



**CITY OF FAIRFAX**

**2020**

**LEGISLATIVE PROGRAM**

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## CITY SPECIFIC PROGRAMING REQUESTS FOR LEGISLATIVE CONSIDERATION

*The following three areas of focus are specific to the City of Fairfax.  
Additional City Council's legislative requests for consideration - pages 6 & 7.*

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|---|---|
| <b>AMENDMENT TO § 15.2-835. DEPARTMENT &amp; BOARD OF SOCIAL SERVICES.</b>  | The City of Fairfax seeks an amendment to Section 15.2-835 of the <i>Code of the Commonwealth of Virginia</i> which determines the purpose and composition of the Board of Social Services for Urban County Executive Forms of Government. This amendment would add a board member seat for each incorporated city for whom the Urban County is contractually obligated to provide social services. Specifically, the City of Fairfax and The City of Falls Church request member seats on the Fairfax County Board of Social Services.   |
| <b>AMENDMENT TO § 58.1-3221.3 C&amp;I TAX – COMMERCIAL RENTAL BUILDINGS</b> | The City of Fairfax seeks an amendment to Section 58.1-3221.3 to include market rate commercial rental properties with no affordable housing units. Existing legislation for commercial and industrial tax excludes all residential uses including but not limited to single family residential units, cooperatives, condominiums, townhouses, apartments, or homes in a subdivision when leased on a unit-by-unit basis, even though these units may be part of a larger building or parcel of real estate that contain more than four residential units. When enacted, the regional position was to remove residential to save renters of affordable units from being tax as a pass through from the owner. |
| <b>SPEED ENFORCEMENT VIA CAMERA TECHNOLOGY</b>                              | The City of Fairfax seeks enabling legislation to grant localities the authority to deploy technologies and traffic calming philosophies such as speed cameras, with a goal of adding an additional layer of safety for pedestrian and cyclist safety in high pedestrian areas and school zones.  |

### CITY OF FAIRFAX GUIDING PRINCIPLES

#### PRESERVE AND ENHANCE

##### **LOCAL GOVERNMENTAL AUTHORITY** (Page 2)

The City of Fairfax supports the preservation and enhancement of local governmental authority over **Land Use, Public Property, Single-Use Plastics & Plastic Bags, Speed Camera Technology, and Taxing.**

#### RESTORE COMMONWEALTH SHARE OF FUNDING FOR ESSENTIAL SERVICES

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The City of Fairfax and the Commonwealth partner on core services such as: **education, transportation, public safety and health & human services programs** to our citizens. It is not uncommon for the state and federal government to underfund their share of the costs of new programs, or the additional costs of changes to existing programs or they ignore their contribution altogether.

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## PRINCIPLES FOR LEGISLATIVE ACTION

*The Fairfax City Council considers the following principles as a barometer by which General Assembly actions should be measured during the 2020 General Session.*

### PRESERVE AND ENHANCE LOCAL GOVERNMENTAL AUTHORITY

The City of Fairfax supports the preservation and enhancement of local governmental authority.

#### LAND USE AUTHORITY

**Housing Solutions:** Local governments are the solution for solving the housing crisis in the Commonwealth. VML supports giving local governments the authority to use flexible tools to achieve housing goals and allowing greater local land use authority for creative housing types. VML also encourages modernization by keeping up with demographic trends and needs. (*Partnering Legislation: VML*)

#### PUBLIC PROPERTY AUTHORITY

**Smoking Ban at Public Playgrounds:** The City seeks enabling legislation to ban smoking in public playgrounds with imposition of a fine for those who violate such action. If such a bill were successful in the 2019 General Assembly, the locality would need to conduct public hearings in order to pass a local ordinance.

