

Thursday, October 16, 2014

Fairfax Delegation to the Virginia General Assembly

Cc: Fairfax County Board of Supervisors

Dear Fairfax Elected Official,

The Fairfax Federation of Citizen Associations, representing about 68,000 Fairfax residences, forwards to you the Federation's 2015 Legislative Program Top 11 Issues of community concern for your consideration and action. The Federation is available to assist you on any of these issues.

These issues are compiled from a two-part survey in September of Fairfax citizens. The first part asked citizens to rank by importance eight general public services in order to get a feel for areas of most concern or interest. Ranked highest is Education and Transportation, then Finance/Budget, Public Safety, Land Use/Development, Environment/Conservation, Human Services/Library, and Citizen Associations Services.

The second part of the survey asked our membership for specific comments and concerns. Over 400 responses were consolidated, researched, and evaluated by respective Federation committees. The Federation Board approved eleven of fifteen final proposals as the enclosed Top 11 Issues.

The Federation officers and members appreciate you representing our communities. We believe you understand our members' concern about these issues and will give them your qualified attention while communicating their status to the Federation.

Queries regarding these Top 11 Issues or the membership survey may be directed to the Legislative Committee Co-chairs at FedLegislationChr2015@fairfaxfederation.com .

Respectfully submitted,



Bill Barfield
2nd Vice President
Legislative Committee Co-Chair



Matt Bell
Treasurer
Legislative Committee Co-Chair



Tim Thompson
President

Enclosures:
Summary of the Top 11 Issues
Eleven Issue Evaluations

Fairfax County Federation of Citizens Associations
Legislative Program Top11 Issues

**Federation 2015 Legislative Program
Summary of the Top 11 Issues**

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<u>Issue ID:</u> 15P01 - Law for hands-free driving
<u>Date Submitted to Federation Board:</u> 1 Oct 2014
<u>Issue:</u> Using hand-held cell phones while driving is hazardous to the car occupants and to public safety.
<u>Background:</u> Distracted Drivers are a recognized threat to themselves, vehicle occupants, and other vehicles or pedestrians on the road. In fact, DISTRACTION is the Number 1 cause of motor vehicle accidents in the US. Though cell conversations, while driving, should be held only under special circumstances, it is recognized that such events will occur. To increase safety to the citizens and property of the Commonwealth, the Federation requests Legislative action to make the use of Hands-Free equipment MANDATORY.
<u>Existing Conditions/Impacts:</u> Currently, full restrictions address young drivers, who are unable to text AND use a cell phone while driving. Restrictions addressing adult drivers ONLY prohibit TEXTING while driving. This initiative aims at prohibiting the use of cell phones for adult drivers, unless using a hands-free device. No impacts seen in terms of costs. However, saving even one life will have a great, positive impact and will relieve the social burdens resulting from loss of life or injuries.
<u>Preferred Position:</u> Distracted Drivers are a danger to themselves, vehicle occupants, and other vehicles or pedestrians on the road. Legislation should address the MANDATORY USE OF HANDS-FREE EQUIPMENT WHILE DRIVING.
<u>Benefits:</u> Increased safety on the roads. Decreased number of accidents with consequent loss of lives, property, and work productivity. NOTE: Psychological impacts on the individuals affected and social burdens resulting from loss of lives or injuries, are not addressed at this time.
<u>Potential Supporters</u> (Community leaders, Public/Private Partnership Opportunities, Organizations): Public safety officials, citizens
<u>Lead Federation Committee:</u> Public Safety
<u>Prepared by:</u> Daniela D. Cockayne, Chair, Public Safety Committee
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Issue ID: 15E01 - Increase tobacco tax for schools

Issue: 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 that can be allocated to education and health care services.

Background: 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 tax rates in the nation.

Existing Conditions/Impacts: Among all states, the average cigarette tax per pack is about \$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."

Preferred Position: Support legislation to increase tobacco taxes, allocating the increased revenue to health care and education.

