



HERRITY REPORT



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February 2009 “A Month in Review”

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Editor’s Note: The *Herrity Report* is a monthly publication from the office of Supervisor Pat Herrity intended to keep citizens informed on the issues facing Fairfax County. Communication is important to Supervisor Herrity and he encourages your feedback on the items in the newsletter or other issues that concern you. Past issues of the *Herrity Report* can be found at <http://www.fairfaxcounty.gov/springfield/herrity-report-newsletter.htm> .

Initial Thoughts on the Proposed FY 2010 Budget

We are still very early in the budget process but I wanted to give you my initial thoughts on the proposed FY2010 budget. I was extremely disappointed by the absence of any creativity or real restructuring in the way we deliver services. The proposed budget basically takes the status quo and takes the reductions identified by the agency heads in the Lines of Business Review meetings. I was further disappointed by the failure to set real priorities and by the increases in tax rates and a multitude of fees.

Under the advertised rates and fees a majority of our residents will see their payments to Fairfax County increase significantly. As I have said over the last several months, I am committed to reducing the tax burden (including fees) on our citizens while maintaining the high level of services our citizens expect from local government. I am also committed to reducing the impact of the cuts on our county employees.

Fairfax County has increased spending well over the increase in inflation and population growth over the past seven years which is the underlying reason our budget is out of whack. Until we get a better handle on our county's priorities we will continue to increase the tax burden on our citizens and businesses. I hope the other members of the Board will join me in using this budget crisis to reshape how the County delivers its services.

No Real Structural Changes in Service Delivery

I am most disappointed by the absence of any creativity or real restructuring in the way we deliver services. The proposed budget basically takes the status quo and reduces it for the savings identified by the agency heads in the Lines of Business Review meetings. In October I proposed looking at combining School and County functions as a way to be more efficient and reduce expenses. The first meeting to take action on combining School and County functions has yet to take place. Supervisor Foust proposed looking at combining administrative functions for efficiency. At first glance there was no action in this area either. I believe there are organizational and structural changes that still can be made to reduce the tax burden on our citizens without significantly impacting the services we provide.

Failure to Set Real Priorities

The priorities of local government should be schools, public safety, land use, transportation and to provide a safety net for those unable to care for themselves. The proposed budget fails to set spending priorities along these lines. As you will read in a separate article below, just two short weeks before release of the proposed budget, the Board (over the objection of Supervisor Frey and myself) approved hiring an \$125K Executive Director for the Office to Prevent and End Homelessness. This position, along with a Director, administrative and related benefits and overhead, does nothing but add a layer of bureaucracy and does not buy a single blanket or cot for the homeless. This comes at the same time the budget proposes a cut of nine staff that are actually helping the homeless. The budget also includes over \$20 million for the program to continue to buy apartments and build our government housing bureaucracy, despite the fact that at least one of these government owned housing complexes has over 50 vacant units and no waiting list.

At the same time the proposed budget cuts vital police programs (School Resource Officers, Motor Carrier Safety, and the unit focusing on sexual predators that I tried to fully fund last year), zoning inspectors /strike teams (to close our illegal boarding houses), programs for seniors (some of our most vulnerable citizens), and funding for the Economic Development Authority (necessary to rebuild our commercial tax base so we

can afford the services our citizens expect). These programs are each clearly more important than buying more apartments and growing our government housing bureaucracy. There are many more tradeoffs that need to be made as we work towards a final budget and setting priorities.

Significant Tax and Fee Increases

Real estate taxes. Despite the fact we have doubled the actual taxes our homeowners pay in the last seven years, the proposed budget includes a tax rate increase of 13.5 cents or 14% (including the new storm water tax) per hundred dollars of home value. Because the drop in the average home value was 12.5%, the average homeowner will see a small rise in their real estate taxes. However this does not include the multitude of proposed new and increased taxes and fees that homeowners will pay, in the name of “revenue enhancements,” in addition to their homeowner taxes. It also does not take into account the fact that many homeowners (especially single family homeowners) did not see a 12.5% reduction in the value of their homes. If your home value did not decrease by 12.5% you will see an increase in your homeowner taxes in addition to the increased fees.

Taxes and fees should not be increased during a deep and troubling recessionary period. I will fight to keep property taxes from increasing one penny over last year’s taxes. Fees should not be significantly increased either. Government must do what each of our families is doing right now: cut expenses to meet the economic realities. Our citizens are hurting right now and our county government should not add to those burdens.

