

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
March 5, 2024**

**AGENDA**

- 9:30 Presentations
- 9:30 Presentation of the Transportation Advisory Commission (TAC)  
2022 and 2023 Transportation Achievement Awards
- 9:30 Report on General Assembly Activities
- 10:00 Matters Presented by Board Members
- 10:00 Items Presented by the County Executive

**ADMINISTRATIVE  
ITEMS**

- 1 Approval of Streets into the Secondary System - Collingwood  
Springs Section 2 - Khoriaty's Addition (Mount Vernon District)
- 2 Approval of Extension of Review Period for 2232 Application for  
Takeoff Substation (Sully District)
- 3 Authorization to Advertise a Public Hearing to Consider an  
Ordinance Establishing the O'Day Community Parking District  
(Sully District)
- 4 Authorization to Advertise a Public Hearing on the Acquisition of  
Certain Land Rights Necessary for the Construction of Route 28  
Widening from the Prince William County Line to Route 29 (Sully  
District)
- 5 Authorization to Advertise a Public Hearing on a Proposed  
Amendment to Appendix Q (Land Development Services Fee  
Schedule) of the Code of the County of Fairfax, Virginia (County  
Code) Re: Exemption from Building and Electrical Permit Fees for  
Installation of Electric Vehicle Charging (EVC) Equipment
- 6 Authorization to Advertise a Public Hearing to Consider  
Amendments to the Code of the County of Fairfax, Virginia -  
Chapter 4 (Taxation and Finance), Article 11 (Cigarette Tax),  
Increasing the Cigarette Tax Rate







*Fairfax County, Virginia*  
**BOARD OF SUPERVISORS**  
**AGENDA**

**Tuesday**  
**March 5, 2024**

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9:30 a.m.

**PRESENTATIONS**

- RESOLUTION — To recognize Heman Bekele for winning the 2023 3M Young Scientist Challenge and being named America's Top Young Scientist. Requested by Chairman McKay and Supervisor Walkinshaw.
- RESOLUTION — To recognize Karen Cleveland for her tenure as Chief Executive Officer of Leadership Fairfax. Requested by Chairman McKay and Supervisors Alcorn and Lusk.
- RESOLUTION — To recognize Lula Bauer, Executive Director of the Lee Mount Vernon Sports Club, for her induction into the Va-DC Soccer Hall of Fame. Requested by Chairman McKay.
- PROCLAMATION — To designate March 10-16, 2024, as Flood Awareness Week in Fairfax County. Requested by Chairman McKay and Supervisors Walkinshaw, Bierman, Jimenez and Storck.
- PROCLAMATION — To designate March 3-9, 2024, as Consumer Protection Week in Fairfax County. Requested by Chairman McKay.

**STAFF:**

Tony Castrilli, Director, Office of Public Affairs  
Jeremy Lasich, Office of Public Affairs



Board Agenda Item  
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9:30 a.m.

Presentation of the Transportation Advisory Commission (TAC) 2022 and 2023  
Transportation Achievement Awards

ENCLOSED DOCUMENTS:  
None.

PRESENTED BY:  
Michael D. Champness, Chairman of the Transportation Advisory Commission

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9:30 a.m.

Report on General Assembly Activities

EQUITY IMPACT:

The County's Legislative Program sets the County's state legislative priorities and positions, which connect to many of the 17 areas of focus in the One Fairfax policy, including education, housing, the environment, health and human services, and transportation. In addition to the Legislative Program, County staff review individual bills during the General Assembly session and bring bills to the Legislative Committee of the Board of Supervisors for consideration. As part of this bill review, staff consider the equity implications of the legislation. The Committee's positions on specific bills are outlined in the memo and tracking chart included in the Committee's report.

ENCLOSED DOCUMENTS:

Documents available online at <https://www.fairfaxcounty.gov/boardofsupervisors/>, under "2024 Board Legislative Reports," by March 4, 2024.

PRESENTED BY:

Supervisor James R. Walkinshaw, Chairman, Board of Supervisors' Legislative Committee

Bryan J. Hill, County Executive

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10:00 a.m.

Matters Presented by Board Members

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10:00 a.m.

Items Presented by the County Executive

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ADMINISTRATIVE – 1

Approval of Streets into the Secondary System - Collingwood Springs Section 2 -  
Khoriaty's Addition (Mount Vernon District)

ISSUE:

Board approval of streets to be accepted into the State Secondary System.

RECOMMENDATION:

The County Executive recommends that the street(s) listed below be added to the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Collingwood Springs Section 2- Khoriaty's Addition	Mount Vernon	Olive Court

TIMING:

Board approval is requested on March 5, 2024.

BACKGROUND:

Inspection has been made of these streets, and they are recommended for acceptance into the State Secondary System.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Street Acceptance Forms for Board of Supervisors Resolution

STAFF:

Rachel Flynn, Deputy County Executive  
William D. Hicks, P.E., Director, Land Development Services

## Street Acceptance Form For Board Of Supervisors Resolution

<p><b>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</b></p> <p>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.</p>	<p><b>VIRGINIA DEPARTMENT OF TRANSPORTATION OFFICE OF LAND USE - FAIRFAX PERMITS</b></p> <p>REQUEST TO THE PERMITS MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p> <p><b>PLAN NUMBER:</b> 6509-SD-002</p> <p><b>SUBDIVISION PLAT NAME:</b> Collingwood Springs Section 2, Khoriaty's Addition</p> <p><b>COUNTY MAGISTERIAL DISTRICT:</b> Mount Vernon</p>		
<p><b>VDOT PERMITS MANAGER: ROBERT H. BURTON</b></p> <p>BY: <u>Robert H. Burton</u> <small>Digitally signed by Robert H. Burton Date: 2024.01.22 10:58:29 -05'00'</small></p>	<p style="text-align: center;"><b>FOR OFFICIAL USE ONLY</b></p> <p><b>VDOT INSPECTION APPROVAL DATE:</b> <u>01/11/2024</u></p>		
STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Olive Court	CL Collingwood Court, Route 7092 154' S CL Collingwood Road, Route 628	207' W to End of Cul-de-Sac	0.04
<b>NOTES:</b>			<b>TOTALS:</b>
5' Concrete Sidewalks on Both Sides to be maintained by VDOT			0.04

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ADMINISTRATIVE - 2

Approval of Extension of Review Period for 2232 Application for Takeoff Substation  
(Sully District)

ISSUE:

Extension of review period for 2232 application to ensure compliance with review requirements of *Section 15.2-2232 of the Code of Virginia*.

PROJECT DESCRIPTION:

Dominion Energy is requesting 2232 approval to construct a proposed electrical substation facility to serve the adjacent data center complex and electrical demands of the surrounding area. The extension period request is to allow the applicant sufficient time to complete the 2232 review.

The review period for the following application should be extended:

2232-2024-SU-00001	Dominion Energy Tax Map No. 34-1 ((3)) 1 Sully District Accepted on January 9, 2024 Extend to December 10, 2024
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RECOMMENDATION:

The County Executive recommends that the Board extend the review period for the following application: 2232-2024-SU-00001.

TIMING:

Board action is requested on March 5, 2024, to extend the review period for the application to December 10, 2024, prior to expiration of the initial 60-day period on March 9, 2024.

BACKGROUND:

*Subsection B of Section 15.2-2232 of the Code of Virginia* states: "Failure of the commission to act within 60 days of a submission, unless the time is extended by the

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governing body, shall be deemed approval.” The full length of an extension period may not be necessary, and any extension is not intended to set a date for final action.

FISCAL IMPACT:  
None.

ENCLOSED DOCUMENTS:  
None.