Benefits: Increasing tobacco taxes could help reduce smoking, especially among our youth, and thus reduce smoking related illnesses such as cancer. Also, by using these funds for both health care and education, an increase in this tax helps diversify the sources of educational funding, which have become increasingly reliant on local property taxes.

Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations):

Educational and health related organizations.

Lead Federation Committee: Education

Prepared by: Ed Saperstein and Nancy Trainer

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<u>Issue ID:</u> 15E02 - School opening date
<u>Date Submitted to Federation Board:</u> 2 October 2014
<u>Issue:</u> Local school boards are not permitted to set their own opening date of the school year.
<u>Background:</u> 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. As mentioned above, 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 long ago.”
<u>Existing Conditions/Impacts:</u> 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 can’t qualify to participate in the early openings.
<u>Preferred Position:</u> Support legislation permitting local school boards to set the opening date of the school year.
<u>Benefits:</u> It would help our FCPS students as it would most likely provide more instructional time before major tests such as the AP and IB.
<u>Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations):</u> FCPS and about 120 of the 130+ school districts in Virginia, the Virginia PTA and Fairfax County PTA, and Fairfax County Chamber of Commerce.
<u>Lead Federation Committee:</u> Education
<u>Prepared by:</u> Ed Saperstein and Nancy Trainer
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Issue ID: 15E03 - Update LCI
Date Submitted to Federation Board: 2 October 2014
Issue: The Local Composite Index (LCI) formula doesn't realistically account for the current economic conditions and resource needs of a school system.
Background: In Virginia, the LCI formula is used as a means to allocate state education funds among local school districts. This formula includes indicators of real property (weighted 50%), adjusted gross income (weighted 40%), and taxable retail sales (weighted 10%).
Existing Conditions/Impacts: The formula should be updated to better reflect the current economy and needs. For example, as indicated in the 2002 Joint Legislative Audit & Review Commission's (JLARC) findings, some potential changes in the LCI could include taking into account 1) impact of unequal city and county taxing authority, 2) cost of living, 3) exempt federal property, and 4) incorporating service costs such as for a) student demographics, b) limited English proficiency population, c) special education population and 4) other programmatic demands.
Preferred Position: Support legislation to update the Local Composite Index (LCI) formula to better reflect current economic conditions and resource needs of a school system.
Benefits: The LCI used to allocate state funds to local school districts would be more up-to-date for the current environment. By taking the time to make the formula fairer, the Commonwealth will increase support for its funding system.
Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations): The School Board of FCPS, the Fairfax County Board of Supervisors, the Fairfax County Chamber of Commerce, the Northern Virginia delegation to the General Assembly, and perhaps government officials from other areas in Virginia that might benefit from the provision.
Lead Federation Committee: Education
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Issue ID: 15H01 - Remove state-funding formula limit
Date Submitted to Federation Board: 2 October 2014, 14 October 2014
Issue: The calculation for library funding in the Virginia budget is based on county population. For the Fairfax County Public Library system, the calculation uses a maximum population cap of 600,000 even though Fairfax population is over 1.1 million. This results in a disproportionate funding shortfall for Fairfax county.
Background: At the request of the Fairfax Library Foundation over the past few years, Virginia Delegate Mark Sickles has attempted to achieve a more equitable calculator to determine state contribution. At the current time, the population cap remains in Virginia code regarding state aid to libraries.
Existing Conditions/Impacts: Because the funding calculator includes a population cap of 600,000, the citizens of Fairfax County do not receive an equitable share of state funding. Because Fairfax County funds its library system at a very low level, Virginia reduces funding in addition to what is lost by the population cap.
Preferred Position: Change the State library funding calculation to be based on actual county population size.
Benefits: Fairfax County supports a large segment of its population which does not have English as its first language. For 38% of Fairfax County residents, English is not their native tongue. In addition, an illiteracy rate of 10% is present in the adult population. While ESL can be provided to school children through the public schools, the public library supports those who do not have access to public schools. Families with functionally literate adults have more opportunities to increase their family income. Many families that home school their children are dependent on the public library for educational materials. They would benefit from increased library funding.
Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations): Fairfax Library Foundation, League of Women Voters, SEIUVA 512, associations of Virginia teachers, Parent teacher associations, community and citizen associations, Reston Citizens Association, county home school associations, Chamber of Commerce organizations.
Lead Federation Committee: Human Services/Library
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<u>Issue ID:</u> 15H02 - Declare libraries to be essential services
<u>Date Submitted to Federation Board:</u> 2 October 2014
<u>Issue:</u> The Federal government, but not Virginia, recognizes libraries as an essential service for their communities, serving, for example, as shelters, aid stations, and community information centers during crises.
<u>Background:</u> In Virginia, there is no legislation that requires libraries be supported by area jurisdictions.
<u>Existing Conditions/Impacts:</u> The traditional focus of libraries is to educate the population, promote literacy and enable the transmission of culture. But libraries are also part of the FEMA network for nodal communications in times of catastrophe or natural disaster. They are also part of the Homeland Security network for emergency assistance. Libraries serve as cooling and heating centers for the elderly. Libraries are locations where emergency supplies are distributed to the population. Libraries should be supported by the jurisdictions in which they are located.
<u>Preferred Position:</u> Support legislation to categorize public libraries as essential services.
<u>Benefits:</u> Ensures support for the broad-based services libraries can provide the communities in which they are located.
<u>Potential Supporters</u> (Community leaders, Public/Private Partnership Opportunities, Organizations): Senior citizens, school districts, first responders, citizens in need.
<u>Lead Federation Committee:</u> Human Services/Libraries
<u>Prepared by:</u> Kathy Kaplan and Morgan Jameson
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<u>Issue ID:</u> 15C01 - Climate change & energy conservation
<u>Lead Federation Committee:</u> Environment/Conservation
<u>Date Submitted to Federation Board:</u> 2 October 2015
<u>Issue:</u> Revise the renewable portfolio standards for electric power generation to require renewable emission credits come from new projects developed in the Commonwealth of Virginia. It would also require that the State Corporations Commission develop a registry of renewable projects in Virginia. The registry would evaluate environmental impacts of the projects and ensure that the greenhouse gas reductions are properly and consistently counted.
<u>Background:</u> There were several bills introduced that would have reformed the process but the changes that were made last year to the process were only minor. The one piece of legislation that was passed in 2014 SB 653 Renewable energy property tax credits: This bill provides tax credits for biomass, geothermal, hydroelectric, solar photovoltaic, solar thermal, and wind energy systems. Passed both houses and was signed by the Governor. Climate change and energy issues were identified by the most survey results of any issues in the Environmental area. Eleven respondents identified climate change or energy as proposed legislative priorities. The Federation has taken a similar position since 2009
<u>Existing Conditions/Impacts:</u> Virginia's renewable portfolio standards allows power generators to use renewable energy credits from outside the commonwealth and old projects such as hydroelectric dams on the west cost.
<u>Preferred Position:</u> What Virginia needs is a registry of renewable emission credits and a requirement that renewable energy credits for energy sold in Virginia come ONLY from renewable projects in Virginia.
<u>Benefits:</u> The climate is changing due to the buildup in greenhouse gasses - particularly carbon dioxide (CO2). Additionally the least disruptive approach to meeting the new Clean Power Plant regulations would be to increase the renewable power generation. Finally, between off-shore wind and solar, Virginia has sufficient renewable energy sources to be able to meet all of the Commonwealth's energy needs.
<u>Potential Supporters</u> (Community leaders, Public/Private Partnership Opportunities, Organizations): The following bills introduced in 2014 that would be examples of bills that would be supported by the proposed position: HB 821 Electric utility regulation; renewable energy portfolio standard program, etc.: The regulation would require the State Corporation Commission to establish a registry for renewable energy certificates. The bill was "Left" in the Commerce and Labor Committee. HB 1081 Electric utility regulation; renewable energy portfolio standard program: This bill would reform the renewable energy portfolio standards requirements. The bill was "Stricken" from docket by Health, Welfare and Institutions committee by voice vote.
<u>Lead Federation Committee:</u> Environment
<u>Prepared by:</u> Flint Webb

