment facilities are eligible for grants from the WQIF. The Virginia 2006-2008 budget provided \$100 million per year for WQIF but the estimated need for this program through 2025 is \$2.3 billion for upgrade of sewage treatment plants and other programs. (2007)*

b. INCLUDE CLIMATE CHANGE EFFECTS IN INFRASTRUCTURE PLANNING: Support legislation to direct the Department of Transportation and other departments responsible for infrastructure maintenance and emergency planning to incorporate climate change effects in planning for infrastructure expected to last over 50 years. (2012)

Rationale: *Carbon dioxide (CO₂) (greenhouse gas) concentrations in the atmosphere have been increasing for as long as 150 years. The greenhouse gas concentrations contributes to the retention of more energy by the atmosphere which affects the ocean temperatures (causing sea level rises and increased frequency and/or intensity of tropical storms), air temperatures (causing more dangerously hot weather, a greater likelihood of high ground level ozone pollution, lower crop yields, and increased likelihood of tropical diseases finding a foothold in the state), and increased water content in the air (causing more droughts and more intense storms). Models that have been accurate at predicting past weather events, predict that the sea level will rise from two to three feet over the next 100 years. This will mean that much of the roads and coastal infrastructure will be washed away by storms. Increased intensity of storms will also mean that additional reservoirs and levees will be needed. (2012)*

c. MAINTAIN THE EXISTING BAN ON URANIUM MINING IN VIRGINIA: Support legislation to ban uranium mining to extend the existing moratorium on uranium mining. (2012)

Rationale: *Virginia has a nearly 30-year moratorium on uranium mining. Powerful interests are trying to lift the ban so they may mine and process uranium, starting in Southside Virginia. If the ban were to be lifted, it would have statewide impact including on the deposits upstream of the Occoquan reservoir,*

which is a drinking water supply source for parts of Fairfax County. A uranium mine would generate toxic, radioactive waste in the form of mine tailings and sludge ponds. Exposure to such wastes have been linked to lung cancer, leukemia, damage to internal organs (notably, the kidneys) and reproductive risks. Virginia has no current regulations governing uranium mining and its immediate impact will be on drinking water sources. All other uranium mining in the U.S. is done in dry, sparsely populated regions, but the wet weather possibilities and high population density in Virginia would make this activity an irresponsible risk. There is also an economic risk due to the high volatility of uranium prices, meaning that a failed mine would not leave adequate funding for cleanup. (2012)

d. WILDLIFE CONFLICT: Support legislation and measures to more effectively control the White-tailed Deer population in Fairfax County. (2012)

***Rationale:** The current deer population is estimated to range between 25,000 and 40,000 in Fairfax County, about 60 and 100 deer per square mile. Deer population can double in a couple of years and the recommended number is at 15 per square mile. In 2009 and 2010, Virginia ranked 5th in the nation for deer-vehicle collisions. One in every 136 Virginia drivers is projected to file insurance claims for comprehensive vehicle damage sustained as a result of a deer-vehicle collision. Deer are the primary host to adult Backlegged Ticks that cause Lyme disease. Furthermore, a single adult deer consumes 5 to 7 pounds of plant matter in one day or over 1 ton of vegetation in a year. The dense population of people and deer has created a wildlife conflict; this has contributed to the increase in vector-borne diseases (such as Lyme disease) vehicular accidents and destruction of vegetation. (2012)*

e. ENDOCRINE DISRUPTOR COMPOUNDS, PHARMACEUTICALS, AND HORMONE WATER POLLUTION: Urge research and ensuing legislation that would mitigate pharmaceutical and endocrine disrupter pollution. (2008; amended 2011)

***Rationale:** Endocrine disruptor compounds (EDCs) inhibit the regulation of biological processes related to growth, development, and reproduction that have impacts on marine life and human health. This is a complex, highly technical, and important issue that needs immediate attention through research and development of remedies. Pollution from pharmaceuticals is also a problem and may be partially responsible for multi-antibiotic resistant infections. (2011)*

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

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

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

***Rationale:** This would reduce the number of power and other utility outages created by storms causing overhead utility lines to break and would improve the appearance of our communities. Also, life cycle cost analyses may show that underground facilities are more cost efficient than aerial facilities. (2007)*

i. 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. (1999)

6. GOVERNANCE

a. DILLON RULE: Support modification of the “Dillon Rule” as practiced by the General Assembly to grant local jurisdictions those governing powers not expressly reserved to the state or the federal government. (continued; amended 2002, 2012)

