



CITY COUNCIL 2024 LEGISLATIVE PROGRAM

Legislative Liaison: Melanie Zipp
703-385-7936 Office
571-375-4576 Cell



CITY SPECIFIC PROGRAM PRIORITY REQUESTS FOR LEGISLATIVE CONSIDERATION

K-12 Funding

A watershed report by the Joint Legislative Audit and Review Commission (JLARC) in 2023 outlined both the inadequacy of state funding and the substantial flaws in current state funding formulas.

The City Council requests the General Assembly address the deficiencies and underfunding cited by the JLARC report including:

- SOQs that reflect the true local costs of providing a high-quality public education, including the elimination of Great Recession-era changes in the SOQ funding formula.
- Recognizing cost-of-living variations throughout the Commonwealth in state funding formulas, particularly in high cost-of-living areas like Northern Virginia.
- Increasing state funding support for school divisions with high numbers or concentrations of English learners (approximately 30 percent higher costs than general education), students living in economically disadvantaged households (approximately 10 percent higher costs than general education), and students receiving special education and mental health services (approximately 100 percent higher costs than general education).
- Increasing state resources for early childhood education programs, helping young children enter kindergarten prepared.

Opposes changes that disproportionately target or affect Northern Virginia, policies which impose unfunded mandates on localities, and policies which divert K-12 funding away from local public schools and toward non-public options.

Washington Metropolitan Area Transit Authority (WMATA) and Regional Transportation Funding

The Commonwealth must fully restore the \$102 million of regional funding to the Northern Virginia Transportation Authority (NVRTA) that was previously diverted to WMATA in 2018, to ensure that transportation projects continue to advance in Northern Virginia after decades of state underfunding (approximately \$63.5 million has been restored thus far). The Commonwealth must also provide dedicated and sustainable funding for WMATA that addresses the looming budget shortfall – putting the agency on sound financial footing without diverting resources from other transportation needs in Northern Virginia and the Commonwealth.

- Maintain regional and local transportation funding created by HB 2313 (2013), HB 1414/SB 890 (2020), and other legislation as originally intended. Major transportation improvements that provide benefits beyond Northern Virginia – such as WMATA state of good repair, projects related to possible relocations of federal facilities, and projects that create additional capacity across the Potomac River – should primarily be funded by the Commonwealth and the federal government.
- Metrorail is vital to the transportation networks and economic growth of Northern Virginia and the Commonwealth. A shortfall of up to \$650 million is currently projected in FY 2025, with the gap expected to increase further in the coming years. Unlike Maryland, in Virginia, local jurisdictions have historically provided substantial funding for WMATA (primarily through local property tax revenues), though the benefits are shared by the entire Commonwealth. A recent analysis by the Northern Virginia Transportation Commission (NVRTC) indicates that Northern Virginia's transit network generates \$1.5 billion in annual personal income and sales tax revenue for Virginia (approximately \$1 billion attributed to the Metrorail system), which translates to nearly five percent of Virginia's General Fund and support for over 311,000 jobs. Further, the system is integral to the functioning of the federal government, carrying thousands of federal workers to their posts every day.

Speed Enforcement via camera

Fairfax City seeks enabling legislation granting localities expanded authority to utilize speed enforcement via camera, with a goal of adding an additional layer of safety for pedestrian and cyclist in high pedestrian areas such as the City's five activity centers – Kamp Washington, Northfax, Fairfax Circle, Old Town and Pickett & Main.

Respect Local Authority

An overemphasis on statewide uniformity does not adequately consider the issues experienced in growing and urbanizing localities in Northern Virginia, limiting the ability of local governments to respond to community standards and priorities, specifically within taxation, land use and local flexibility.

Table of Contents

City Council Goals	4
Funding Core Services	6
K-12 Funding	6
WMATA and Regional Transportation Funding	7
Transportation Funding	8
Local Authority	8
Policy Statements for Legislative Action	10
Economic Development	10
Affordable Housing and Homeless Prevention	10
Cannabis Taxation and Equitable Implementation	10
Economic Development and Diversification	11
Environmental Sustainability/Stewardship	12
Control Invasive Plants	12
Greenhouse Gas Emissions and Renewable Energy	12
Extended Producer Responsibility	12
Waste Reduction and Recycling: Statewide and Regional Planning and Leadership	13
Water Quality Funding	13
Virginia Litter Control & Recycling Fund	13
Community	14
Adult Protective Services (APS)	14
Behavioral Health	14
Children’s Services Act (CSA)	15
Early Childhood Services	15
Independence and Self-Sufficiency for Older Adults and People with Disabilities	16
Long-Term Care (LTC) Workforce Needs	16
Jails	16
Libraries	16
Medicaid Waivers	17
Paid Family Medical Leave	17
Parity Barriers in Mental Health	17
Substance Use Disorder	18
Temporary Assistance for Needy Families (TANF)	18
Transportation	19
Transportation Safety and Coordination	19
Governance	20
Accessibility	20
Collective Bargaining	20
Courts	20
Domestic and Sexual Violence	21
Elections	21
Land Use	21
Public Safety	21
Safety-Sensitive Positions	21
Taxation	21

The City of Fairfax continues to address the challenges its citizens and the organization face in the areas of education, behavior health, traffic congestion, affordable housing, inflation in infrastructure costs and employment – most notably within social services, education, public safety, and information technology.

The City Council adopted their 2023-2024 goals and priority action items for the City on February 14, 2023. These goals touch 5 key priority areas: Economic Development, Environmental Sustainability/Stewardship, Community, Transportation and Governance and read as follows:

Economic Development

Take actions that result in a more diverse, balanced, and resilient economy through business attraction, expansion and retention to enable a business environment that supports the quality of life that our community expects.

What does this mean to the city...

- Continue real estate tax base growth above the Northern Virginia regional average.
- Prioritize community “affordability” for residents, businesses and visitors.
- Continue partnerships in the Northern Virginia region to improve our long-term economic health and leverage the city’s competitive advantage and strategic intergovernmental relationships.
- Improve and streamline the city’s processes to provide easy, quick and friendly experiences when opening and operating a business.
- Enable appropriate, sustainable transportation oriented mixed-use development and redevelopment that complements our distinctive sense of place.