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<u>Issue ID:</u> 15C02 - Solid waste-debris control
<u>Lead Federation Committee:</u> Environment/Conservation
<u>Date Submitted to Federation Board:</u> 2 October 2014
<u>Issue:</u> Give counties authority develop a regional approach to Solid Waste Management including implementing an aggressive County-wide Recycling programs to include recycling of Construction and Demolition Debris.
<u>Background:</u> As stated in the Comprehensive Plan for Fairfax County Environment Objective 13 states: "encourage the application of energy conservation, water conservation and other green building practices." including "recycling/salvage of non-hazardous construction, demolition, and land clearing debris. As evidenced by the recent decision to close the Lorton Landfill in 2018 the Fairfax County Planning Commission began drafting language to be included in the proffers for development projects requiring recycling of a significant portion of CDD. The County is in the process of developing a 20-year waste management plan. We are quickly running out of areas to bury our trash and must implement source point recycling programs in order to be able to continue to manage our Solid Waste (including CDD) at reasonable costs and not at the expense of the environment (or some other rural locality that becomes the recipient of our Solid Waste for burial). Last year the the Federation took a position supporting a bag tax. Recycling and reducing the need to landfill CDD wastes as the second highest environmental priority identified by the Members.
<u>Existing Conditions/Impacts:</u> With the closure of the Lorton Landfill in 2018 and recognizing that 75% of CDD could be recycled nationally by 2030 (or sooner as evidenced by Massachusetts already achieving this goal!) Developing a regional approach to this issue will provide Fairfax County with the opportunity to implement regulations that encourage source reduction, reuse and recycling over landfilling. Recycling programs should be expanded to include all residential, business, federal state and local government agencies in the Commonwealth of Virginia. The County needs authority to mandate recycling goals more stringent than are required by State and Federal regulation. This approach would discourage landfilling and support effective land use practices in a heavily urbanized area where continuing to bury our solid waste, or ship it to other less populated areas with landfills becomes less of an option while at the same time becomes more expensive.
<u>Preferred Position:</u> Give Counties authority to regulate the recycling of wastes generated and disposed of within the county. The regional solid waste management plan should expanding recycling to include CDD and requirements that all residential, business, federal, state and local government agencies actively engage in this activity that sets as a priority source point recycling and takes landfilling for the most part out of the set of options available forcing a more environmentally respectful approach setting us up to become leader in recycling for the US.
<u>Benefits:</u> Implementing a regional approach to Solid Waste Management and Recycling (including CDD) will provide us with the opportunity to become a leader and an example of best practice in our heavily urbanized area. The practice to recycle, and reuse vs dispose of in landfills can benefit urban as well as rural communities. Increased recycling within the County would reduce air pollution from truck traffic and improve property values by helping to keep trash off our roads and out of our streams.
<u>Potential Supporters</u> (Community leaders, Public/Private Partnership Opportunities, Organizations): This would include Developers (who for the Tyson's Corner Development are recycling a significant portion of CDD Solid Waste, and developer for the Laurel Hill Adaptive use project who has committed to recycling 100% of CDD Solid Waste), Environmental Groups, Federal, State and County Agencies and home owner associations and civic communities.
<u>Prepared by:</u> Cathy Ledec, Katherine Ward
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Issue ID: 15C03 - Plastic bag fee-credit
Date Submitted to Federation Board: 2 October 2014
Issue: Litter from plastic shopping bags on our streets, in our neighborhoods, and in our streams
Background: A similar legislative issue was proposed and accepted by the Federation in 2013.
Existing Conditions/Impacts: Litter in general and plastic shopping bags in particular in our community: <ul style="list-style-type: none">• Clogs and undermines the storm water infrastructure,• Degrades our stream corridor parks for residents and wild life,• Gets blown onto our streets where it gets entwined in and damages our vehicles, and• Reduces home values. Ultimately this costs us not only money in repairs and lost value but in community pride and quality of life.