STAFF:  
Rachel Flynn, Deputy County Executive  
Tracy Strunk, Director, Department of Planning and Development (DPD)  
Salem Bush, Branch Chief, Facilities and Plan Development Branch, Planning Division,  
(DPD)  
Mohamed Ali, Planner II, Facilities and Plan Development Branch, Planning Division,  
(DPD)



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ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing to Consider an Ordinance Establishing the O'Day Community Parking District (Sully District)

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Appendix M of *the Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish the O'Day Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for March 19, 2024, at 4:00 p.m., to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the O'Day CPD. The restriction would be established on O'Day Drive from Riverwind Terrace to Route 29, and on Barros Drive from the northern intersection of Barros Drive and O'Day Drive to the southern intersection of Barros Drive and O'Day Drive.

TIMING:

The Board of Supervisors should take action on March 5, 2024, to provide sufficient time for advertisement of the public hearing on March 19, 2024, at 4:00 p.m.

BACKGROUND:

*Fairfax County Code Section 82-5B-2* authorizes the Board to establish a CPD for the purpose of prohibiting or restricting the parking of any of the following vehicle types on the streets in the CPD: watercraft, boat trailer, motor home, camping trailer, or any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds, except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in *Virginia Code § 46.2-341.4*.

No such CPD shall apply to: (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location, (ii) utility generators located on trailers and being used to power

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network facilities during a loss of commercial power, (iii) restricted vehicles temporarily parked on a public street within any such CPD for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip, or (iv) restricted vehicles that are temporarily parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

Pursuant to *Fairfax County Code Section 82-5B-3*, the Board may establish a CPD if: (1) the Board receives a petition requesting establishment and such petition contains the names, addresses, and signatures of petitioners who represent at least 60 percent of the addresses within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD is zoned, planned, or developed as a residential area, (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed CPD, and (4) the proposed CPD contains the lesser of (i) a minimum of five block faces, or (ii) any number of blocks that front a minimum of 2,000 linear feet of street as measured by the centerline of each street within the CPD.

Staff have verified that the requirements for a petition based CPD have been satisfied.

The parking prohibition described above is proposed to be in effect seven days per week, 24 hours per day.

EQUITY IMPACT:

None.

FISCAL IMPACT:

Funding in the amount of approximately \$2,200 is required for signage and installation. Funds are currently available in Fairfax County Department of Transportation Fund 100-C10001, General Fund.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the *Fairfax County Code*, Appendix M (CPD Restrictions)  
Attachment II: Area Map of Proposed O'Day CPD

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STAFF:

Rachel Flynn, Deputy County Executive

Gregg Steverson, Acting Director, Fairfax County Department of Transportation  
(FCDOT)

Lisa Witt, Chief, Administrative Services, FCDOT

Mena Nakhla, Diversity, Equity, and Inclusion Manager, FCDOT

Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Henri Stein McCartney, Sr. Transportation Planner, FCDOT

Amir Farshchi, Transportation Planner II, FCDOT

ASSIGNED COUNSEL:

F. Hayden Coddling, Assistant County Attorney

PROPOSED CODE AMENDMENT  
THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA  
APPENDIX M

M-98. – O’Day Community Parking District

(a) *District Designation*

- (1) The restricted parking area is designated as the O’Day Community Parking District.
- (2) Blocks included in the O’Day Community Parking District are described below:

*O’Day Drive (Route 969)*

From Riverwind Terrace to Route 29

*Barros Drive (Route 6701)*

From the northern intersection of Barros Drive and O’Day Drive to the southern intersection of Barros Drive and O’Day Drive.

(b) *District Provisions*

- (1) This District is established in accordance with and is subject to the provisions set forth in Article 5B of Chapter 82.
- (2) Parking of watercraft; boat trailers; motor homes; camping trailers; any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 is prohibited at all times on the above-described street(s) within the O’Day Community Parking District.
- (3) No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location,

(ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power, (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip, or (iv) restricted vehicles that are temporarily parked on a public street within any such District for use by federal, state, or local public agencies to provide services.

- (c) *Signs.* Signs delineating the O'Day Community Parking District shall indicate community specific identification and/or directional information, if applicable, in addition to the following:

NO PARKING  
Watercraft  
Trailers, Motor Homes  
Vehicles  $\geq$  3 Axles  
Vehicles GVWR  $\geq$  12,000 lbs.  
Vehicles  $\geq$  16 Passengers

FAIRFAX COUNTY CODE §82-5B

Fairfax County  
Department of Transportation  
Community Parking District (CPD)  
O'Day  
Sully District



**Proposed O'Day CPD**  
 ■■■■■ Proposed CPD Restriction

0 0.01 0.02 0.04 Miles

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ADMINISTRATIVE – 4

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Route 28 Widening from the Prince William County Line to Route 29 (Sully District)

ISSUE:

Authorization to hold a public hearing on the acquisition of certain land rights necessary for the construction of Route 28 Widening from the Prince William County Line to Route 29, supported by Project 2G40-189-000 in Fund 40010, County and Regional Transportation Projects.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for March 19, 2024, commencing at 4:30 p.m.

TIMING:

Board action is requested on March 5, 2024, to provide sufficient time to advertise the proposed public hearing on the acquisition of certain land rights necessary to keep this project on schedule.

BACKGROUND:

This project consists of the widening of Route 28 from the existing four-lane divided roadway to a six-lane divided roadway. Widening begins just north of the Route 28 bridge over Bull Run and the Prince William/Fairfax County line and extends northward to a point just north of the Route 28/Upperridge Drive/Old Centreville Road intersection. The project will also include intersection improvements including turn lane additions but limited widening on the intersecting street approaches to Route 28, and reconstruction of existing traffic signals. Stormwater management for quality and quantity control will be provided in accordance with regulations of Fairfax County, Virginia Department of Transportation (VDOT), and Virginia Department of Environmental Quality (VDEQ) criteria. Shared use paths will be provided on both sides of the roadway from just north of the Bull Run bridge to the Route 28 intersection with Upperridge Drive/Old Centreville Road.

Land rights for these improvements are required on 47 properties, 44 of which have been acquired by the Land Acquisition Division (LAD). The construction of this project

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requires the acquisition of fee simple Dedications of land, Grading Agreement and Temporary Construction Easement and Maintenance of Retaining Wall Easement.

Negotiations are in progress with the affected property owners; however, because resolution of these acquisitions is not imminent, it may be necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project on schedule. These powers are conferred upon the Board by statute, namely, *Va. Code Ann. Sections 15.2-1901 through 15.2-1905* (as amended). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

EQUITY IMPACT:

The project area is in a High Vulnerability Index block, with a vulnerability index of 3.25, where more than 33% of the renter population is severely burdened.

This action aligns with multiple focus areas of the One Fairfax Policy. Construction of Route 28 Widening from the Prince William County Line to Route 29 supports focus area four, a multi-modal transportation system that supports the economic growth, health, congestion mitigation, and prosperity goals of Fairfax County and provides accessible mobility solutions that are based on the principles associated with sustainability, diversity, and community health.

The Land Acquisition Division's (LAD) project locations are chosen by other departments, resulting in the division's necessity to focus on equity of process. The equity impact of the LAD process is positive, with the focus of cost evaluation, offer, and negotiation being on tax assessment and comparable land sales rather than on the owner of record. LAD staff engage property owners in their preferred method of communication and at times that are agreeable to the owner.

As a result of both the project location and design, as well as the process to obtain land rights, the overall impact of this action provides a positive equity impact.

FISCAL IMPACT:

Funding is available in Project 2G40-189-000, Route 28 Widening, Northern Virginia Transportation Authority 70 Percent, Fund 40010, County and Regional Transportation Projects. This project is included in the FY 2024 – FY 2028 Adopted Capital Improvement Program (with future Fiscal Years to FY 2033) and is included in the Board's Transportation Priorities Plan (TPP) adopted on January 28, 2014, and as amended on December 3, 2019. No additional funding is being requested from the Board.