Environmental Sustainability/Stewardship

Preserve, protect and improve our community’s natural, cultural and historical resources as population growth, economic development/redevelopment and climate change create significant impacts.

What does this mean to the city...

- Prioritize development or redevelopment that embraces sustainable practices, increases green space, and creates compact and less car centric places.
- Preserve, protect and enhance natural and environmentally sensitive areas.
- Strengthen environmentally sustainable practices in city policies and operations.
- Identify opportunities for collaboration and partnerships including GMU, NVCC, regional, state, environmental and cultural institutions.
- Undertake initiatives to improve recycling, composting, and other solid waste best management practices.

Community

Strengthen our welcoming and safe community, known for its distinctive quality of life, through community engagement, connectivity, a safety net for those in need and exceptional City services.

What does this mean to the city...

- Recognize, value and celebrate the many traditions in our community through honoring the history of those who established the city and welcome those who will write its future with their unique contributions.
- Provide a comprehensive community-based range of programs, special events, and activities.

- Improve access to and availability of health and human services through programs and partnerships to increase mental and physical health and a sense of safety and individual well-being for all ages.
- Identify existing and new programs that can improve connectivity and access to community and educational services.
- Ensure economic vitality, safety and health, affordable housing choices, sustainability, education, infrastructure, and cultural and recreation opportunities.

Transportation

Create safe and efficient movement of pedestrians, cyclists, motorists, commercial vehicles and transit through the city and region via an intermodal system that is appropriately scaled, efficient, safe and convenient.

What does this mean to the city...

- Create opportunities for walking, cycling and other transportation options that are safe and environmentally sustainable.
- Improve access between neighborhoods and parks, schools, activity centers and other destinations throughout the city.
- Support new approaches for safe more accessible, convenient, and efficient public transit connections to metro, GMU, and key locations in the community.
- Further efforts to create a street grid to facilitate economic and community development.
- Align efforts with public, private and non-profit partners to identify future transportation modes and infrastructure needs.

Governance

Maintain and strengthen long-term fiscal health through governance distinguished by a high-performing, innovative and community-based system that is founded on open, multi-faceted communication with residents, businesses, and visitors; demonstrates accountability and responsiveness and is supported by a professional workforce.

What does this mean to the city...

- Attract and retain employees who will address current and future city needs.
- Improve citizen engagement through new forms of communication with an emphasis on underserved populations.
- Align organization structure and business processes and practices that result in outstanding customer service and responsiveness.
- Continue our city's excellent fiscal management practices that include capital investments, effective borrowing and proactive fund balance management to support city services, facilities and infrastructure.
- Use technology enhancements and investments to make data-driven decisions, support transparency in government operations, and deliver accessible and effective city services.

In harmony with the Council's 2023-2024 goals and priority action items, the city council respectfully request the General Assembly consider the City of Fairfax Legislative Program with an open mind as a partner with the City of Fairfax, the Northern Virginia Region and every locality within the Commonwealth.

FUNDING CORE SERVICES

The General Assembly must acknowledge its shortfalls and increase funding and authority for the following core services: K-12 Funding, Transportation Funding, and Local Authority

These key perennial challenges in the relationship between the Commonwealth and the city: persistent underfunding of core services and lack of local authority, affect every aspect of governance in the City of Fairfax.

State established standards for the following locally delivered services must be accompanied by adequate state funding and local authority to successfully provide those services, ensuring both the state and localities accept responsibility commensurate with their respective roles, in addition to reciprocal accountability for successes and failures.

1) K-12 Funding – Joint Position with the Fairfax County, Fairfax County School Board and Fairfax City School Board

Public education funding in the Commonwealth is enshrined in the Virginia Constitution as a joint responsibility of both state and local governments, so it is essential that the state fully and appropriately meet its Constitutional responsibility to adequately fund K-12 education. Unfortunately, the Commonwealth continues to allow the gap between state funding and the actual costs of providing a high-quality education, particularly in high cost-of-living jurisdictions like City of Fairfax, to expand.

A watershed report by the Joint Legislative Audit and Review Commission (JLARC) in 2023 outlined both the inadequacy of state funding and the substantial flaws in current state funding formulas.

The findings of the report are dramatic:

- Virginia school divisions receive less K-12 funding per pupil than the 50-state average and the regional average, which equates to approximately \$1,900 per pupil in state underfunding of the Commonwealth's students (Virginia schools receive less state funding than neighboring West Virginia, Kentucky, and Maryland).
- The state Standards of Quality (SOQ) formula yields substantially less funding than actual division spending and benchmarks. The current SOQs dramatically underestimate the actual costs of public education, as evidenced by the fact that the SOQ formula provided \$6.6 billion less than what was spent by local school divisions in FY 2021.
- The SOQ formula systematically underestimates school division costs, and still uses Great Recession era cost reduction measures (including the support positions ratio cap, which has artificially lowered the state's funding contributions for critical educational support positions by hundreds of millions of dollars annually since its adoption in 2009).
- The formula does not adequately account for higher needs students, and the methodology for at-risk students undercounts students in poverty.
- The formula does not adequately account for local labor costs. As a result, the formula includes additional factors, like the Cost of Competing Adjustment (COCA), as an acknowledgement of the formula's failure to account for cost of living. However, such factors are too small to appropriately counteract the inadequacy of the funding formula in recognizing the competitive salaries required in high cost-of-living regions to attract and retain high-quality personnel.

The City Council supports addressing the deficiencies and underfunding cited by the JLARC report including:

- SOQs that reflect the true local costs of providing a high-quality public education, including the elimination of Great Recession-era changes in the SOQ funding formula.
- Recognizing cost-of-living variations throughout the Commonwealth in state funding formulas, particularly in high cost-of-living areas like Northern Virginia.
- Increasing state funding support for school divisions with high numbers or concentrations of English learners (approximately 30 percent higher costs than general education), students living in economically disadvantaged households (approximately 10 percent higher costs than general education), and students receiving special education and mental health services (approximately 100 percent higher costs than general education).
- Increasing state resources for early childhood education programs, which help young children enter kindergarten prepared to succeed.
- The City Council opposes changes that disproportionately target or affect Northern Virginia, policies which impose unfunded mandates on localities, and policies which divert K-12 funding away from local public schools and toward non-public options.