Preferred Position: 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 either 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.
Benefits: Increased property values, fewer auto repair bills, less flooding of roadways and yards, and cleaner, healthier streams.
Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations): Soil and Water Conservation District, Park Authority, stream cleanup organizations such as the Friends of Accotink Creek and the Alice Ferguson Foundation.
Lead Federation Committee: Environment/Conservation
Prepared by: Flint Webb, PE
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Issue ID: 15T01 - Guidelines on \$50M funds transfer Date Submitted to Federation Board: 2 October 2014
Issue: The maximum allowable funding for Major Transportation Improvement Projects in Northern Virginia/Fairfax County is not being allocated.
Background: Even with the large increase in transportation funding authorized by the General Assembly in the preceding governor's administration, revenues available for improvements to the regional transportation network continue to experience a significant shortfall. Furthermore, careful consideration should be made for project timing to ensure continuous progress from project conception to implementation to optimize resources and time.
Existing Conditions/Impacts: Fairfax County commuters experience heavy congestion on a daily basis and it can be expected to continue as the population grows, particularly at dense urban centers. Access to alternative transportation options and neighborhood connectivity is very limited. Businesses, the environment and quality of life standards are being negatively impacted. Fairfax County and its municipalities have actively reached out to communities during the last 30 years to develop a regional transportation improvement program. Key to the success of the program is the completion of identified improvement projects to local, county and federal roads that are critical to improving the regional network, foster high-value economic vitality, improve travelers safety, minimizes environmental impacts, relieve congestion and protects the standard of quality of life Fairfax County is known for.
Preferred Position: It is imperative to continue the momentum to building a comprehensive regional transportation network which includes amenities for public transit, pedestrians, bicycles and vehicles equally by ensuring all transportation funding dollars are returned to Northern Virginia for use on programs of local and regional significance. (Interstates 66, 95 and 495, and Routes 1, 7, and 28) and previously identified programs continue to be financially supported. (1.) Support Gov. McAuliffe to amend the recently passed budget bill to make sure the state is not jeopardizing \$6B in transportation funding approved during the last session. Any and all revisions made to the state budget should not divert any funds away from transportation and thus initiating "the kill switch" in the transportation bill enacted July 1, 2013. Funding for crucial programs is being jeopardized by this including: \$50M required to be transferred to the transportation trust fund as well as the \$100B Transportation Bond which is about to be issued by the Northern Virginia Authority. (2.) Obtain funding of \$4 million to start and complete Phase 2 Route 1 Multi-Modal Analysis Study (Environmental and Engineering) for FY 2015. Led by the Virginia DRPT, the Route 1 Multi-Modal Alternatives Analysis Study is close to conclusion with a Preferred Alternative identified by intensive collaboration efforts with citizens, local elected and appointed officials, governmental agencies. This project is poised and ready to move to the next phase to become eligible for Federal Funding and will be in compliance with all NEPA requirements.
Benefits: Strong transportation budget to support future projects, and operations and maintenance of existing infrastructure.
Potential Supporters (Community leaders, Public/Private Partnership Opportunities, Organizations): Fairfax commuters, Fairfax communities, NVTAA, MWCOG
Lead Federation Committee: Transportation
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<u>Issue ID:</u> 15G01 - Redistricting laws
<u>Date Submitted to Federation Board:</u> 2 October 2014
<u>Issue:</u> Redistricting process is unfair
<u>Background:</u> 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 call gerrymandering.
<u>Existing Conditions/Impacts:</u> 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 races were competitive.
<u>Preferred Position:</u> Redistricting should be done such that the maximum number of 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.
<u>Benefits:</u> The beneficiaries of the resolution would be the voters.
<u>Potential Supporters</u> (Community leaders, Public/Private Partnership Opportunities, Organizations): Voters
<u>Lead Federation Committee:</u> Governance / Land Use
<u>Prepared by:</u> Fred Costello
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