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ENCLOSED DOCUMENTS:

Attachment A - Project Location Map  
Attachment B - Listing of Affected Properties

STAFF:

Rachel Flynn, Deputy County Executive  
Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)  
Carey F. Needham, Deputy Director, Capital Facilities, DPWES  
Gregg Steverson, Acting Director, Fairfax County Department of Transportation

ASSIGNED COUNSEL:

Randall Greehan, Assistant County Attorney



LISTING OF AFFECTED PROPERTIES  
Project 2G40-189-000  
Route 28 Widening (Prince William County Line to Route 29)  
(Sully District)

PROPERTY OWNER(S)

1. EPT Nineteen, Inc.

Parcel 033  
0652-01-0028

Address:  
6201 Multiplex Drive  
Centreville, Virginia 20121

2. Centre Med Owner, LLC

Parcel 036  
0652-01-0014A

Address:  
6201 Centreville Road  
Centreville, Virginia 20121

3. Lemonade MM Centreville, LLC

Parcel 038  
0652-01-0014E

Address:  
6130 Redwood Square Center  
Centreville, Virginia 20121

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ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing on a Proposed Amendment to Appendix Q (Land Development Services Fee Schedule) of the Code of the County of Fairfax, Virginia (County Code) Re: Exemption from Building and Electrical Permit Fees for Installation of Electric Vehicle Charging (EVC) Equipment

ISSUE:

Board of Supervisors (Board) authorization to advertise a public hearing on a proposed amendment to Appendix Q (Land Development Services Fee Schedule) of the County Code that addresses the fee for installation of EVC equipment. The proposed amendment to the fee schedule will exempt installation of EVC equipment from building and electrical permit fees.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed amendment as set forth in Attachment 1.

The proposed amendment has been prepared by Land Development Services (LDS) and the Office of the County Attorney.

TIMING:

Board action is requested on March 5, 2024, to provide sufficient time to advertise the public hearing before the Board on March 19, 2024, at 4:30 p.m. If adopted by the Board, the amendment will become effective at 12:01 a.m. on March 20, 2024.

BACKGROUND:

Carbon-Free Fairfax envisions a future for Fairfax County that is healthy, sustainable, and economically prosperous without greenhouse gas emissions. One of the most important steps that can be taken to reduce greenhouse gas emissions in Fairfax County is to transition to electric vehicles. To ensure public safety, the Uniform Statewide Building Code (USBC) requires permits for all EVC infrastructure construction. Exempting EVC installations from permit fees may help incentivize the use of electric vehicles. On October 11, 2022, the Board of Supervisors (Board) adopted an amendment to the Land Development Services Fee Schedule to eliminate Building Permit fees for the installation of EVC equipment for a trial period of 18 months (ending May 1, 2024) to determine if elimination of the fee would incentivize installation.

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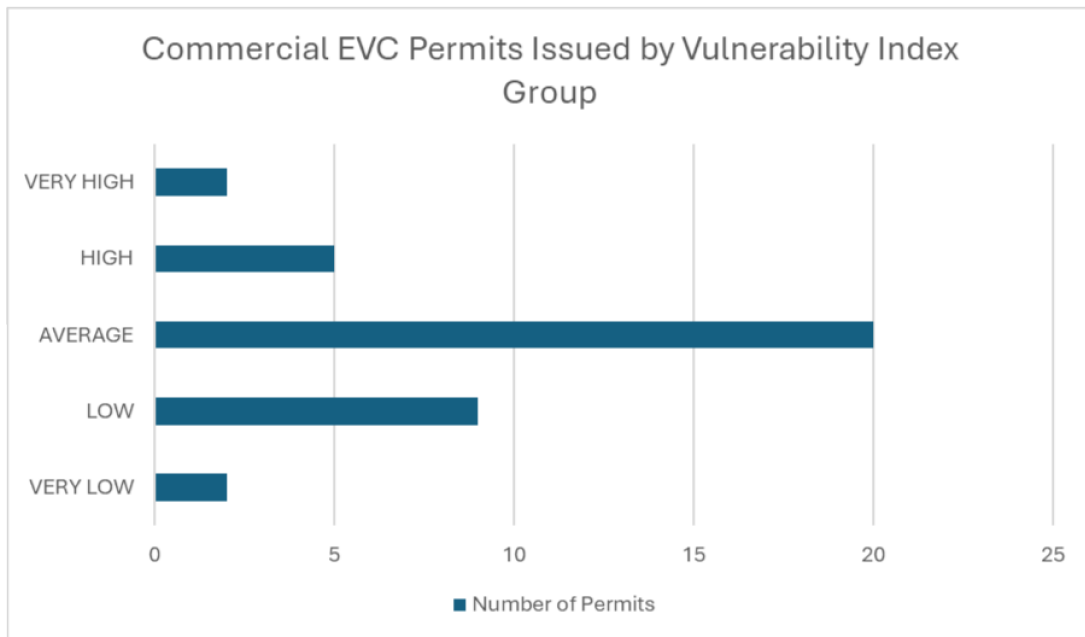
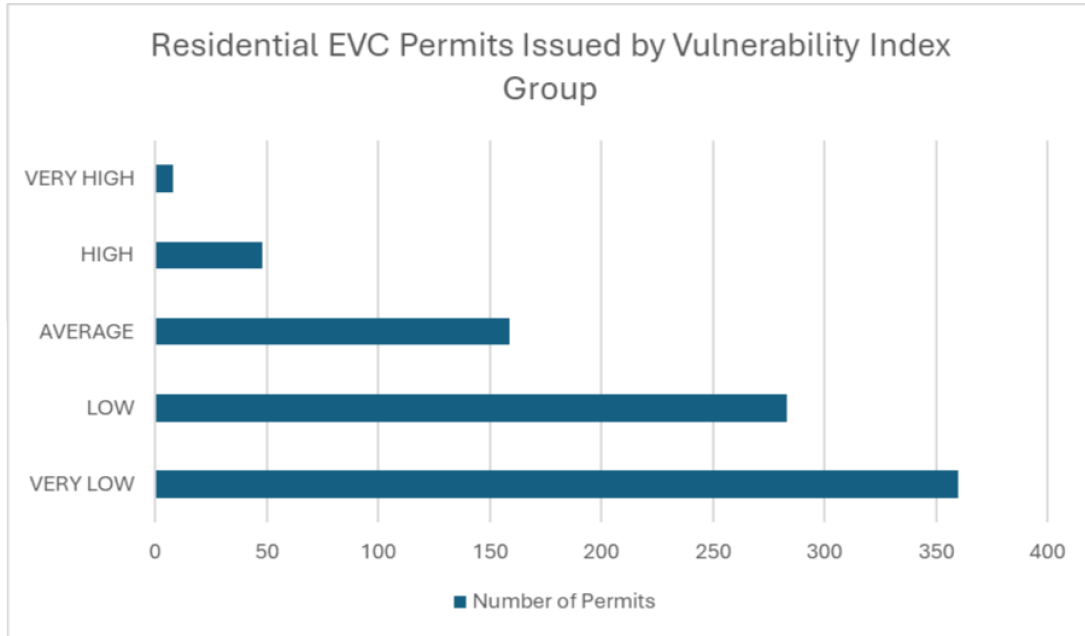
Staff collected and analyzed information on the first 12 months of the trial period and provided it to the Board in a memorandum dated January 12, 2024, which was discussed with the Board at the January 30, 2023, Land Use Policy Committee meeting. For the first 12 months of the trial period, 896 permits were issued for the installation of EVC equipment. There were 858 permits for residential installations and 38 permits for commercial installations. The tally does not include the installation of EVC equipment in new parking structures which receive a more general type of electrical permit that does not specify in the permit application if it includes EVC equipment.