(Updates and reaffirms previous position.)

2) Washington Metropolitan Area Transit Authority (WMATA) and Regional Transportation Funding

The Commonwealth must fully restore the \$102 million of regional funding to the Northern Virginia Transportation Authority (NVTA) that was previously diverted to WMATA in 2018, to ensure that transportation projects continue to advance in Northern Virginia after decades of state underfunding (approximately \$63.5 million has been restored thus far). The Commonwealth must also provide dedicated and sustainable funding for WMATA that addresses the looming budget shortfall – putting the agency on sound financial footing without diverting resources from other transportation needs in Northern Virginia and the Commonwealth.

- Maintain regional and local transportation funding created by HB 2313 (2013), HB 1414/SB 890 (2020), and other legislation as originally intended. Major transportation improvements that provide benefits beyond Northern Virginia – such as WMATA state of good repair, projects related to possible relocations of federal facilities, and projects that create additional capacity across the Potomac River – should primarily be funded by the Commonwealth and the federal government.
- Metrorail is vital to the transportation networks and economic growth of Northern Virginia and the Commonwealth. A shortfall of up to \$650 million is currently projected in FY 2025, with the gap expected to increase further in the coming years. Unlike Maryland, in Virginia, local jurisdictions have historically provided substantial funding for WMATA (primarily through local property tax revenues), though the benefits are shared by the entire Commonwealth. A recent analysis by the Northern Virginia Transportation Commission (NVTC) indicates that Northern Virginia’s transit network generates \$1.5 billion in annual personal income and sales tax revenue for Virginia (approximately \$1 billion attributed to the Metrorail system), which translates to nearly five percent of Virginia’s General Fund and support for over 311,000 jobs (including nearly 41,000 outside of Northern Virginia). Further, the system is integral to the functioning of the federal government, carrying thousands of federal workers to their posts every day.

(Updates and reaffirms previous position.)

3) Transportation Funding

The Commonwealth should build upon the successful enactment of significant transportation revenues by the 2013 and 2020 GAs to ensure sufficient funding for transportation needs, which include new projects, state road maintenance (encompassing improved repaving, snow removal, mowing in the right-of-way, and stormwater management), and continued state assistance for local and regional transit systems (including the CUE bus system, the Virginia Railway Express, and WMATA).

- Ensure that Northern Virginia continues to receive its fair share of statewide revenues, as required by HB 2313, particularly in light of the various programs and allocation processes created in recent years.
- Simplify the application and scoring processes for funding administered by the Commonwealth by making them more efficient and transparent, while addressing cost estimates that change dramatically during the state review process.
- Provide sufficient funding for programs that address multimodal mobility needs including: Revenue Sharing, which leverages state transportation funds by encouraging local governments to spend their own money on transportation projects; funding for the construction and maintenance of bicycle and pedestrian facilities; and a reasonable vegetation maintenance schedule that does not rely on local funding to maintain safety, including clear zone and sight distance requirements.

(Updates and reaffirms previous position.)

4) Local Authority

Existing local government authority must be preserved and expanded, particularly in such key areas as taxation, land use, and the protection of public health, safety, and welfare. Further, local authority should be enhanced to provide localities additional flexibility in the administration of local government. Finally local government representatives should be included on all commissions or bodies established by the state for the purpose of changing or reviewing local revenue authority or governance.

Each level of government has unique strengths. However, because Virginia is a Dillon Rule state, local governments are significantly restricted in their authority, which impedes their ability to react quickly and efficiently to emerging problems. In many instances, an overemphasis on statewide uniformity does not adequately consider the particular issues experienced in growing and urbanizing localities in Northern Virginia, limiting the ability of local governments to respond to community standards and priorities.

Taxation

- The local tax structure, which has become outdated and over-reliant on property taxes, must be modernized so that revenues can be diversified.
- State and local taxes should be updated to reflect changes in the economy or technology.
- New state mandates, diminution of current local taxing authority, and restrictions on local revenues should be avoided, while current requirements should be fully funded.

Land Use

- Local land use authority must be preserved, and the GA must avoid one size fits all mandates that eliminate or reduce local flexibility.
- Communities should be empowered to act through their locally elected governments to ensure orderly and balanced growth and development, allowing direct public participation in this critical process.
- Further restrictions on, and additional procedural hurdles for, local use of eminent domain are unnecessary and increase the cost to local taxpayers. City of Fairfax continues to be extremely judicious in its selective use of eminent domain.

Local Flexibility

- The state should provide localities with increased flexibility to explore initiatives that promote clean air, energy efficiency, conservation, new investment in green construction, tree preservation, reduced waste, recycling management, and other critical measures that could spur the development of innovative approaches that address the impact of global climate change on health and the environment and increase sustainability throughout the Commonwealth.
- The state should modernize state building codes by adopting the International Green Construction Code (IgCC), the full provisions of the International Energy Conservation Code (IECC), and the energy provisions of the International Residential Code (IRC) without weakening amendments. Additionally, the state should provide localities more flexibility to increase energy efficiency and improve resilience to climate change impacts, by adopting stronger local standards and implementing energy efficiency and utilization disclosure/benchmarking.
- Localities should be granted additional authority to increase their own minimum tree canopy, tree coverage percentages, and overall tree preservation during the zoning and development process, to assist in reducing urban heat island impacts on residents, achieving environmental goals, increasing flood resiliency, and meeting water quality permit requirements.
- Localities should be granted additional authority to manage solid waste collection and onerous requirements should be removed from state law in order to address community needs comprehensively and in a timely manner, ensure good public sanitation, protect the environment, and enhance quality of life. Additionally, consumer protection laws should be strengthened to provide additional remedies to residents when ongoing issues are not resolved in this critical area.
- Localities should be granted additional authority to allow for increased opportunities for members of public bodies to participate in and attend public meetings remotely – including allowing those with disabilities or with caregiving responsibilities to satisfy quorum requirements when participating remotely – while ensuring that public service is available to individuals with a wide array of backgrounds and maintaining the transparency required for the conduct of public business.
- The state should empower localities to solve their own problems – providing increased authority for services that have no compelling priority or impact for the Commonwealth and eliminating the need to seek permission for ministerial matters each year.
- Requiring that all bills with a local fiscal impact be filed by the first day of the GA session would allow localities the maximum time possible to highlight potential impacts as new legislation is considered.