***Rationale:** 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. (amended 2012)*

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

***Rationale:** Support legislation to enable Fairfax County to enter into regional compact in order to coordinate land use and transportation, including the Greater Washington 2050 Compact. (continued; amended 2010, 2012)*

c. COMPENSATION: Support legislation to direct local, state, and federal governments to assess employee wages and benefits using objective criteria that include comparisons with private sector compensation. (2012)

***Rationale:** Objective and well informed comparisons must be made to identify optimal and sustainable compensation practices. (2012)*

7. HUMAN SERVICES

a. ESSENTIAL PROGRAMS: Support adequate state funding for essential human services programs that assist citizens in achieving and maintaining self-sufficiency. (2005; amended 2012)

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

b. MEDICAID PROGRAM: Support improvements in the state Medicaid program to increase access to services, particularly preventative health care, with the goal of reducing overall health care costs. (2012)

***Rationale:** The 2010 Patient Protection and Affordable Care Act (PPACA) contains many new directives for states and employers in providing health care coverage. Virginia’s current eligibility requirements are so strict that it ranks at 48th in per capita Medicaid spending. As Virginia begins the implementation of this new law, we urge the state to be mindful of the potential impacts on localities and that a successful expansion of this service will require close cooperation between the state and Fairfax County. (2012)*

c. VIRGINIA HEALTH CARE EXCHANGES: The General Assembly should establish a position on the Virginia Health Care Exchange in accordance with the following principles: no one with a financial interest in the insurance industry should be a voting member of the Exchange Board; the Exchange Board should be structured as a quasi-governmental agency; active purchasing is vital so that the

Exchange will be able to negotiate the lowest rates and best plans within the market; and the rules and offerings should be structured to prevent adverse selection while maintaining fairness for health care consumers. (2012)

Rationale: *Following these principles regarding the Exchange will provide more affordable health care for the citizens of Virginia, in accordance with federal law. (2012)*

d. 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 only \$0.10 per resident above that population. Only Fairfax County suffers from this criterion. (2006; amended 2010)*

e. LYME DISEASE: Support state funding initiatives that will advance research, monitoring, reporting, and diagnostics for Lyme disease. (2012)

Rationale: *Cases of Lyme disease have been on the rise in Virginia, with over 900 cases reported to the Centers for Disease Control and Prevention in 2010, a 37% increase from the previous year. The Secretary of Health and Human Resources has recently convened a Lyme Disease Task Force to make recommendation to the Governor regarding diagnosis, prevention, public education, medical treatment, and the impact of Lyme disease on children. (2012)*

8. INFRASTRUCTURE

a. STATE SUPPORT FOR SCHOOL CONSTRUCTION: Support legislation increasing the state's financial support for school construction, renovation and debt service, and allow localities to approve alternative sources of funding such as impact fees in addition to land proffers or increases in sales tax after approval by the local governing body. (2006)

Rationale: *Virginia ranks near the bottom of states in financial support for school capital improvements although mandated and incentive programs require additional space or renovations, i.e., special education, reduced class size, Limited English Proficiency (LEP) services, alternative programs for disruptive students, and applications of instructional technology. (2006)*

b. TRANSPORTATION FUNDING: Support federal legislation to establish a matching funding formula, required from state and local governments, equal to or less for rail projects as that required for highway construction. Support continuing legislative action at the federal, state, and local levels to obtain the necessary, sustainable funding from a variety of sources, including appropriate public-private partnerships, to allow for implementation of currently adopted transportation plans, with rail and mass transit as the highest priority for new projects. (continued, amended 2006, 2007, 2011, 2012)

Rationale: *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.*

The 2001 Alternative Transportation and Land Use Activity Strategies (ATLAS) Study suggests the

following potential funding strategies for Northern Virginia: split-rate tax districts; tax increment financing; distance-based fees; regional funding authority; priority funding areas; congestion pricing; parking pricing; proffers; and community development authorities. The Metropolitan Washington Transportation Planning Board has recommended several potential sources: increased fuel tax; tolls on new highways; increased sales tax; 1.0% income tax; and a payroll tax. (2007)

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

Rationale: *While the 2007 General Assembly enacted new revenue sources for transportation infrastructure, they fall far short of the actual funding needs to meet the goals of the Virginia Draft Fiscal Years 2012-2017 Six-Year Improvement Program and the Northern Virginia TransAction 2030 program goals and projects. (amended 2010)*