New Storm Water Tax. We often talk about saving for a rainy day. Well now that it’s raining, Fairfax County has decided to tax the rain. The proposed budget includes a proposal to set up a new fund to add a separate 1.5 cents to the tax rate to set up a separate storm water fund. This replaces the old “Penny for Storm Water.” As *Herrity Report* readers know I have been very critical of the inefficiencies in the storm water area where we have had to hire consultants to manage our consultants. In December of last year, on my motion the Board approved a review of the criteria on how we determine which storm water projects we proceed with. Currently there is no cost benefit review done on projects.

Fee Increases. The proposed budget includes increases in over 16 types of fees for county services, in many cases more than doubling the fees. During the Lines of Business Reviews the majority referred to these as “Revenue Enhancements.” I refer to them as additional ways to pick the wallets of our citizens. Among the most disturbing of these is the proposal to increase the fees we charge our youth to use county facilities from \$5.50 to \$13.00, a 136% increase. Supervisor Frey and I tried unsuccessfully to remove this fee last year. With all of the problems with youth obesity and gangs, we should not be balancing the budget on the backs of our youth. The Board has also moved to bring back the decal fee which I opposed. See the article below on the more than doubling of the cost of land development and zoning fees and a better approach. In total, these “revenue enhancements” amount to an additional \$40 million in additional payments our citizens will need to pay. While these “revenue enhancements” sound like a Disney

movie, they are paid by real citizens and businesses not imaginary people and there is no happy ending.

Get Involved in the Budget Process

The March *Herrity Report* will discuss the budget and my recommendations in much more detail. My Citizen's Budget Review Committee is in full gear. Please contact Christian Deschauer at 703-451-8873 or e-mail Christian.deschauer@fairfaxcounty.gov if you are interested in participating. We have also scheduled two budget town hall meetings for those that want to learn more about the budget and comment about it. They are scheduled for:

#1) Thursday, March 19 at 7:30 PM: West Springfield Government Center (6140 Rolling Rd, Springfield 22152)

#2) Thursday, March 26 at 7:30 PM: Fairfax County Government Center Rooms 9 and 10 (12000 Government Center Parkway, Fairfax 22035)

Please do not hesitate to give me your thoughts on the budget. I look forward to hearing from you.

Update on Identifying and Deporting Criminal Illegal Aliens

As *Herrity Report* readers will recall, in November of last year I asked the Sheriff to update the Board on the status of Fairfax County's participation in the 287 (g) program which is a partnership with Immigration and Customs Enforcement (ICE) that would allow us to hold illegal aliens convicted of crimes until ICE is able to deport them. The Board was informed that we were not accepted into the 287 (g) program but would instead be implementing an alternative program that puts video cameras into our Adult Detention Center so that ICE (Immigration and Customs Enforcement) may screen inmates for possible aliens that may be deported. The implementation of this program was supposed to be at the end of January / beginning of February time period.

At the February 9th Board Meeting I brought a motion before the board that requested an update on the status of the alternative solution to the 287 (g) implementation program, and just this last week I received an answer back. I am happy to announce that ICE started a "surge" on February 16th where they used both local and additional officers from out of the area to review the inmates at our Adult Detention Center to see which ones may qualify for deportation. Regular operations of the new program, "Secure Communities" will begin later this month with all people entering the detention center being reviewed by ICE upon entry.

Secure Communities is a comprehensive plan to identify and deport criminal aliens. ICE will use integration technology that will link local law enforcement agencies to both FBI and Department of Homeland Security (DHS) biometric databases. Initially, this program will focus on Level 1 crimes, which include major drug offenses and violent offenses such as murder, rape, robbery, and kidnapping. ICE agents will use video

teleconferencing equipment to interview inmates in the Fairfax County Adult Detention Center. This program will not require additional funds or manpower from the Sheriff's Office and we are the first in Virginia to be using it. I will follow up on the program in a few months.

Reducing the Cost of Regulations On Our Citizens, Businesses, and the County

In October of 2008, the Board of Supervisors adopted the "Tree Conservation Ordinance." This Ordinance added 125 pages to the Code. It established canopy, preservation and planting requirements, a preservation and planting fund, a monitoring and inspections program and an appeals process for violations of these various regulations.

County staff stated the fiscal impact of this new ordinance would be "NONE". The fact is the tree ordinance is costing the County significantly and is one of the reasons that we are doubling the fees we are charging citizens and businesses. Furthermore, they did not report the impact of the regulations on the cost to the citizens, homeowners and the regulated community. Preservation of trees is important but we need to consider the cost of regulation with its benefit and its impact on the cost of our homes and businesses.