(Updates and reaffirms previous position.)

POLICY STATEMENTS FOR LEGISLATIVE ACTION

The Fairfax City Council considers the following policy statements as a guide by which General Assembly actions should be measured during the 2024 General Session. (arranged by City Council strategic goals in priority order)

ECONOMIC DEVELOPMENT

AFFORDABLE HOUSING AND HOMELESS PREVENTION

Affordable housing is the underpinning of all human services programs, improving physical and mental health, reducing stress, and improving nutrition, educational outcomes, and family stability. It also provides vital benefits to communities, from helping to attract and retain employees to reducing congestion, improving the environment, and stimulating economic growth.

- Support state funding and actions to increase the availability of affordable, accessible and integrated housing options and prevent homelessness, including expanded investments in tools and programs to address affordable housing needs, particularly in high cost-of-living areas like Northern Virginia, and to mitigate evictions resulting from the economic impacts of the COVID-19 pandemic.
- Support retaining existing local land use authority, allowing localities to craft solutions that are appropriate for their communities, including innovative ideas and solutions that require the flexibility and agility to respond to changing conditions and circumstances as opportunities present themselves.
- Support substantially increasing funding for the Virginia Housing Trust Fund, as well as increasing the funding cap that each development can request. This is essential to create and preserve affordable housing and reduce homelessness in Northern Virginia, where housing affordability poses substantial challenges for the economic competitiveness of the region.
- Expand resources to ensure legal assistance and aid to tenants facing eviction, including outreach and prevention services for potential beneficiaries.
- Expand the pool of resources available for down payment assistance, as down payment costs are a major barrier to homeownership for low- and moderate-income earners.
- Enhance and create additional state-funded housing tax credits and rental assistance programs for individuals with disabilities and people experiencing homelessness, such as the Livable Homes Tax Credit, State Rental Assistance Program (SRAP), Virginia Homeless Solutions Program (VHSP), and previously provided Housing Choice Vouchers.
- Increase funding for permanent supportive housing units for individuals with severe mental illness, substance use disorder, and developmental disabilities.
- Consider changes to state law to protect residents of mobile home parks, including more assistance with relocations, expanded notification requirements for both tenants and localities, and longer timelines.

(Updates and reaffirms previous position.)

CANNABIS TAXATION AND EQUITABLE IMPLEMENTATION

- Support to assist communities with the upfront, pre-implementation administrative, health, and public safety costs incurred prior to the start of legal sales in localities. This includes training for local law enforcement, and other applicable local government personnel (taxation, finance, revenue, code enforcement, zoning, etc.) on the new law and regulations.
- Urge the Cannabis Control Authority to begin its work as soon as possible to fill the regulatory vacuum. This work must include participation by local governments to clarify state and local roles and responsibilities pertaining to marijuana rules and regulations. This work must include participation by local governments to clarify state and local roles and responsibilities pertaining to marijuana rules and regulation, including but not limited to, establishing enforcement guidance and training, standards,

and guidance for marijuana equivalents, and eliminate ambiguity from local authority.

- Supports the equitable implementation of this law.
(Updates and reaffirms previous position.)

ECONOMIC DEVELOPMENT AND DIVERSIFICATION

- Support for commercializing academic research, building upon private sector technological and research investments, supporting local entrepreneurs, and cultivating local talent and connections with employers will help the City be a leader in economic development.
- Explore opportunities for innovative technologies that enable business growth across all sectors, including blockchain technology, new electronic payment methods, electronic wallets, artificial intelligence, robotics, automation, and others.
- Provide business infrastructure and funding for smart community technology, particularly mobility technology, sustainability, urban tech, and data analytics, as well as street access and design to support smart cities/communities.
- Fully fund the Commonwealth's Development Opportunity Fund and resources for the Virginia Jobs Investment Program (VJIP)'s Small Business New Jobs and Workforce Retraining initiatives.
- Advance the GO Virginia program to ensure successful alignment between application and approval processes, evaluation criteria, and program goals. Particular emphasis should be on the specific evaluation criteria for Region 7 applications and consideration of unique criteria for regions to improve program processes, simplify the application process, and lead to more impactful program outcomes.
- Encourage regional and state collaboration on cross-regional initiatives, such as the recently created Northern Virginia Economic Development Alliance.
- Provide early-stage firms with technical assistance and resources to scale, emphasizing business founders not traditionally receiving venture capital, including women, veterans, and people of color.
- Target state investments in broadband infrastructure, an increasingly critical utility, to ensure access to reliable, affordable, high-speed service. Even in areas well-served by broadband service, many residents have limited access due to cost.
- Support programs that connect non-traditional work candidates with work-based learning opportunities, while supporting employers engaging in innovative talent attraction and retention strategies.
- Support vibrant commercial districts and communities that provide amenities to attract workers, residents, and visitors through place-led economic development efforts.
- Support structures and policies to encourage and incentivize disadvantaged businesses to more fully participate in local procurement and business development opportunities, including by providing state-level leadership in disparity study data and analysis for local jurisdictions.

(Updates and reaffirms previous position.)

ENVIRONMENTAL SUSTAINABILITY AND STEWARDSHIP

CONTROL INVASIVE PLANTS

The City Fairfax supports legislation that would provide localities the authority to prevent, control and abate the growth, importation, or spread of invasive plants such as English ivy, porcelain-berry, Japanese honeysuckle and mile-a-minute weed.

(Updates and reaffirms previous position.)