**Carrying of Firearms on Public Property:** The City seeks legislation granting localities the authority to prohibit or restrict the possession, transportation or carrying of firearms in public buildings or on other property owned by a locality. (*Partnering Legislation: VML, Regional*)

#### SINGLE-USE PLASTICS AND PLASTIC BAGS

**Single-Use Plastics:** The City of Fairfax seeks enabling legislation granting localities the authority to regulate the distribution of single-use plastics such as: plastic bags, straws, drink stirrers, take-out utensils/containers, and foam packaging to curb plastic waste and harm to wildlife. (*Partnering Legislation: VML, NVWMB*)

**Plastic Bags:** The City of Fairfax seeks enabling legislation granting localities the authority to regulate the sale or offer of plastic bags. Such legislation should include authorization for localities to determine appropriate methods to limit the use of plastic bags in their jurisdictions, such as imposing a fee on all bags or a ban/fee hybrid approach, as suggested by the Northern Virginia Waste Management Board (NVWMB). The City also supports legislation to decrease distribution of plastic bags, which are compromising landfills, waterways and Virginia farming. (*Partnering Legislation: VML, NVWMB*)

#### SPEED ENFORCEMENT VIA CAMERA TECHNOLOGY

**Speed Camera Technology:** The City of Fairfax seeks enabling legislation to grant localities the authority to deploy technologies and traffic calming philosophies such as speed cameras, with a goal of adding an additional layer of safety for pedestrian and cyclist safety in high pedestrian areas and school zones. (**City Specific Initiative**)

## TAXING AUTHORITY

**BPOL and M&T:** Local taxing authority such as Business Professional License Tax (BPOL) and Machine and Tools Tax (M & T) should be preserved and local General Fund dollars should not be diverted to the state treasury. (*Partnering Legislation: VML*,

**CSUT:** was enacted to establish a statewide tax rate and to preempt local taxes on communications sales and services. The City supports setting the tax rate at the same level as the state sales tax rate and broadening the coverage of the tax to include audio and video streaming services and prepaid calling cards. The City opposes transfers of these revenues to the state general fund for purposes other than those currently stipulated in the Code of Virginia. (*Partnering Legislation: VML*)

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## PRINCIPLES FOR LEGISLATIVE ACTION

*The Fairfax City Council considers the following principles as a barometer by which General Assembly actions should be measured during the 2020 General Session.*

### RESTORE COMMONWEALTH SHARE OF FUNDING FOR ESSENTIAL SERVICES

Governance in the City of Fairfax becomes ever more challenging as the commonwealth and the federal government add new programs, or modify existing program guidelines, and promulgate complex regulations and higher standards for local governments to implement. It is not uncommon for the state and federal government to either underfund their share of the costs or to ignore them altogether. The City of Fairfax and the Commonwealth are in a partnership to offer core services such as education, transportation, public safety and health and human services programs to our citizens.

#### EDUCATION

The state funding formula for education operating costs breaks down on a statewide level as 55% state/45% local funding. However, the Standards of Quality do not recognize the true costs of education, including pupil transportation, school support staff, providing and updating broadband and other technology, and instructional staff salaries. Neither does it recognize most construction and renovation costs.

Local Governments match more than is required for basic state education dollars, pay the majority of public school capital costs and struggle to find scarce local tax dollars to keep up with the demands for meeting additional and expanding

state requirements and for creating 21<sup>st</sup> century learning environments for our children to master the challenges of tomorrow's workplace.

The Commonwealth needs to recognize and fund the true costs of public education, including new avenues for funding public school construction and renovation costs such as the creation of a pilot program of competitive grants using funding from the Virginia Public Building Authority to offset new construction or renovation costs for publicly-owned and operated K-12 schools in fiscally stressed communities as defined by the Virginia Commission on Local Government. *(Partnering Legislation: VML)*

#### HEALTH AND HUMAN SERVICES

Community Services Boards are experiencing substantial state general fund reductions in the 2018-2020 biennium (\$11.0M in Fy19 and \$25.0M in FY20). Health care expansion through Medicaid may eventually make up for these reductions, but the timing of implementation puts the boards at risk of service and staffing disruptions during the biennium. The City supports the revisiting of slated reductions in fiscal year 2020 and beyond, specifically to ensure that the states' goal of providing more services as the community level, including new STEP-VA service requirements, can be achieved without shifting funding burdens to local governments. *((Partnering Legislation: VML)*