Because residential installations were not tracked prior to full implementation of the Planning and Land Use (PLUS) tracking system, there is no comparative data available for residential installations. Commercial permits were tracked during the 2019-2021 period through the zoning application process. The table below provides a comparison of the number of commercial permits issued in prior years, and those issued during the first 12 months of the trial period. The data does not reflect the number of charging stations installed with each permit. The increase in the number of permits per year for the 2022-2023 period is double the increase in the prior years. The number of permits issued from 2019 – 2021 may have been influenced by the pandemic.

Commercial Permits for EVC Equipment				
Time Period	2019	2020	2021	2022 – 2023 (1 year)
Number of Permits Issued	1	11	19	38

Staff also looked at the equity impact of the proposed installations. The Fairfax County Vulnerability Index (2016-2020) was overlaid on to a map of the installation sites, showing the extent to which EVC installations are being pursued in areas of high vulnerability. The interactive map is available for viewing as Attachment 2 under enclosed documents. The charts below show the installation of residential and commercial permits broken into five ranges. The majority of the residential permits issued for EVC equipment occurred in areas of lower vulnerability. This is not unexpected because the installations would presumably be in owner occupied homes with garages. Home and vehicle ownership are two of the eight components of the vulnerability index. The commercial permits show a more equitable distribution of EVC installations although it is still biased towards areas with lower vulnerability.

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The proposed amendment may incentivize the installation of EVC equipment by eliminating Building Permit fees and Electrical Permit fees. The individual fees are relatively small and it's difficult to say, based on the data collected to date, that the absence of a fee provides an incentive to install EVC equipment.

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At the February 6, 2024, Board meeting, the Board directed staff to prepare an amendment extending the trial period for an additional 18 months so that more data could be collected and analyzed. In addition to the types of data reported above, staff will report back to the Board on the installation of EVC equipment in apartment and condominium garages and parking lots, office building garages and parking lots, commercial facilities, and on Homeowner's Association property in single-family attached and detached developments.

PROPOSED AMENDMENT:

The proposed amendment to Appendix Q of the County Code, included as Attachment 1, sets the fee for installation of EVC equipment at \$0.00. This provision will expire on November 1, 2025, unless the Board authorizes its continuation by an appropriate amendment to Appendix Q

EQUITY IMPACT:

The proposed fee exemption supports a quality built and natural environment that accommodates anticipated growth and change in an economically, socially, and environmentally sustainable and equitable manner that includes mixes of land use that protects existing stable neighborhoods and green spaces, supports sustainability, supports a high quality of life, and promotes employment opportunities, housing, amenities and services for all people, a One Fairfax Policy Area of Focus.

The increase in the number of permits for installation of EVC facilities issued over the last few years indicates that electric vehicles are becoming more prevalent in Fairfax County. Additionally, vehicle manufacturers are producing new models of electric vehicles, at various price points. High gasoline prices have provided an impetus for people to switch to plug-in hybrid and fully electric vehicles in consideration of long-term cost savings. Federal incentives also provide a financial opportunity for consumers to purchase new and used electric vehicles.

An exemption from fees could spur more widespread installation of charging stations at commercial, institutional, and industrial sites to accommodate both customers and employees, who may not be able to charge their vehicles at home. In addition, multifamily developments may also take advantage of the fee exemption to better serve their residents. As a matter of course, staff generally recommend the installation of EVC facilities in entitlement cases, including affordable housing developments. This will benefit all residents of the county, by allowing them to charge their vehicles while going about their daily activities and may encourage some residents to purchase an electric vehicle due to the availability of EVC facilities.

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This proposal has the potential to advance equity due to a possible increase in the number of electric vehicle charging stations throughout the county, accommodating Fairfax County residents in their homes, work, and daily activities.

REGULATORY IMPACT:

The proposed amendment will reduce the costs for building and electrical permits paid by customers. The average permit fee for EVC installations is estimated to be \$421 for a commercial installation and \$127 for a residential installation. This will impact 900 or more permits per year.

FISCAL IMPACT:

The proposed amendment will have a negative impact on LDS revenue in Fund 40200. For the first 12 months of the trial period the lost revenue was \$124,968. Lost revenue is expected to increase in the coming years.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Amendment to Appendix Q (Land Development Services Fee Schedule) of The Code of the County of Fairfax, Virginia  
Attachment 2 - [Electric Vehicle Charging Stations \(EVCS\) Permits | Land Development Services \(fairfaxcounty.gov\)](#).

STAFF:

Rachel Flynn, Deputy County Executive  
William D. Hicks, P.E., Director, Land Development Services

ASSIGNED COUNSEL:

Patrick V. Foltz, Assistant County Attorney



**Proposed Amendment to  
Appendix Q (Land Development Services Fee Schedule) of  
The Code of the County of Fairfax, Virginia**

**Amend Part I (Building Development Fees), Section A (Standard Fees), where insertions are underlined and deletions are struck, to read as follows:**

**I. BUILDING DEVELOPMENT FEES**

The following building development fees to cover the cost of reviewing plans, issuing permits, performing inspections, licensing home improvement contractors and other expenses incidental to the enforcement of the Uniform Statewide Building Code (USBC) and Chapters 61, 64, 65 and 66 of the Code are hereby adopted:

<b>A: STANDARD FEES</b>	
Listed below are standard fees that apply to building, mechanical, electrical, plumbing, fire alarm, fire suppression and fire lane permits. The fees shall apply provided all of the applicable conditions set forth in § 61-1-3 of the Code are met.	
1. Base fee: The minimum fee charged for any permit. A reduced fee shall apply as noted below.	\$108.00
2. Reduced fees: <ul style="list-style-type: none"> <li>• Multiple permits, per unit</li> <li>• Fee for permits requiring no inspections</li> <li>• Casualty Permits</li> </ul>	\$36.00 \$36.00 \$0.00
3. After-hours re-energization or time-specific inspection fee for each 30 minute period or fraction thereof	\$241.20
4. Amendment of permit <ul style="list-style-type: none"> <li>• The fee shall be the fee for any equipment added or the fee for any additional work involved, whichever fee is greater. In no case shall the fee be less than:</li> </ul>	\$36.00
5. Annual permit fee (same as base fee)	\$108.00
6. Asbestos removal/abatement (same as base fee)	\$108.00
7. Re-inspection fee (same as base fee)	\$108.00
8. Modular residential units, including manufactured homes (Percentage of the regular fee)	50.00%
9. Permit extensions: Permit authorizing construction of: <ul style="list-style-type: none"> <li>• Interior alteration to an existing building</li> <li>• An addition(s) or exterior alteration(s) to an existing residential structure (R-3, R-4 and R-5 construction)</li> <li>• An accessory structure(s) on a residential property (R-3, R-4 and R-5 construction)</li> <li>• A new structure (other than noted above)</li> <li>• An addition(s) to a non-residential structure</li> </ul>	\$36.00 \$36.00 \$36.00 \$241.20 \$241.20
10. Radiation, fallout or blast shelter	\$0.00
11. Solar Energy	\$0.00
12. Maximum Occupancy Load Posting	\$156.00
13. Electric Vehicle Charging Equipment <i>This provision will expire at 12:01 a.m. on November 1, 2025. <del>eighteen (18) months from the date of adoption or</del></i>	\$0.00

<i>readoption of this provision, unless the Board of Supervisors expressly authorizes its continuation by an appropriate amendment to this Article.</i>	
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Board Agenda Item  
March 5, 2024

ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing to Consider Amendments to the Code of the County of Fairfax, Virginia - Chapter 4 (Taxation and Finance), Article 11 (Cigarette Tax), Increasing the Cigarette Tax Rate

ISSUE:

Authorization to advertise a public hearing to consider amendments to *Chapter 4, Article 11 of the Fairfax County Code*, that would increase the excise tax rate from one and one-half cents (\$0.015) to two cents (\$0.02) for each cigarette sold, stored, or received.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on April 16, 2024, to consider adopting the proposed amendments to Chapter 4, Article 11 of the Fairfax County Code, with an effective date of July 1, 2024.