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

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

The 2007 Virginia General Assembly session approved the required \$50 million Virginia contribution – from NVTA funds – to be matched with District of Columbia and Maryland funds in order to get \$150 million in federal funds annually over ten (10) years as part of the METRO funding reauthorization bill sponsored by then-Congressman Tom Davis. This provision was passed by Congress as part of the Amtrak Reauthorization Bill. The Washington area is the only major metropolitan region in the country without a dedicated funding source for its Metro system. Portions of the Washington Metrorail system are now more than 40 years old and badly in need of major maintenance. Also, the Red and Orange lines are at capacity during commuting hours. The \$1.5 billion Metro Matters capital program provides 185 new buses and 120 rail cars, but the 10-year program calls for 300 rail cars and 460 buses to serve the system adequately. (amended 2009)

9. LEGISLATIVE PROCESS

a. PUBLIC VOTES IN HOUSE COMMITTEES: Support legislation that would require all committees and subcommittees to hold recorded votes on any bill before the General Assembly. (2007; amended 2009, 2010)

Rationale: *The practice of public votes on bills and resolutions should be made part of the Code of Virginia. (amended 2012)*

b. LEGISLATIVE REDISTRICTING: Support drafting of Virginia's legislative redistricting by a nonpartisan group subject to approval by the General Assembly utilizing on the Iowa model as a template. (2007; amended 2010, 2011, 2012)

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

10. LAND USE

a. LAND USE AUTHORITY: Oppose any diminution of local land use authority. (1999, amended 2010)

Rationale: Land use authority should remain with the local jurisdictions. At the same time, there should be regional consideration of land use plans and issues. (1999; amended 2012)

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

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

Rationale: Counties are authorized to have Architectural Review Boards for consideration of architectural features in historic districts only. (2001)

d. BRAC IMPACTS: Support state and federal funding for infrastructure, including rail, to accommodate the several thousand new employees who will be assigned to Fort Belvoir, the MARC Center, and nearby areas plus those employees who will be moved there from other parts of Northern Virginia. (2008; amended 2011, 2012)

Rationale: Most of the Base Realignment and Closure (BRAC) funding in the current state biennial budget was provided to Virginia Beach to prevent closure of the Oceana Naval Base. With minimal funding by the federal government, Northern Virginia must look to the state government for financial assistance. Solicit proffers from the Federal Government, especially the Department of Defense, to fund the accommodations necessary for the increase in BRAC-related employment within the County. (2008)

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

f. PURCHASE OF DEVELOPMENT RIGHTS: Support legislation to create 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. (2000, amended 2011, 2012)

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. (2012)

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

Rationale: During the 2008 session of the General Assembly, a bill was introduced to prohibit cash proffers and authorize limited impact fees instead. The proposed impact fees were at a level that would have resulted in far less value to Fairfax County than the value of proffer packages that rezoning applicants have been willing to negotiate in the past. This bill was not adopted, but could be reintroduced in a future session. (2009)

11. 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)

12. PUBLIC SAFETY

a. INCREASED ACCESSIBILITY: Support legislation to enable the inclusion of people with disabilities throughout the state by increasing accessibility. (2012)

***Rationale:** Enable Fairfax County to support access for people with disabilities and older adults in public and private facilities utilizing adaptive technologies. Incorporating adaptive technologies in public buildings, housing, transportation, and employment will benefit people with disabilities to remain active, contribute to their communities and retain their independence. (2012)*

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

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

d. IGNITION INTERLOCK DEVICES: Support legislation that would require all persons convicted of Driving While Intoxicated for a first offense to use an ignition interlock device as a condition to driving for a minimum of six months. (2012)

***Rationale:** The current Virginia Ignition Interlock Device laws require that for first offenses, the court can choose to enforce the installation of an ignition interlock device for the resumption of full or conditional driving privileges. For second time offenses, the IID requirement is no longer an option for the court and it must be enforced. The usage must last at least six months. (2012)*

13. TAX STRUCTURE

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

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

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

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

c. LIMITATION: Oppose state-imposed limits on local real property taxing authority, in the absence of additional revenue sources as described below in 10 (a) and (b). (2004; amended 2011)