## PUBLIC SAFETY

### CANCER PRESUMPTION AND WORKERS' COMPENSATION

Compensability for work-related presumptive employee disability benefits for any class of employees should be determined by establishing whether work or non-work-related risk factors are more likely the primary cause of the claimant's condition. When adding additional presumptive disability benefits key components of any analysis should include civic responsibility as well as fiscal responsibility. (*Partnering Legislation: VML, Local Fire Union*)

### STATE ASSISTANCE TO LOCAL POLICE DEPARTMENTS (HB 599)

Almost 70 percent of Virginians live in communities served by police departments. The state created a program of financial assistance to local police departments (HB 599) when it imposed an annexation moratorium on cities more than 30 years ago. It has increasingly de-emphasized this funding obligation as a priority but has never compromised on the annexation moratorium. VML calls for the state to honor its commitment to local governments and public safety by funding the program as stipulated in the Code of Virginia or lift the moratorium on annexation. (*Partnering Legislation: VML*)

## TRANSPORTATION

Restore funding to the Northern Virginia Transportation Authority (NVTA) to address critical transportation challenges and support economic development in the region. NVTA lost a total of \$102 million annually as a result of the WMATA Capital Fund of 2018. The 2019 General Assembly Session provided \$20 million annually for NVTA until 2023 as part of the I-81 Corridor Improvement Funding Package. However, restoring the remaining \$82 million is necessary to continue to invest in transit and multimodal projects that will reduce congestion and grow the region's economy. (*Partnering Legislation: VML, NVTC*)

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## CITY OF FAIRFAX PROGRAMS OF EMPHASIS FOR LEGISLATIVE CONSIDERATION

*The following legislative requests include city specific legislation as well as partnering legislation the City Council requests be areas of focus during the 2020 General Assembly Session.*

| Legislation   | City Position  | Partners                            |
|---|--|-------------------------------------|
| <b>AMENDMENT TO<br/>§ 15.2-835.<br/>DEPARTMENT AND<br/>BOARD OF SOCIAL<br/>SERVICES</b>   | The City of Fairfax seeks an amendment to Section 15.2-835 of the Code of the Commonwealth of Virginia which determines the purpose and composition of the Board of Social Services for Urban County Executive Forms of Government. This amendment would add a board member seat for each incorporated city for whom the Urban County is contractually obligated to provide social services. Specifically the City of Fairfax and The City of Falls Church request member seats on the Fairfax County Board of Social Services.  | <b>City of<br/>Falls<br/>Church</b> |
| <b>AMENDMENT TO<br/>§ 58.1-3221.3<br/>C&amp;I TAX –<br/>COMMERCIAL<br/>RENTAL BUILDINGS</b>                                       | The City of Fairfax seeks an amendment to Section 58.1-3221.3 to include market rate commercial rental properties with no affordable housing units. Existing legislation for commercial and industrial tax excludes all residential uses including but not limited to single family residential units, cooperatives, condominiums, townhouses, apartments, or homes in a subdivision when leased on a unit by unit basis even though these units may be part of a larger building or parcel of real estate containing more than four residential units. When enacted, the regional position was to remove residential to save renters of affordable units from being tax as a pass through from the owner. | <b>City<br/>Specific</b>            |
| <b>DECRIMINALIZATION<br/>OF MARIJUANA</b>   | The City of Fairfax supports legislation that decriminalizes marijuana possession and creates a rebuttable presumption that a person who possesses no more than one-half ounce of marijuana possesses it for personal use and provides that the existing suspended sentence and substance abuse screening provisions apply only to criminal violations or to civil violations by a minor.  | <b>VML<br/>Region</b>               |
| <b>EQUAL RIGHTS FOR<br/>WOMEN</b>   | The City of Fairfax supports the passage of the Equal Rights Amendment (ERA) and urges the General Assembly to take the necessary steps to put this matter before the citizens of the Commonwealth of Virginia make Virginia the 38th and final state needed to ratify the Equal Rights Amendment (ERA). This constitutional amendment states: "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex." Virginia would make history becoming the final state needed to ensure explicit constitutional protection of gender equality during the centennial anniversary of women's right to vote.  | <b>VML</b>                          |
| <b>INTERNET-BASED<br/>BUSINESSES AND<br/>SERVICES TAXING,<br/>LICENSING, AND<br/>REGULATING<br/>(PEER2PEER CAR<br/>"SHARING")</b> | The City of Fairfax feels in taking state action to regulate private enterprises employing a business model that emphasizes the use of the internet to either provide retail or facilities or ride-sharing services, local government interests should be acknowledged, and localities should be included in the decision-making.<br><br>As general principles, the City believes state and local policies should 1) encourage a level playing field for competing services in the market place; 2) not provide a tax preference or tax policy advantage for   | <b>VML,<br/>Region</b>              |