GREENHOUSE GAS EMISSIONS AND RENEWABLE ENERGY

- Advance legislation that expands opportunities for net metering programs, which allow eligible customers to offset their power consumption by selling self-generated renewable power back to the energy grid.
- Eliminate caps on Power Purchase Agreements (PPAs), which can facilitate the adoption of renewable energy by reducing or eliminating the up-front costs of such projects, thus assisting in reducing greenhouse gas emissions and other forms of pollution.
- Expand the availability of shared solar programs by increasing or eliminating program caps and establishing customer safeguards to ensure community members can take advantage of such programs, which provide residents and businesses the opportunity to participate in the renewable energy market by purchasing solar generated electricity and receiving renewable energy credits associated with their subscription to a shared solar facility.
- Provide incentives to encourage solar energy on existing buildings, and sites with existing pervious surface.
- Support legislation requiring electric utilities to first reduce demand for electricity through energy efficiency, thereby decreasing the need for new fossil-fueled generation resources.
- Incentivize and reduce barriers to the installation of EV charging infrastructure to expand EV infrastructure and increase local authority to require EV charging stations in new high-density developments where practicable.
- Support state income tax incentives, funding, and rebates for businesses or residents to defray the cost of new construction, building improvements, and the transition to more efficient or alternative fuel vehicles, (including the purchase of new and used EVs,) as well as flexibility in determining rebate eligibility in high cost-of-living areas like Northern Virginia.
- Support programs like the mileage choice program (a voluntary program for drivers of fuel-efficient vehicles and EVs that allows drivers to pay the highway use fee on a per-mile basis based on actual usage,) that incentivize the use of EVs while also ensuring all drivers make fair contributions to support the Commonwealth Transportation Fund.
- Support adequate state resources for localities to invest in EVs and related infrastructure.
- Fund renewable energy grant programs and incentives to assist the development and growth of energy businesses and technologies, such as renewable distributed energy generation.

(Updates and reaffirms previous position.)

EXTENDED PRODUCER RESPONSIBILITY

Supports reviewing and updating the Virginia Waste Management Act and moving the Commonwealth towards using an extended producer responsibility (EPR) framework approach to deal with difficult products and packaging generated in the Commonwealth. EPR is a type of legislation that extends a producer's responsibility beyond the point of sale and includes end-of-life cycle management for products and/or packaging. The concept is that the producer has the most influence over the design of products and packaging and, if they are partially responsible for the cost of recycling or disposal, they will design their products to be more easily recovered and/or disposed. An EPR framework approach establishes a

common legislative or regulatory process for determining which products and/or packaging are included in an EPR law, treats all products equally with respect to sales, stewardship plans, reporting, and promotes transparency and accountability. An EPR framework approach would better keep pace with the evolving products and packaging in the marketplace in Virginia; reduce waste; support a circular economy; and distribute the burden of disposal and recycling on those responsible for the manufacturing, distribution, and use of these products.

(Updates and reaffirms previous position.)

WASTE REDUCTION AND RECYCLING: STATEWIDE AND REGIONAL PLANNING AND LEADERSHIP

The City of Fairfax supports any efforts by the Commonwealth to expand the mission, scope and resources (e.g., funding, staffing, etc.) of the Virginia Department of Environmental Quality's (DEQ) waste reduction and recycling programs especially those that encourage regional planning, recyclable and organics market development, and that result in DEQ being more actively engaged in waste reduction matters in the Commonwealth. Proposed solutions include:

- Expand DEQ mission, funding and staffing for solid waste reduction programs;
- Encourage development of regional solid waste management agencies or authorities to collect, process and market recyclable and compostable;
- Expand incentives to promote more regional (e.g., Planning District Commissions) and statewide solid waste management planning;
- Provide more incentives to support recycling and organics market development and innovation for solid waste management challenges in the Commonwealth; and
- Be engaged in the national dialogue on waste reduction and recycling.

(Updates and reaffirms previous position.)

WATER QUALITY FUNDING

- Support budget action providing adequate state appropriations to the Water Quality Improvement Fund (WQIF) in order to ensure full and timely payments under point source upgrade contracts with local governments. Also support increased funding to the Stormwater Local Assistance Fund (SLAF).
- Provide additional state assistance for urban stormwater needs to meet federal Chesapeake Bay requirements. In 2017, the Senate Finance Committee estimated these costs to be \$19.7 billion by 2025, particularly in light of the ambitious goals set forth in the Chesapeake Bay Total Maximum Daily Load (TMDL) Phase III Watershed Implementation Plan. Local governments throughout Virginia face mounting costs for water quality improvements for sewage treatment plants, urban stormwater, combined sewer overflows (CSOs), and sanitary sewer overflows (SSOs).
- As the state continues to assign increased local stream TMDLs and the City is required to complete additional water quality projects, the state must partner with localities to meet federal mandates to ensure the success of this effort.

(Updates and reaffirms previous position.)

VIRGINIA LITTER CONTROL & RECYCLING FUND

The City of Fairfax supports the Virginia Litter Control & Recycling Fund as an important self-funded program that enhances recycling across the state. Fees are collected from every wholesale or distributor of carbonated soft drinks and were originally set in 1981. Virginia imports 6 to 7 million tons of waste from outside the state each year. To retain disposal capacity for waste, Virginia should consider enhancing the Litter Control and Recycling Fund to support recycling and litter prevention by an increased annual fee for companies that do not pay on time, requiring businesses to provide litter and recycling containers for use by the public, or a bottle fee to fund waste management in Virginia.

(Updates and reaffirms previous position.)

COMMUNITY

ADULT PROTECTIVE SERVICES (APS)

Support state funding for additional APS social workers. As the older adult population has increased in Virginia, so has the demand for APS services, but state funding has remained stagnant (in FY 2023, Fairfax County APS received over 3,500 reports of adult abuse, neglect, and exploitation).

(New position.)