Rationale: *There has been much discussion during political campaigns about “capping” the annual increase in residential real estate taxes. With the increasing heavy dependency on real property tax revenue to fund local government operations, such a limitation would have severe consequences in the provision of services by the County. Real property taxing authority should remain a purely local power because it is the only revenue source over which a county has sole authority. Unless and until Fairfax County is granted additional taxing authority, the real property taxing authority should not be limited.*

14. TAXATION AUTHORITY

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

Rationale: *Currently cities and towns can increase sales and use tax on certain products and services without conducting a voter referendum; counties cannot. This legislation would enable counties to increase taxes on transient occupancy (hotels and motels), food and beverage (restaurants), and admissions without referendum, thereby enabling them to reduce reliance on property taxes for revenue. The 2004 General Assembly increased the transient occupancy tax but dedicated a portion of the revenue to tourism and economic development (Visit Fairfax). (1998; amended 2004)*

b. ADDITIONAL LOCAL TAXES:

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

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

Rationale: *(1) Enacted in 1991, the legislation authorizing a local income tax for transportation purposes, through referendum, requires that the tax supplement, not supplant, current local investment in transportation projects. (2) Current reliance on real and personal property taxes to raise approximately three-fourths of each year’s County revenue stream places an undue burden on property owners when alternative revenue sources used in other states could be made available. Piggyback tax approaches would provide tax revenues with a near-zero local government collection cost. Approximately 12% of new local sales and gasoline tax revenues generated would be paid by pass-through customers who now benefit from Fairfax County government funded services without paying for any share of those benefits. (1998)*

15. TAXATION AND FINANCE

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

Rationale: *The General Assembly tax charges in 2004 included the cap on personal property tax reimbursement to localities at \$950 million, which will have an impact on local revenues because of*

inflation. This personal property tax cap disproportionately disadvantages Fairfax County residents. The state must act to ensure that localities have a revenue source to replace this loss. (2005)

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

***Rationale:** In 2006, the state reimbursement, established nearly 20 years ago, was \$8 per day and rose 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. (2006)*

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

d. TWO-YEAR BUDGETING: Support legislation or regulatory changes allowing local governments and school boards to adopt biennial (two-year) instead of annual operating budgets. (2005)

***Rationale:** A biennial budget process for localities and school boards 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. (2005)*

e. SOLAR ENERGY TAX CREDITS: Support a state solar tax credit for residences and businesses for new and refurbished solar energy systems. (2009; amended 2011)

***Rationale:** Solar tax credit will encourage increased use of solar energy, a renewable resource, and reduce the use of carbon-based fuels. Many solar-heating systems installed during 1970-1980 are no longer functional and homeowners have been removing them. A tax credit should be offered as an incentive for homeowners to refurbish already installed solar systems. (2009; amended 2012)*

16. TRANSPORTATION

a. SAFETEA-LU AND CLEAN AIR ACT AMENDMENTS (CAAA): Support implementation strategies to assure efficient and cost effective compliance with all mandated Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users (SAFETEA-LU) (2005) and CAA requirements; assure adoption of all necessary actions to prevent potential loss of federal transportation funds, including support for Air Quality/Congestion Management Plans adopted by the Metropolitan Washington Council of Governments. (2006; amended 2011)

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

***Rationale:** The lack of a law requiring vehicles to stop for pedestrians in marked crosswalks is unsafe. Our neighboring jurisdiction, Arlington, which builds, maintains, and oversees its roadway network, has such a requirement. All urban areas need this requirement. (2008)*

c. HIGH SPEED RAIL: Support state funding for and the construction of high speed rail major transportation rights-of-way. (2009, amended 2011, 2012)

Rationale: Rail corridors would provide alternative transportation, construction jobs, increase revenue, reduce air pollution, and reduce delays on roads and at airports. (2009)

d. FEES FOR OVERWEIGHT TRUCKS: Support legislation that establishes increases to existing fees for overloaded and overweight trucks that will more closely reflect the pavement and bridge damage costs caused by these vehicles. (2010; amended 2012)

Rationale: In 2008 the Virginia General Assembly directed the Virginia Department of Transportation to review the existing fee structure for permits granted to overweight vehicles on Virginia's highways to determine what fees should be associated with highway damage and added maintenance costs caused by such vehicles. The review, which was carried out by the Virginia Transportation Research Council, found that monetary damages and additional maintenance costs caused by overweight trucks are significantly higher than the fees paid by those vehicles, many of which receive permits for overweight loads without any fee payment whatsoever. VDOT's recommended fee changes do not reflect full costs of damage and added maintenance costs. A fee structure that establishes appropriate user charges for overweight trucks would allow the state to generate sufficient revenue to more fully recover the costs that the state incurs to mitigate the damage and added maintenance costs caused by overweight trucks. (2010; amended 2012)