TIMING:

Board action is required on March 5, 2024, to provide sufficient time to advertise the public hearing on April 16, 2024, at 3:00 p.m.

BACKGROUND:

*Virginia Code § 58.1-3830* authorizes counties to levy a cigarette tax at a maximum rate of two cents (\$0.02) per cigarette sold. *Fairfax County Code Section 4-11-3* sets the county's rate at one and one-half cents (\$0.015) per cigarette sold. Based on the current quantity of packs being sold, it is estimated that increasing this rate by one-half cent (\$0.005) to the maximum amount allowed would generate roughly \$1.3 million in additional annual revenue. The last time this rate was adjusted was in 2004, when it increased from five cents (\$0.05) per pack of 20 cigarettes to twenty cents (\$0.20) per pack of 20 cigarettes effective September 1, 2004, and to thirty cents (\$0.30) per pack of 20 cigarettes effective July 1, 2005.

Presently, the enforcement and collection of the cigarette tax in Fairfax County is administered by the Northern Virginia Cigarette Tax Board. This Board was organized in 1970 and is made up of member jurisdictions throughout Northern Virginia. Because cigarettes are a controlled substance, administration and enforcement of the tax is complex, requiring local and state tax stamping, inventory control, and payment prior to

the sale. For comparative purposes, the following chart shows the rate for each of the member jurisdictions:

<b>Jurisdiction Name</b>	<b>Tax Rate per pack of 20 cigarettes</b>
Fairfax County	\$0.30
Fauquier County	\$0.40
Loudoun County	\$0.40
Prince William County	\$0.40
Spotsylvania County	\$0.30
Stafford County	\$0.30
City of Alexandria	\$1.26
City of Falls Church	\$0.85
City of Fairfax	\$0.85
City of Fredericksburg	\$0.31
City of Manassas	\$0.65
City of Manassas Park	\$0.75
Town of Remington	\$0.40
Town of Round Hill	\$0.40
Town of Lovettsville	\$0.40
Town of Hillsboro	\$0.35
Town of Middleburg	\$0.55
Town of Haymarket	\$0.75
Town of Dumfries	\$0.75
Town of Purcellville	\$0.75
Town of Leesburg	\$0.75
Town of Warrenton	\$0.40
Town of Clifton	\$0.30
Town of Herndon	\$0.75
Town of Vienna	\$0.85

It should be noted that cities and towns with a rate above two cents (\$0.02) per cigarette sold, as of January 1, 2020, were authorized to maintain their higher rate.

**FISCAL IMPACT:**

The increased rate of two cents (\$0.02) per cigarette is projected to generate roughly \$1.3 million in FY 2025. The additional revenue is already reflected in the County Executive's FY 2025 Advertised Budget Plan.

Board Agenda Item  
March 5, 2024

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Ordinance, Redline.

Attachment 2 – Proposed Ordinance, Clean.

STAFF:

Christina Jackson, Deputy County Executive/Chief Financial Officer

Jaydeep "Jay" Doshi, Director, Department of Tax Administration (DTA)

Gregory A. Bruch, Director, Revenue Collection Division, DTA

Albena Assenova, Director, Revenue and Economic Analysis, Department of  
Management and Budget

ASSIGNED COUNSEL:

Daniel Robinson, Senior Assistant County Attorney

1 AN ORDINANCE AMENDING  
2 ARTICLE 11 OF CHAPTER 4 OF THE FAIRFAX COUNTY CODE, RELATING TO  
3 CIGARETTE TAX  
4

5 Draft of January 17, 2024  
6

7 AN ORDINANCE to amend the Fairfax County Code by amending and  
8 readopting Section 4-11-3, relating to the Cigarette Tax rate.  
9

10 Be it ordained by the Board of Supervisors of Fairfax County:  
11

12 1. That Section 4-11-3 of the Fairfax County Code is amended and readopted as  
13 follows:  
14

15 Article 11. – Cigarette Tax.  
16

17 Section 4-11-3. Levy and rate.  
18

19 In addition to all other taxes of every kind now or hereafter imposed by law, there is hereby  
20 levied and imposed by the County upon every person who sells or uses cigarettes within the  
21 County an excise tax at a rate of ~~five cents for each package containing twenty cigarettes and~~  
22 ~~two and one half mills for each cigarette contained in packages of fewer or more than twenty~~  
23 ~~cigarettes sold or used within the County prior to September 1, 2004, and at a rate of one cent~~  
24 ~~for each such cigarette sold, stored, or received on and after September 1, 2004, through June~~  
25 ~~30, 2005, and at a rate of one and one half cents- two cents~~ for each cigarette sold, stored, or  
26 received ~~on and after July 1, 2005~~. The tax shall be paid and collected in the manner and at the  
27 time hereinafter prescribed; provided, that the tax payable for each cigarette or cigarette  
28 package sold or used within the County shall be paid but once.  
29

30 2. That the provisions of this ordinance are severable, and if any provision of this  
31 ordinance or any application thereof is held invalid, that invalidity will not affect the other  
32 provisions or applications of this ordinance that can be given effect without the invalid  
33 provision or application.  
34

35 3. That this Ordinance will become effective on July 1, 2024.  
36

37  
38 GIVEN under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2024  
39

40 \_\_\_\_\_  
41

42 Jill G. Cooper  
43 Clerk for the Board of Supervisors  
44 Department of Clerk Services  
45

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16

17 Section 4-11-3. Levy and rate.  
18

19 In addition to all other taxes of every kind now or hereafter imposed by law, there is hereby  
20 levied and imposed by the County upon every person who sells or uses cigarettes within the  
21 County an excise tax at a rate of two cents for each cigarette sold, stored, or received. The tax  
22 shall be paid and collected in the manner and at the time hereinafter prescribed; provided, that  
23 the tax payable for each cigarette or cigarette package sold or used within the County shall be  
24 paid but once.  
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27 ordinance or any application thereof is held invalid, that invalidity will not affect the other  
28 provisions or applications of this ordinance that can be given effect without the invalid  
29 provision or application.  
30

31 3. That this Ordinance will become effective on July 1, 2024.  
32  
33

34 GIVEN under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2024  
35

36 \_\_\_\_\_  
37

38 Jill G. Cooper  
39 Clerk for the Board of Supervisors  
40 Department of Clerk Services  
41

ADMINISTRATIVE – 7

Authorization to Advertise a Public Hearing to Consider an Ordinance to Amend and Readopt Section 67.1-10-2 of the Fairfax County Code Relating to Sewer Availability Charges (Including the Fixture Unit Rate), Service Charges, Base Charges, and Hauled Wastewater Charges

ISSUE:

Authorization to advertise a public hearing to consider an ordinance that proposes to amend and readopt *Fairfax County (County) Code Section 67.1-10-2*, relating to Sewer Availability Charges (including the Fixture Unit Rate), Service Charges, Base Charges, and Hauled Wastewater Charges:

- 1) Re-affirming the Availability Charges (including the fixture unit rate) for FY 2024 through FY 2028, and establishing the Availability Charges for FY 2029;
- 2) Re-affirming the Sewer Service Charges for FY 2024 through FY 2026, adjusting the Sewer Service Charges for FY 2027 and FY 2028, and establishing the Sewer Service Charges for FY 2029;
- 3) Re-affirming the Base Charges for FY 2024 through FY 2026, adjusting the Base Charges for FY 2027 and FY 2028, and establishing the Base Charges for FY 2029; and
- 4) Re-affirming the Hauled Wastewater Charges for FY 2024 and maintaining the same charges as FY 2024 for FY 2025.