BEHAVIORAL HEALTH

- Support substantially increased and ongoing funding allocated based on localities' needs and population size, for public safety and mental health services that connect people who come into contact with the criminal justice system for non-violent offenses to treatment.
- Support sufficient state funding for intensive community resources – such as Assertive Community Treatment and Discharge Assistance Planning – and intensive residential services to alleviate the state hospital bed crisis and allow individuals to transition safely and expediently from psychiatric hospitals to community care.
- Oppose any state actions which disproportionately rely on local funding for service implementation.
- Provide full funding, commensurate with the size of the population served, and flexibility for mandated core CSB services like the Commonwealth's System Transformation, Excellence and Performance in Virginia (STEP-VA) Crisis Services and for Marcus Alert implementation, particularly as the state builds on STEP-VA as it transitions to the national Certified Community Behavioral Health Clinics (CCBHCs) model, designed to ensure access to coordinated comprehensive mental health and substance use services. Unfortunately, the Commonwealth has not provided adequate funding to implement the newly mandated services.
- Ensure that any future mandates are fully funded by the state, include flexibility for implementation, and are coordinated with CSBs.
- Oppose the use of a local ability-to-pay factor in the distribution of CSB funds and funding for related behavioral health programs like Marcus Alert, which would penalize localities that make funding behavioral health programs with local dollars a priority.
- Increase the availability of community-based crisis services, community residential capacity for early intervention to prevent hospitalization, and local psychiatric beds for people with behavioral health issues.
- Explore all clinical and administrative opportunities to improve the psychiatric hospitalization process and/or minimize the use of hospital beds.
- Remove the barriers that exist in alternative transportation and alternative custody options for individuals in need of psychiatric hospitalization.
- Support additional state funding to ensure affordable and equitable access to the full range of behavioral health services for youth – from prevention through intensive community and residential treatment – including programs that reduce risk factors leading to youth violence, gang participation, alcohol/drug use, and mental health issues.
- Enhance reintegration and discharge planning services for youth and adults at high risk of rapid re-hospitalization or re-offending.
- Increase funding for mental health services and substance use treatment for individuals incarcerated for offenses that make diversion programs unavailable to them.
- Remove barriers to the exchange of individuals' health information among law enforcement, the court system, CSBs, health care providers, and families and guardians.
- Provide Crisis Intervention Team (CIT) and Mental Health First Aid training to law enforcement

personnel, dispatchers, fire and rescue, jail personnel, and health and human services staff to educate those interacting with individuals with developmental disabilities, substance use disorder, and mental illness.

- Provide adequate funding for forensic discharge planning and post-incarceration services to remove the barriers to community reentry.
- Provide additional service navigation assistance, including requiring health insurance companies to update their provider registries regularly, to connect young people and families to appropriate services.
- Address workforce shortages through a multi-pronged approach, including payment restructuring, streamlining licensure requirements for providers, and improving workforce development by formalizing relationships and creating a pipeline from high school and community college to undergraduate and graduate school.

(Updates and reaffirms previous position.)

CHILDREN'S SERVICES ACT (CSA)

- Support continued state responsibility for funding mandated CSA services on a sum sufficient basis. Oppose changes to CSA that shift costs to local governments, disrupt the responsibilities and authorities assigned to the County by CSA, or alter current funding formulas and increase costs to Fairfax County (where the aggregate local match is currently approximately 46 percent).
- Support the current structure, which requires that service decisions are made at the local level and are based on the needs of each child, ensuring that service expenditures are approved through local processes.

(Updates and reaffirms previous position.)

EARLY CHILDHOOD SERVICES

Childcare

- Support state childcare funding for economically disadvantaged families not participating in Temporary Assistance for Needy Families (TANF)/Virginia Initiative for Education and Work (VIEW), and support an increase in childcare service rates. Also support maintaining City of Fairfax's local permitting process for family childcare providers serving four or fewer non-resident children.
- Ensure updates to the state's maximum reimbursement rates for childcare subsidy vendors are made on a regular basis to reflect the cost of care in City of Fairfax and continue to assess the family copayment scale to support childcare access and affordability.

(New position.)

Early Intervention Services for Infants and Toddlers with Disabilities/Part C

- Support increased and sustainable funding and infrastructure for Part C Early Intervention, which is a state/federal entitlement program that provides services for Virginia's infants and toddlers with developmental delays. Also support continued consistent rate increases for early intervention services to reflect current costs.

(New position.)

School Readiness

- Support increased state resources and operational flexibility for early childhood education programs, including the Virginia Preschool Initiative (VPI), in order to eliminate barriers and allow localities to expand these critical programs.
- Continue to allow flexibility to provide VPI services in community early childhood programs, including centers and family childcare homes, to address capacity challenges in public school settings (if Fairfax

County were to use all available slots to serve four-year-old children in only public-school classrooms, approximately 68 additional classrooms would be needed, creating a substantial capacity challenge).

- Continue to have an additional verification window to confirm VPI eligibility for families enrolling after the initial fall verification date, which allows improved access to this important program.

(New position.)

INDEPENDENCE AND SELF-SUFFICIENCY FOR OLDER ADULTS AND PEOPLE WITH DISABILITIES

- Support funding for programs that promote independence, self-sufficiency, and community engagement of older adults and people with disabilities.
- Support additional funding for home care workers and resources for family caregivers.

(New position.)

LONG-TERM CARE (LTC) WORKFORCE NEEDS

- Support legislation to improve the quality of LTC in Virginia’s skilled nursing facilities, in order to ensure better health outcomes and quality of care for medically frail individuals, including older adults and individuals with disabilities.
- Support legislation that helps nursing homes and skilled nursing facilities to recruit and retain highly qualified, well-trained staff (which is currently difficult due to low wages, limited benefits, and stressful working conditions).

(Reaffirms previous position.)

JAILS

- The Commonwealth should adequately compensate localities at a level commensurate with the state’s responsibility for local jail operations.
- Replace the current state model for funding jails with a model that reflects actual costs. The current formula uses a per diem rate of dollars per day – \$5 per day for local-responsible inmates and \$15 per day for state responsible inmates – far less than the actual daily cost of approximately \$419 to house an inmate. A percentage model that adjusts for inflation would accurately reflect the state’s funding responsibilities.
- The state should also provide additional funding to support behavioral health care for inmates – in FY 2024, Fairfax County provided approximately \$1.9 million to support behavioral healthcare at the Adult Detention Center, while the state provided only approximately \$144,500.

(Updates and reaffirms previous position.)

K-12 EDUCATION

Refer to Section *FUNDING CORE SERVICES* on page 5,

LIBRARIES

- Support continued increases in state aid to public libraries, as it provides communities with critical services such as student homework support, research assistance, and public internet access – the GA has made a multiyear commitment to fully funding the current formula, which is an important step towards achieving adequate state funding for this vital resource.
- Support reducing barriers to libraries acquiring eMaterials under reasonable terms and costs, as public libraries often pay prices substantially higher than what a consumer would pay for the same digital item (some publishing companies refuse outright to sell digital materials to libraries).

(Updates and reaffirms previous position.)