OTHER LEGISLATIVE ISSUES

CITIZEN INTERESTS

a. BUY AMERICAN: Support legislation to stimulate American jobs by incentivizing governmental agencies and their departments, including higher education institutions and public schools to increase their respective procurement of products manufactured or assembled in America. (2012)

Rationale: Virginia, its counties, cities and towns, colleges, universities, and public schools have the ability to stimulate the creation of American jobs and combat American unemployment by re-directing some of their respective current budget for the procurement of goods to the purchase of products made or manufactured in America. American products are available at competitive prices and the above mentioned entities need to make best efforts to find these products. This change to purchase more American products need not require an increase in governmental budgets or an increase in taxes. An incremental approach would be to increase by 10% in the current fiscal year, followed by fixed increments in the next five years. (2012)

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

Rationale: The federal minimum wage is now \$7.25 per hour and is not adequate in Fairfax County. (2007; amended 2010, 2012)

c. EARLY VOTING: Support legislation to enable registered voters to vote early in person without providing an excuse or reason for not expecting to be able to vote in person on Election Day, while retaining all present statutory specific reasons enabling a voter to cast an absentee ballot for those persons who vote absentee by mail. (2009; amended 2012)

Rationale: Early voting enhances voter participation. (amended 2010)

d. PETROLEUM TANK FARMS: Support the City of Fairfax and the County of Fairfax in the phased relocation of the Pickett Road Tank Farm so as to minimize exposure to hazards in residential neighborhoods.

Also support legislative initiatives, such as allowing a maximum number of tanker truck trips to and from tank farms located in or near densely populated areas; providing state and local authority for additional safety requirements for bulk petroleum storage; increased state authority to regulate intrastate pipeline safety; and strengthening, codification, and enabling state and/or local agencies' enforcement power of nuisance laws. (2008; amended 2009, 2010)

Rationale: *The Federation commends the General Assembly for their 2011 passage of SB 843 and HB 2103 requiring the enactment of standards for fuel storage tanks built after January 29, 1992. Further legislation is needed to ensure the safety of the surrounding community. Governor Wilder appointed a Governor's Advisory Commission on the Pickett Road Tank Farm following discovery in September 1990 of a massive oil spill of an estimated 200,000 to 300,000 gallons of hydrocarbons from the Texaco facility at the tank farm. Among the recommendations in the Commission's report of December 18, 1992 was relocation of the tank farm to a more appropriate location.*

The tank farm is located in a developed area with as many as 400 tanker trucks a day accessing the facility. Oil spill incidents, tanker truck accidents, and the addition of ethanol trucking have brought renewed urgency to this issue of safety and environmental degradation. The increased use of ethanol in gasoline mixtures requires truck transport of ethanol to the tank farm. (2008; amended 2009, 2010)

f. RESTORATION OF RIGHTS: Amend Virginia's Constitution to automatically restore civil rights – including voting rights – for most or all felons once they have completed their sentences. Maintain the current requirements to apply for restoration of gun rights. (2011)

Rationale: *Virginia is one of the two most restrictive states for restoring the civil rights of felons that have completed their sentences. All states except Virginia and Kentucky either automatically restore or have an easier process for restoring voting rights for most or all felons once they have completed their sentences. Individuals convicted of felonies in Virginia may only re-obtain voting and other rights by individually applying for gubernatorial restoration of rights after a waiting period of three to five years after release from prison. Although voting rights may be restored by an act of the Governor, this process takes a long time and contributes to the disenfranchisement of a significant number of the population. While the process has recently been simplified and accelerated, the decision-making process still needs to be made consistent and transparent. Approximately 300,000 Virginia citizens cannot vote due to a felony conviction. Virginia requires restoration of rights, followed by expungement, before the right to own a firearm is restored. Support for automatic restoration of rights is not to be interpreted to include automatic restoration of gun rights for felons upon completion of their sentences. (2012)*

Approved by the Federation Membership on Thursday, November 17, 2011

More information and updates on the Fairfax County Federation of Citizens Associations'

2012 Legislative Program is available at www.fairfaxfederation.org/legislation1.htm