|  |  |                             |
|--|--|-----------------------------|
| <p><b>INTERNET-BASED BUSINESSES AND SERVICES TAXING, LICENSING, AND REGULATING (PEER2PEER CAR “SHARING”)</b> (cont.)</p> | <p>one group at the expense of another group in the competitive field; 3) seek to preserve state and local revenue; 4) ensure safety, reliability, and access for consumers, providers, and the public; and 5) protect local government’s ability to regulate businesses whether they are traditional, electronic, Internet-based, virtual or otherwise.</p> <p>The City also believes that the state should not prohibit the sharing of financial information between the Commonwealth and appropriate local authorities that is normally treated as part of the public domain. The City further believes that the state should not prohibit a locality from exercising its authority to enter into voluntary collection agreements provided that such agreements include provisions to protect the public’s interest. (<i>Partnering Legislation: VML</i>)</p>   |                             |
| <p><b>RAISE THE STATEWIDE LIMITS ON ELECTRIC POWER FROM SOLAR SOURCES</b></p>  | <p>The City of Fairfax requests the limits of megawatts of solar be expanded to 500MW for Dominion Power and 30MW for Appalachia Power. Since the codification of Virginia’s first third-party Power Purchase Agreements (PPA) Pilot Program in 2013, the State Corporation Commission (SCC) has received notification for 20 megawatts (MW) placed in service. Currently Dominion Power is limited to 50MW and Appalachia Power is limited to 7MW. The SCC asserts that it does not have authority to raise these limits without General Assembly action. Regional jurisdictions are working with PPAs to install solar on government-owned facilities and schools, such as educational buildings in Fairfax County, which will max out the 50MW limit preventing other localities from utilizing this same mechanism.</p>  | <p><b>NVWMB</b></p>         |
| <p><b>REMOVING BARRIERS TO DISTRIBUTED SOLAR</b></p>   | <p>The City supports legislation to remove barriers and allow for the creation of stronger markets for distributed solar goals, to include the following components:</p> <ul style="list-style-type: none"> <li>✓ Lifting the one percent cap on the total amount of solar power that can be net metered in a utility territory to five percent; and</li> <li>✓ Allowing local government entities to install solar facilities of up to 5 MW on government-owned property and use the electricity for schools or other government-owned buildings located nearby, even if not contiguous.</li> </ul> <p>The Grid Transformation and Security Act approved by the 2018 General Assembly authorizes and encourages many clean power production activities, but Virginia law still restricts the ability of local governments, businesses, and others from installing solar facilities for their own use.</p> | <p><b>VML</b></p>           |
| <p><b>SPEED ENFORCEMENT VIA CAMERA TECHNOLOGY</b></p>  | <p>The City of Fairfax seeks enabling legislation to grant localities the authority to deploy technologies and traffic calming philosophies such as speed cameras, with a goal of adding an additional layer of safety for pedestrian and cyclist safety in high pedestrian areas and school zones.</p>  | <p><b>City Specific</b></p> |
| <p><b>WATER QUALITY FUNDING</b></p>  | <p>The City of Fairfax requests that the State annually budget adequate funds for the Stormwater Local Assistance Fund (SLAF) for matching grants partially funding locality stormwater capital projects. For continued successful local water quality improvement projects the Commonwealth must fully capitalize the Water Quality Improvement Fund and provide the necessary appropriations for local government water quality improvement projects to clean up the Chesapeake Bay and its tributaries. In addition, any changes to the state’s stringent wastewater mandates imposed on localities must be scientifically and economically defensible, employing implementation strategies that produce any necessary wastewater improvements at the least cost.</p>   | <p><b>VML</b></p>           |