Similarly to the Tree Ordinance, we have added many new regulations and requirements over the years which have cost everyone more time and money. These new requirements have driven up the cost to the County, the cost to the regulated community and the cost to our citizens. The County is now proposing to double the fees putting many projects out of the reach of small businesses and adding to the cost of homes. Many of these were implemented without the benefit of knowing the true cost to the County.

This comes at a time when we are seeking to expand our commercial base and encourage economic development. By imposing these fees we are creating additional burdens upon those very businesses that can help us achieve our goals.

It is time to ask fundamental questions about our regulatory program. We need to do a better job of analyzing whether the regulations produce a benefit equal to the cost to the county, the cost to the regulated community and the cost to our citizens. To that extent I asked the Board to direct staff to develop a process to add a real fiscal analysis to the regulatory process so we can adequately address future regulations. I have also asked that we look back at past regulations and their cost and to look at ways to streamline the process. My request was referred to the Board's Development Process Committee.

Administrative Change is Stopping Homeowner Improvements

This past month I have heard from two citizens. One, a homeowner planning on a 981 sq ft addition to his home to allow his mother to move in with his family. He lives on a large lot and considered it, in his own words, his personal economic "stimulus package" employing local carpenters and trades people. The second person was a small business contractor who has been in the construction business in our county for 24 years. Both

had the same concern: the county was destroying their plans, and for the latter, possibly his business.

On September 4 of last year, the County staff issued a “Letter To Industry” revising land disturbing calculations which triggers submittal of a full commercial grading plan, most noticeably increasing the buffer from 10 ft. to 15 ft. Prior to September 2008, our homeowner could have secured a building permit and constructed his 981 sq ft addition. Now, he must submit a full grading plan which could cost him up to \$30,000. For him this is a “show-stopper” because he now cannot afford to build his addition. For our developer, he has had to submit full grading plans for all of his projects since the County issued their Letter. Prior to this time, he only submitted grading plans for less than 1 percent of his projects.

This new burden could not come at a worse time and raises many concerns. Although this policy change may not meet the definition of a zoning amendment requiring a formal public hearing, it certainly has the full force and effect of amendments which can only be promulgated after such a hearing. County staff did not reach out to the real stakeholders in this issue – the homeowners of our communities who remodel their existing homes and those small businesses that help them do it. These are the people who are bearing the cost of the grading plan that they must now submit.

In addition, the County did not calculate the true impact and cost of this new policy change. The cost to the homeowner could be up to \$30,000 putting many small projects out of their reach. There is also the opportunity cost to the County and the homeowner in the event he does not build his addition. The homeowner has a “shovel-ready” project which is, in his own words, his personal “stimulus package” for our local economy.

I made a motion, which was unanimously approved, to direct staff to revisit this new policy. This is a perfect example of why we need to improve our regulatory process, including determining the costs and benefits of new regulations (see Reducing the Cost of Regulations On Our Citizens, Businesses, and the County, above). This issue will be considered in the Development Process Committee.

Need for Sanity in Efforts to End Homelessness

The majority of the Board of Supervisors continues to march down the path of fiscal irresponsibility. The Board of Supervisors recently approved, on a vote of 7-2 (Supervisors Frey and I voting against), the hiring of an Executive Director at a salary of \$125,000 per year plus benefits to start a new Office to Prevent and End Homelessness. This hire has been followed by the hiring of a new senior level Director in the same “office.” This action came just two short weeks before the release of a budget that includes severe measures to close the \$650M shortfall and includes no new direct support for the homeless. It is just another layer of government bureaucracy. What is even more troubling is the fact that due to budget cuts the Community Services Board proposes a budget in nine staff that are actually helping the homeless. Currently we have 71 families on the waiting list for our four family shelters and we are paying for fourteen of these

families to live in a motel. This need has grown and is expected to grow during these bleak economic times. This new Office will not directly help these people into a home; it just creates more bureaucracy.