Although the sewer charges in the sewer ordinance, Chapter 67.1, are multi-year, all sewer charges are reviewed, adjusted as necessary, and adopted annually to ensure sewer charges are accurately priced.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) authorize advertisement of a public hearing on April 16, 2024, at 3:00 p.m. to consider these ordinances.

TIMING:

Board action is requested on March 5, 2024, to provide sufficient time to advertise the proposed public hearing for consideration of these ordinances on April 16, 2024, at 3:00 p.m. Decision on the sewer rate revisions will coincide with the markup and adoption of the FY 2025 Advertised Budget Plan.



**BACKGROUND:**

In December 2023, the Wastewater Management Program (Program) and its consultants, Raftelis, completed the annual “Revenue Sufficiency and Rate Analysis” (the Rate Study) for the Sewer System. Based upon the results of the Rate Study, changes are proposed to the previously approved rates for FY 2027 and FY 2028 and new rates are proposed for FY 2029.

The following proposed 5-year rate schedule will meet the Program’s current and projected 5-year revenue requirements of approximately \$1.6 billion by increasing the Availability Charges, the Sewer Service Charges, and the Base Charges, all of which are the industry practice. This allows for recovering a portion of the Program’s costs through the Base Charge and recovering the remaining required revenues through the Sewer Service Charge, based on the volume of water consumed by the commercial customers and volume of the winter quarter average consumed by residential customers; Availability Charges, based on the capacity needs of new connections to the system; and Hauled Wastewater Charges, based on the volume of the hauling truck. New or revised rates that were not advertised as part of last year’s annual rate schedule review are shown in **bold**. Note that the proposed adjustments to the Sewer Service Charges for FY 2027 and FY 2028 are slightly more than those presented to the Board during last year’s budget process. These increases are due to higher operating expenses associated with inflation and the revised sewer reimbursement policy.

**PROPOSED AVAILABILITY CHARGE SCHEDULE**

The County has completed reviewing the adequacy of the amount of the Availability Charges. Based upon the results of this review, the Availability Charges are proposed to increase to \$9,038 in FY 2025 from \$8,860 in FY 2024, a 1.0 percent increase for a single-family residence in FY 2025 for purchase of capacity in the system plus an additional 1.0 percent increase due to the revised sewer reimbursement policy, as was identified in the prior fiscal year rate study. Proposed Availability Charge increases for a single-family residence in FY 2026 to FY 2029 are 1.0 percent for purchase of capacity in the system plus an addition of approximately 1.0 percent due to the revised sewer reimbursement policy, as was identified in the prior fiscal year. The Availability Charge is a one-time charge, which is paid at the time of connection to the sewer system. The revised, five-year rate schedule for the Availability Charges is as follows:

<b>AVAILABILITY CHARGE SCHEDULE</b>						
Proposed New Rates in <b>Bold</b>						
Type of Connection	Current Rate	New Rates				
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	<b>FY 2029</b>
Single-Family Detached	\$8,860	\$9,038	\$9,218	\$9,398	\$9,578	<b>\$9,759</b>
Lodging House, Hotel, Inn, or Tourist Cabin	\$8,860	\$9,038	\$9,218	\$9,398	\$9,578	<b>\$9,759</b>
Townhouse	\$7,088	\$7,231	\$7,374	\$7,518	\$7,662	<b>\$7,807</b>
Apartment	\$7,088	\$7,231	\$7,374	\$7,518	\$7,662	<b>\$7,807</b>
Mobile Home	\$7,088	\$7,231	\$7,374	\$7,518	\$7,662	<b>\$7,807</b>
Any other residential dwelling unit	\$7,088	\$7,231	\$7,374	\$7,518	\$7,662	<b>\$7,807</b>
Hotels, Motels, or Dormitory rental unit	\$2,215	\$2,260	\$2,304	\$2,349	\$2,394	<b>\$2,440</b>

Availability Charges for all nonresidential uses will be computed as the number of fixture units (including roughed-in fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building Code, Section 101.2, Note 1, which incorporates by reference the 2012 International Plumbing Code (Chapter 7, Section 709), times the fixture unit rate with a minimum charge equivalent to one (1) single-family detached dwelling per premises. The revised, five-year rate schedule for the fixture unit charge for nonresidential uses is as follows:

<b>AVAILABILITY CHARGE SCHEDULE</b>						
Cost (\$) per Quarterly Bill						
Proposed New Rates in <b>Bold</b>						
	Current Rate	New Rates				
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	<b>FY 2029</b>
Nonresidential per fixture unit	\$443	\$452	\$461	\$470	\$479	<b>\$488</b>

**PROPOSED SEWER SERVICE CHARGE SCHEDULE**

The following proposed Sewer Service Charge of \$8.81 per 1,000 gallons of water consumption in FY 2025 will recover a portion of the sewer system costs in FY 2025 based on the volume of water consumed by the commercial customers and the volume of the winter quarter average consumed by residential customers. The revised, five-year rate schedule for the Sewer Service Charges is as follows:

<b>SEWER SERVICE CHARGE SCHEDULE*</b>						
Per 1,000 gallons of water consumption						
Proposed New Rates in <b>Bold</b>						
	Current Rate	New Rates				
	FY 2024	FY 2025	FY 2026	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
Sewer Service Charge	\$8.46	\$8.81	\$9.33	<b>\$9.88</b>	<b>\$10.46</b>	<b>\$11.08</b>

**PROPOSED BASE CHARGE SCHEDULE**

The following proposed Base Charge of \$49.73 per quarterly bill for FY 2025 will recover approximately 25.6 percent of the sewer system costs in FY 2025. Industry practice is to recover 25 to 30 percent of the total costs through a Base Charge. To strive towards such a recovery rate, a phased-in approach is being proposed, as shown in the table on the following page.

<b>BASE CHARGE SCHEDULE*</b>						
Cost (\$) per Quarterly Bill						
Proposed New Rates in <b>Bold</b>						
Type of Connection	Current Rate	New Rates				
	FY 2024	FY 2025	FY 2026	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
Residential (3/4" meter)	\$44.81	\$49.73	\$52.62	<b>\$55.78</b>	<b>\$59.08</b>	<b>\$62.57</b>
All customers based on meter size						
3/4" and smaller, or no meter	\$44.81	\$49.73	\$52.62	<b>\$55.78</b>	<b>\$59.08</b>	<b>\$62.57</b>
1"	\$112.03	\$124.33	\$131.55	<b>\$139.45</b>	<b>\$147.70</b>	<b>\$156.43</b>
1 1/2"	\$224.05	\$248.65	\$263.10	<b>\$278.90</b>	<b>\$295.40</b>	<b>\$312.85</b>
2"	\$358.48	\$397.84	\$420.96	<b>\$446.24</b>	<b>\$472.64</b>	<b>\$500.56</b>
3"	\$672.15	\$745.95	\$789.30	<b>\$836.70</b>	<b>\$886.20</b>	<b>\$938.55</b>
4"	\$1,120.25	\$1,243.25	\$1,315.50	<b>\$1,394.50</b>	<b>\$1,477.00</b>	<b>\$1,564.25</b>
6"	\$2,240.50	\$2,486.50	\$2,631.00	<b>\$2,789.00</b>	<b>\$2,954.00</b>	<b>\$3,128.50</b>
8"	\$3,584.80	\$3,978.40	\$4,209.60	<b>\$4,462.40</b>	<b>\$4,726.40</b>	<b>\$5,005.60</b>
10" and larger	\$5,153.15	\$5,718.95	\$6,051.30	<b>\$6,414.70</b>	<b>\$6,794.20</b>	<b>\$7,195.55</b>

\*Adjustment to the Base Charge for nonresidential customers who have sub-meters for irrigation and other water uses that do not enter the sewer system must be justified.