MEDICAID WAIVERS

- Support state funding and expansion for Virginia’s Medicaid waivers that provide critical home and community-based services for qualified individuals.
- Support increased funding for developmental disability (DD) Medicaid waiver slots and rates, to provide appropriate community services and ensure the Commonwealth fulfills its responsibility to implement the federal settlement agreement.

City of Fairfax supports the following adjustments in Medicaid waivers:

- An increased number of DD Medicaid waiver slots to meet, at a minimum, the Priority One waiting list (which is approximately 1,150 in Fairfax County, and over 3,500 in Virginia, as of September 2023), particularly in localities like those served by the Fairfax-Falls Church CSB where growth in the waiting list far exceeds the additional slots being provided by the state.
- Automatic rate increases, including an increase in the Northern Virginia rate differential.
- Improvements to the process for negotiating the approval and re-approval of customized rates for individuals with intensive behavioral and health needs who cannot be adequately served through the standard DD waiver rate structure.
- Expansion of home and community-based services by incorporating the Community First Choice (CFC) option into Virginia’s 2024 Medicaid state plan.
- Enforcement of Olmstead rights for people with disabilities and older adults to remain in the community following hospitalization for medical crises, including COVID-19 and related conditions.
- Ensuring a living wage for personal care attendants, consumer-directed personal assistants, respite care workers, and other caregiving roles that are funded through Medicaid waivers.
- Enhancement and preservation of the Commonwealth Coordinated Care (CCC) Plus Waiver, and elimination of the weekly 56-hour cap on personal care services.
- Restoration of respite hours that were reduced from 720 to 480 per year in 2011. Respite care allows caregivers to better manage crises, such as the COVID-19 pandemic (if unused, there is no cost to the state).
- Fully funded reimbursements for nursing and behavioral consultation, training, monitoring, and supports.
- Increased state funding to support a sustainable, well-trained workforce in residential, employment, and day support settings, including higher reimbursement rates to hire and retain professional nurses.
- Expansion of Regional Education Assessment Crisis Services and Habilitation (REACH) in-home crisis supports, access to appropriate intensive residential support options, and community-based crisis services for individuals with disabilities.

(Updates and reaffirms previous position.)

PAID FAMILY MEDICAL LEAVE

Support paid family and medical leave for all employees in the Commonwealth, which improves the health of mothers, infants, children, and adults managing health conditions while improving business productivity by boosting morale and increasing retention of skilled workers.

(Updates and reaffirms previous position.)

PARITY BARRIERS IN MENTAL HEALTH

The 2008 federal parity law requires insurance companies to provide mental health and substance abuse coverage equal to medical services, removing barriers to accessing behavioral health services. This law includes oversight requirements for both federal and state governments. Unfortunately, there continues to be significant concerns about this law’s implementation.

The lack of mental health parity places additional burdens on public systems, like the Community Services Board, when those systems are asked to fill service and access gaps left by insurance companies. Residents may experience barriers accessing behavioral health services. They include inadequate provider networks, long waits to access services and higher out of pocket costs for behavioral health services. Many commercially insured individuals find themselves utilizing out-of-network benefits to access necessary services. The COVID pandemic and the recent closing of state psychiatric hospitals highlight the importance of timely resident access to a continuum of behavioral health services. *(Updates and reaffirms previous position.)*

SUBSTANCE USE DISORDER

- Support increased capacity to address the Commonwealth’s ongoing substance use disorder epidemic through community-based treatment (including detoxification, medication-assisted, residential, and intensive outpatient programs,) and innovative efforts to limit the supply of opioids, particularly fentanyl which is involved in nearly all fatal overdoses in City of Fairfax and the Commonwealth.
- Support coordinated strategies to meet the growing need for substance use disorder services and incentives providers that target specific high-risk age groups, including youth. Innovative approaches to prevention, such as expanding cigarette taxing authority to include e-cigarettes and nicotine addiction treatment, are necessary to address the vaping crisis that is affecting teens and young adults at an alarming rate.

(New position.)

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)

Support a continued increase in TANF reimbursement rates, as current Virginia TANF benefit levels remain at or below 32 percent of the Federal Poverty Level for all family household sizes. Also support continued TANF funding of programs which meet the needs of low-income families.

(Updates and reaffirms previous position.)

TRANSPORTATION

TRANSPORTATION FUNDING

Refer to Section *FUNDING CORE SERVICES* on page 8,

TRANSPORTATION SAFETY AND COORDINATION

- Support legislation to improve pedestrian and bicyclist safety, and maintenance of active transportation facilities. Also support increased coordination between localities and the Commonwealth in the process for considering speed limits and street standards. Finally, support adequate maintenance of sidewalks and trails in the City.
- Additional flexibility within VDOT project approval processes and design standards to be responsive to the City's specific needs is vital.
- Support state action to better regulate the sale and use of modified, loud exhaust systems in the Commonwealth, including through the vehicle inspection process, as such systems continue to pose a safety and quality of life issue in Northern Virginia.

(Updates and reaffirms previous position.)

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) AND REGIONAL TRANSPORTATION FUNDING

Refer to Section *FUNDING CORE SERVICES* on page 7,

GOVERNANCE

ACCESSIBILITY

- Support the inclusion of people with disabilities throughout the Commonwealth by increasing accessibility to public places and activities, employment opportunities, housing, and transportation services (including transportation network companies), strengthening the protections offered by the Americans with Disabilities Act.
- Ensure continued access to affordable, accessible transit for people with disabilities and older adults.
- Increase the stock of fully accessible units available to renters and buyers at all socio-economic levels in order to advance housing equity for people with disabilities and older adults.
- Provide additional affordable, accessible, integrated housing and transportation options, as well as support for Universal Design initiatives, to facilitate opportunities for people with disabilities to remain active, contributing members of their communities while retaining their independence and proximity to family and friends, and preventing unnecessary institutionalization based on disability.

(New position.)

COLLECTIVE BARGAINING

Concerns about the increase in the cost of government, bureaucracy in local government operations, and more adversarial employee relations are reasons that localities have traditionally opposed collective bargaining. The City does not support requiring localities to engage in collective bargaining.

(Updates and reaffirms previous position.)