Leveraging Vacant Affordable Housing Units and Non Profits to Help the Homeless

As *Herrity Report* readers know, I have opposed the Penny for Affordable Housing and the purchase of the Wedgewood complex for \$160 million. This complex continues to maintain a 7 to 10 percent vacancy rate since the County began evicting long-time tenants to make room for those who met county eligibility requirements. Wedgewood is also paying a \$200 referral bonus to try and find tenants for these vacant units. While the County has been busy “preserving” affordable apartments, four of our family shelters have over 70 families on the waiting list and fourteen of them have been staying in motels at the taxpayers’ expense. The need for emergency and transitional housing is growing as our economy is shrinking. The County’s response is to create a new Office to Prevent and End Homelessness with a budget of \$500,000 and hire an Executive Director at a salary of \$125,000. This new Office will not directly help these people into a home; it will create a new bureaucracy which prevents helping those who need it the most.

On one hand we have vacant affordable housing stock, and on the other hand we are short of the resources to keep people from sleeping on the streets or in the woods. Unlike our Housing Authority, our non-profits do a good job of getting people off the street, back on their feet and moving them off public assistance.

Thus, my attempt to bring sanity to this process was to suggest that the Board consider dedicating between 10 and 20 of the vacant units within the Wedgewood facility to be controlled and operated by our county’s non-profits for a period of three years to be used as transitional housing for our homeless residents. This will get homeless people out of motels into better units without the added cost; provide a solution to the vacant wasted resources at Wedgewood; and, not add to an already overgrown bureaucracy (our housing department). My suggestion was referred to the Board’s Housing Committee Meeting.

Continuing The Push For The I-66 Multimodal Environmental Impact Statement

One of my top transportation priorities (and a recurring topic in the *Herrity Report*) is the Environmental Phase of the I-66 Multimodal Study. It is extremely important that the environmental phase be undertaken and completed as soon as possible, since without the environmental work completed, potential PPTA (Public-Private Transportation Act) proposals or other efforts to secure funding cannot realistically be initiated. During a meeting with him last summer, Virginia Transportation Secretary Pierce Homer had indicated that work on this critical next step toward improving the movement of people and goods in the I-66 corridor would be reinitiated around the first of this year.

After a Board meeting in January, I followed up with VDOT and was advised that the study has not in fact been restarted due to the poor financial situation at the state level

and resulting uncertainty as to whether funding would remain available for this study with the revision of the state Six-Year Improvement Program now underway.

At its meeting on February 9th, the Board approved my motion to direct staff to prepare a letter to VDOT for the Chairman's signature, reminding them of the high priority that the Board places on this transportation corridor and the environmental study. The letter will also request that they reinitiate the study as expeditiously as possible. I was pleased to learn that at its meeting on February 12 the Commonwealth Transportation Board included funding in their Final Six Year Improvement Program and that the study will be underway soon.

E-ZPass Only Lanes On The Dulles Toll Road

During the last several months, an issue that routinely came up in discussions as I traveled the County was the lack of E-ZPass-only lanes at exit ramps on the Dulles Toll Road. Currently, the main line plaza, Route 28, and Spring Hill west are the only plazas with EZ-Pass-only lanes. At the current E-ZPass/exact change lanes, the drivers with E-ZPass end up paying a time tax as well as the toll as they wait behind drivers searching their car to find the change to pay the toll.

At the main line plaza, drivers with E-ZPass must squeeze into two lanes. Up and down the east coast and in other parts of the country, transportation departments have converted to overhead toll collection at-speed and have given financial incentives for using the electronic pass. The New Jersey Turnpike, for example, offers E-ZPass users a 25% discount during off-peak hours. In Virginia, additional E-ZPass-only lanes would allow more drivers to pass through the plazas at-speed as well as save on operations costs by not having toll-collectors at each booth.

At the February 9 Board of Supervisors meeting, the Board passed my motion to direct staff to work with the Metropolitan Washington Airports Authority (MWAA) to investigate the feasibility of E-ZPass only lanes at each exit of the Dulles Toll Road, increasing the number of E-ZPass only lanes at main toll plazas, and fare differentials as incentives for E-ZPass use and report back to the Board. This should save our citizens time and reduce the operational cost of the toll road.

At the February 9 meeting the Board also passed a motion submitted by Supervisor Hudgins (Hunter Mill District) to formally request that MWAA look into the possibility of expanding shoulder use on the Dulles Toll Road to include the morning rush hour from 7 to 9 a.m. Supervisor Hudgins stated that we now have "standing room only" bus rapid transit use during both the a.m. and p.m. rush hours to the West Falls Church Metrorail Station.

Expanding the use of the shoulder in the morning rush hour is a great idea and would save commuters up to 30 minutes of valuable time.

Capital Beltway I-495 HOT Lanes Construction