**PROPOSED HAULED WASTEWATER CHARGES**

The County’s Septage Receiving Facility (SRF) was constructed to receive and treat septage from local onsite sewage disposal systems in accordance with Section 15.2-2123 of the Code of Virginia. In addition, the SRF receives landfill leachate, portable toilet waste, restaurant grease, and recycled carwash water. Hauled Wastewater Charges were introduced in FY 2020 to recover a portion of the costs of operation, maintenance, and upcoming necessary improvements to the SRF. It is proposed that the charge for High-Strength and Low-Strength Wastes remain the same as the FY2024 charges as follows:

- (1) High-Strength Waste - \$27 per 1,000 gallons of the hauler’s truck capacity for septic tank and restaurant grease wastes.
- (2) Low-Strength Waste - \$7.72 per 1,000 gallons of the hauler's truck capacity for portable toilet, recycled carwash water, landfill leachate, or other such low-strength waste.

The County’s sewer charges remain very competitive on a local basis. Below are average annual sewer service billings and Availability Charges per Single-Family Residential Equivalent (SFRE) for Fairfax County compared to other regional jurisdictions, as of December 2023 (FY 2024). Average sewer service billings for the other regional jurisdictions have been developed by applying each jurisdiction’s equivalent base charge and sewer service rate to appropriate SFRE water usage determined from Fairfax Water’s average water usage for SFREs.

**Comparison of Average Service Charges, Availability Charges, and Base Charges for SFREs as of December 2023 (FY 2024)  
 Based on 16,000 gallons per quarter for all jurisdictions**

<b>Jurisdiction*</b>	<b>Average Annual Sewer Service Billing</b>	<b>Sewer Availability Fees</b>
<b>DCWASA</b>	<b>\$1,344</b>	<b>\$2,809</b>
<b>City of Alexandria</b>	<b>\$1,083</b>	<b>\$10,506</b>
<b>WSSC (improved)</b>	<b>\$895</b>	<b>\$14,500</b>
<b>Fairfax County</b>	<b>\$721</b>	<b>\$8,860</b>
<b>Arlington County</b>	<b>\$669</b>	<b>\$3,720</b>
<b>Prince William County</b>	<b>\$589</b>	<b>\$11,200</b>
<b>Loudoun Water</b>	<b>\$514</b>	<b>\$9,241</b>

The table below outlines base charges by other regional utilities for comparison to Fairfax County’s current Base Charge of \$44.81 as of December 2023 (FY 2024).

<b>Quarterly Base Charges for Sewer Service for Residential Customers</b>	
DC Water	\$ 77.22
<b>Fairfax County</b>	<b>\$ 44.81</b>
Alexandria Renew Enterprises	\$ 41.55
Loudoun Water	\$ 38.94
Prince William County Service Authority	\$ 37.65
Washington Suburban Sanitation Commission	\$ 30.39
Arlington	\$ 13.52
<b>Neighboring Utilities Average</b>	<b>\$ 39.88</b>

EQUITY IMPACT:

This board action has no adverse equity impact. The sewer rates are a significant part of the County’s award-winning wastewater management program which protects public health and the environment. They are also the primary revenue source for repayment of the proposed sewer revenue bonds to be sold, and current as well as out year estimated rates are included in annual County budget documents. Untreated wastewater causes diseases to proliferate, including hepatitis, tetanus, typhoid, cholera, enterovirus, and others, that thrive in untreated human sewage. Untreated wastewater also ruins water quality and kills aquatic life. The U.S. Environmental Protection Agency (U.S. EPA) has identified inequitable nationwide trends where communities “allow continued discharges of raw sewage into waters used for drinking, recreation, and/or ecological habitat—depending on the ability of a wastewater system and its customers to pay for necessary infrastructure upgrades.”

DPWES administers an integrated sewer system, with fees dedicated to capital improvements county-wide, regardless of the amount of fees contributed. Fairfax County also surpasses the U.S. EPA national average for good control of its sewer system by controlling sanitary sewer overflows with aggressive cleaning of sewers Countywide.

The Fairfax County Wastewater Management Program also ensures proper conveyance and treatment of sewage away from 91 percent of households with high vulnerability index ratings, and 100 percent of households with a vulnerability index greater than 4. The Sewer Service area map (Attachment 2) shows Fairfax County Approved Sewer Service Area (ASSA) in comparison to the vulnerability index scores.

<b>Vulnerability Index</b>	<b>Number of Households in ASSA</b>	<b>Number of Households Not in ASSA</b>	<b>% IN</b>	<b>% OUT</b>
<b>0-1</b>	1,501	181	89%	11%
<b>1-2</b>	133,782	21,021	86%	14%
<b>2-3</b>	133,687	5,299	96%	4%
<b>3-4</b>	34,169	4,684	88%	12%
<b>4-5</b>	2,037	-	100%	0%
	305,176	31,185	91%	9%

The sewer rates are structured to be equivalent across all customers of the County. The quarterly sewer bills have two components, a Sewer Service (or volumetric) Charge and Base Charge. The volumetric charge is based on the amount of water consumed by a customer, providing customers the ability to reduce the amount of water they use and thereby reduce the amount they are charged. In addition, the volumetric charge is capped at the volume of water used during winter quarter months. So, residential customers are not charged a wastewater fee for water used outside of the house (e.g., for landscape irrigation, washing cars) during warmer months. Commercial customers are charged based on all the water consumed. However, commercial customers may install a “deduct water meter” to measure and subtract from the total water consumed the amount of water that does not enter the sewer system.

The County’s sewer charge is well below the Environmental Protection Agency’s Financial Capability Assessment Guidance. One common measure of rate affordability is to evaluate the typical residential bill (annualized) relative to the annual median household income (“MHI”) within the service area. Industry standards consider a wastewater bill at 1 percent or lower of the MHI as a low potential economic impact on residents. The proposed residential wastewater charges for the County for 2024 would be 0.5 percent of MHI, well below the lowest industry threshold.

The sewer rate equity impact is further addressed by the county-wide programs that assist low-income households and those living in vulnerable communities, Fairfax Water’s policy for providing water service, and the current Fairfax Water Low-Income Household Water Assistance Program (LIHWAP) (Attachment V). Fairfax Water bills ratepayers on behalf of the Department of Public Works and Environmental Services (DPWES) wastewater management program. Customers who do not pay their water bills on time receive a grace period to come into compliance. Fairfax Water directs customers to the following assistance options, provided in multiple languages:

- Set up a Payment Plan. Customers may establish a payment plan with Fairfax Water.
- Request payment assistance through local community organizations that may assist with utility bill payment.
- Refers customers to:

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- Fairfax County Department of Family Services - 703.324.7450
- Fairfax Department of Housing - 703.324.8122
- Fairfax County Coordinated Services Planning - 703.222.0880

When Fairfax Water refers the nonpaying community to Coordinated Services Planning, community members can rely on several County-wide programs. Ratepayers who are struggling to pay their water and sewer bills are typically experiencing other hardships, and several Fairfax County departments focus on providing a holistic solution to improve the food and water security for vulnerable households through the Community Consolidated Funding Pool and Coordinated Services Planning:

- Offers 17 languages on staff.
- Provides a CAREVAN, which targets areas of food insecurity, and Title I schools to provide food pantry availability.
- Community Services Planning (CSP) does outreach to the community as part of a program. They have a long-standing relationship with the community and the partners in the community.
- The Community Partner Strategy Team (CPST) represents a collaborative network of community/county health and human services providers representative of Fairfax County's diversity. The CPST strategically works to increase a collective capacity to serve and meet urgent and ongoing basic needs in the Fairfax County community.