COURTS

- Adequately fund Virginia's courts to ensure a well-functioning judicial branch, as the overall underfunding of Virginia's court system continues to place additional burdens on localities and the judicial system.
- The state should provide sufficient funding for the salaries of court personnel, but for years the Commonwealth has ignored this obligation and failed to adequately fund court personnel in Fairfax County, instead relying on the County to ensure the efficient and appropriate administration of justice.
- Continue to make progress on reducing the deficits in the Supreme Court's District Court Staffing Model
 - The County's General District Court (GDC) no longer has a position deficit, and the Juvenile and Domestic Relations District Court's (JDRDC) deficit has been reduced to two positions, but additional County funding will be required to supplement the salaries for those additional positions in a high cost-of-living area like Northern Virginia.
- When reevaluating the need for judgeships and state funding for each court, the GA should consider the quantity of filed cases and qualitative factors, including interpreters, complexity of litigation type, increases in population and commercial development, and cost of living.
- Adopt a new state funding formula for Commonwealth's Attorneys' offices, replacing the current outdated approach focused on felony indictments and sentencing events in Circuit Court, which is antithetical to the goal of increasing diversion programs and utilizing specialty dockets (such as the ones used in Fairfax courts for mental health and veterans) that are aimed at keeping people out of the criminal justice system or keeping them from felony sentencing consequences.
- Begin to allocate additional resources to Commonwealth's Attorneys' offices prosecuting misdemeanor cases. Funding for these Constitutional officers is primarily a state responsibility, and localities should not be expected to supplement critical state functions (creating situations where police officers are essentially carrying their own misdemeanor cases in court).

- Ensuring cooperation with localities before any new state mandates are considered is essential – for example, the passage of legislation in 2021 to streamline the process for expungements and record sealings of some criminal records, including those for certain low-level marijuana-related offenses, is a policy goal that the County supports. However, the logistics and costs of doing such work in a timely manner will impose significant costs and workload issues on localities, including IT investments and manual redaction of paper files, that could be alleviated through appropriate consultation throughout the legislative process.

(Updates and reaffirms previous position.)

DOMESTIC AND SEXUAL VIOLENCE

- Support additional state funding and efforts to increase the capacity for localities to implement culturally specific prevention and intervention services to eliminate domestic and sexual violence, including continued support for evidence-based, quality programs that provide education and rehabilitation for those who cause harm to help end the cycle of violence and provide victims more choice in addressing safety concerns and housing needs.
- Support legislation to strengthen protective orders (POs), such as: requiring family abuse PO respondents to immediately surrender firearms directly to law enforcement; expanding the prohibition on knowingly possessing a firearm to include non-family abuse PO respondents; and providing judges with greater discretion to extend and/or increase the time period of POs.

(New position.)

ELECTIONS

- Support legislation to promote equitable and efficient participation in elections, such as continuing to facilitate voting by mail, providing for extended polling hours statewide, extending curbside voting to those with non-physical disabilities, and expanding the use of drop boxes. Adequate state funding for election administration, voting equipment, and systems modernization and security is essential to this effort.
- Support efforts to provide expanded flexibility during emergencies, allowing local election officials to prevent any potential disruptions to election administration.
- Legislation intended to enhance security of elections must be carefully analyzed to ensure that it strikes a balance between maintaining the integrity of elections while not discouraging the exercise of the franchise.
- Support increased state investments in voting equipment, systems modernization/security, and election administration, including training for local electoral board members, registrars, and elections officials.
- Local input in the design and implementation of the new state election system is critical to ensuring its success.

(Updates and reaffirms previous position.)

LAND USE

Proffers

Local authority to accept cash and in-kind proffers from developers must be preserved. Such proffers assist with providing necessary capital facilities and infrastructure to serve new development and maintain local community standards, in order to maintain and improve quality of life and spur economic development.

- Land use decisions must remain at the local level, allowing localities, developers, and communities to work together collaboratively to address issues related to new development.
- The GA must avoid further restrictions on local land use authority, and proposals for replacing

proffer commitments with development impact fees must be at the option of each locality.
(*Reaffirms previous position.*)

Wireless Telecommunications Facilities

The siting of telecommunications facilities is an important component of local land use authority. Support restoration of local land use authority to determine the appropriate location of wireless telecommunications facilities and balance the need for wireless service with the community's needs.

- Support restoration of independent local authority to set reasonable fees for wireless facility permits and to set fair compensation for access to public rights-of-way and government-owned structures, to the extent that those fees and compensation are permitted by federal law.

(*Updates and reaffirms previous position.*)

PUBLIC SAFETY

Expansion of local authority for speed enforcement via camera

Fairfax City seeks enabling legislation granting localities expanded authority to utilize speed enforcement via camera, with a goal of adding an additional layer of safety for pedestrian and cyclist in high pedestrian areas such as the city's five activity centers – Kamp Washington, Northfax, Fairfax Circle, Old Town and Pickett & Main.

(*Updates and reaffirms previous position.*)

Fully fund HB599 as stipulated in the code of the Commonwealth of Virginia or lift the moratorium on annexation

Almost 70 percent of Virginians live in communities served by police departments. The state created a program of financial assistance to local police departments (HB599) when it imposed an annexation moratorium on cities more than 30 years ago. The General Assembly has increasingly deemphasized this funding obligation as a priority but has never compromised on the annexation moratorium. The City 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.

(*Updates and reaffirms previous position.*)

SAFETY-SENSITIVE POSITIONS

Support acceleration of Virginia's implementation of the Federal Bureau of Investigation's Record of Arrest and Prosecution Back (Rap Back) service, which provides ongoing, real-time updates on arrests, convictions, or other relevant information about employees in safety-sensitive positions to help safeguard vulnerable populations and the community. Rap Back is currently expected to go live in July 2025 and should be accompanied by sufficient state funding to ensure localities and school divisions have full access to this essential service.

(*New position.*)

TAXATION

Support legislation providing localities with local-option, flexible authority for enacting and implementing property tax exemptions. Also support ensuring that any expansion of property tax exemptions is a local option, as property taxes are one of Virginia localities' few significant sources of revenue, and property tax exemptions can create significant impacts on local resources, which are used to fund core services like K-12 education, public safety, human services, the environment, and infrastructure.

(*Reaffirms previous position.*)