In addition, the Department of Neighborhood and Community Services operates community centers throughout the County that can assist ratepayers. The Department of Housing and Community Development provides Section 8 housing and administers a Home Improvement Loan Program.

Finally, DPWES has sought opportunities to improve equitable service delivery, because the LIHWAP is a federally funded program that will expire when funding is expended. Under current state law, DPWES is not empowered by state law to establish a sewer fee to assist low-income and vulnerable households. As a county in the Commonwealth of Virginia, Fairfax County is subject to the Dillon Rule, and can only establish programs and ordinances expressly empowered by Virginia. As a result, the best improvement currently available is for DPWES to perform outreach by contributing wastewater ratepayer information to the NCS and CPST outreach programs.

**FISCAL IMPACT:**

In FY 2025, assuming a water usage for a typical residential customer of 16,000 gallons/quarter (or 64,000 gallons/year), the annual sewer bill will be approximately \$762.76 per year, which is an increase of 5.8 percent or \$42.08 over the FY 2024 annual sewer bill. This is equal to an increase of \$3.51 per month.

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In FY 2025, revenue is projected to be \$304.0 million, which is an increase of approximately \$22.0 million over the *FY 2024 Adopted Budget Plan* primarily due to the proposed rate increases. Revenues from the collection of Sewer Availability Charges, Service Charges, Base Charges, and Hauled Wastewater Charges are recorded in Fund 69000, Sewer Revenue.

ENCLOSED DOCUMENTS:

Attachment I: The Proposed Amendment to Chapter 67.1 Article 10 (Charges), Section 2 of the Code of the County of Fairfax – Clean Version

Attachment II: The Proposed Amendment to Chapter 67.1 Article 10 (Charges), Section 2 of the Code of the County of Fairfax – Redline Version

Attachment III: Proposed Public Hearing Advertisement for Proposed Sewer Service Charge & Base Charge – Rate Revisions

Attachment IV: Proposed Public Hearing Advertisements for Sewer Availability Charges (Including the Fixture Unit Rate) and Hauled Wastewater Charges – Rate Revisions

Attachment V: [Fairfax Water Low-Income Household Water Assistance Program \(LIHWAP\)](#)

STAFF:

Rachel Flynn, Deputy County Executive

Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)

Eleanor Ku Coddling, Deputy Director, Stormwater and Wastewater Divisions, DPWES

Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, DPWES

ASSIGNED COUNSEL:

Emily H. Smith, Assistant County Attorney



1 **AN ORDINANCE AMENDING**  
 2 **ARTICLE 10 OF CHAPTER 67.1 OF THE FAIRFAX COUNTY CODE, RELATING TO**  
 3 **CHARGES FOR THE AVAILABILITY OF, CONNECTION TO, AND/OR USE OF THE**  
 4 **SEWERAGE FACILITIES OF THE COUNTY**

5  
 6 **AN ORDINANCE to amend the Fairfax County Code by amending and**  
 7 **readopting Section 67.1-10-2, relating to charges for the availability of,**  
 8 **connection to, and/or use of the sewerage facilities of the County.**

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 11 **Be it ordained by the Board of Supervisors of Fairfax County:**

- 12 **1. That Section 67.1-10-2 of the Fairfax County Code is amended and readopted as**  
 13 **follows:**  
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15 **ARTICLE 10. - Charges**

16 **Section 67.1-10-2. – Availability, Connection, Lateral Spur, Service Charges, Base Charges,**  
 17 **and Hauled Wastewater Charges.**

18 (a) *Availability Charges:*

- 19 (1) *Residential uses:* The following schedule of availability charges for residential uses  
 20 desiring to connect to the Facilities of the County is hereby established and imposed:

		Fiscal Year (July 1-June 30)					
	Customer Class	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
(A)	Single-Family Detached	\$8,860	\$9,038	\$9,218	\$9,398	\$9,578	\$9,759
(B)	Lodging House, Hotel, Inn or Tourist Cabin	\$8,860	\$9,038	\$9,218	\$9,398	\$9,578	\$9,759
(C)	Townhouse	\$7,088	\$7,231	\$7,374	\$7,518	\$7,662	\$7,807
(D)	Apartment	\$7,088	\$7,231	\$7,374	\$7,518	\$7,662	\$7,807
(E)	Mobile Home	\$7,088	\$7,231	\$7,374	\$7,518	\$7,662	\$7,807
(F)	Any other residential dwelling unit	\$7,088	\$7,231	\$7,374	\$7,518	\$7,662	\$7,807

(G)	Hotel, Motel, or Dormitory rental unit	\$2,215	\$2,260	\$2,304	\$2,349	\$2,394	\$2,440
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23 (2) *Commercial and all other uses:* The following schedule of fixture unit rates for  
 24 computing availability charges for all nonresidential uses is hereby established and  
 25 imposed:

	Fiscal Year (July 1-June 30)					
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Fixture unit rate	\$443	\$452	\$461	\$470	\$479	\$488

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27 The availability charge will be computed as the number of fixture units (including roughed-in  
 28 fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building Code  
 29 (VUSBC), (as amended), Section 101.2, Note 1, which incorporates by reference the 2012  
 30 International Plumbing Code (Chapter 7, Section 709) ("VUSBC"), times the fixture unit rate with  
 31 a minimum charge equivalent to one single-family detached dwelling per premises. For Significant  
 32 Industrial Users with wastewater discharge permits authorizing discharge into the Integrated Sewer  
 33 System and other industrial or commercial Users determined by the Director to have processes  
 34 generating significant wastewater flows, the availability charge will be calculated on the basis of  
 35 equivalent units. One equivalent unit is equal to 280 gallons per day and rated equal to one single-  
 36 family detached dwelling unit. Therefore, the availability charge for Significant Industrial Users  
 37 and other industrial or commercial Users determined by the Director to have processes generating  
 38 significant flow will be equal to the current rate for a single-family detached dwelling unit times  
 39 the number of equivalent units associated with the permitted flow. The number of equivalent units  
 40 is equal to the permitted or projected flow in gallons per day divided by 280 gallons per day.  
 41 Fixture unit counts, for Users having fixtures discharging continuously or semi-continuously to  
 42 drainage system leading to the County sanitary sewer facilities, shall be increased by two fixture  
 43 units for each gallon per minute of such continuous or semi-continuous discharge. The rate of such  
 44 discharge shall be deemed to be that rate certified by the manufacturer of the fixture or other  
 45 equipment, or such other rates as the Director shall determine.

46 (3) *Effective date:* The rate will change on July 1st of each new fiscal year. The rate  
 47 applicable to each fiscal year is subject to annual review by the Board.

48 (b) *Connection Charges.*

- 49 (1) *Residential and community uses:* Except as otherwise provided herein, there is hereby  
50 established and imposed a connection charge of \$152.50 per front foot of premises (with  
51 a minimum of \$7,625 and a maximum of \$15,250 for the connection of single-family  
52 detached and attached dwellings, churches, schools, fire stations, community centers, or  
53 other such similar community uses, to the Facilities of the County.
- 54 (2) *All other uses:* There is hereby established and imposed a connection charge of \$152.50  
55 per front foot of premises (with a minimum charge of \$15,250) for the connection of all  
56 other uses to the Facilities of the County.
- 57 (3) The connection charges established and imposed above shall not apply to premises to  
58 be connected to the Facilities of the County if such Facilities of the County are  
59 constructed totally at private expense.
- 60 (4) For the purposes of Section 67.1-10-2(b), front foot of premises will be determined by  
61 measuring the frontage of the premises located on the street address side of the premises.
- 62 (c) *Lateral spur charges:* There is hereby established and imposed a lateral spur charge of  
63 \$600.00 for the connection of all uses to a lateral spur, where such lateral spur has been  
64 installed by the County at the expense of Fairfax County.
- 65 (d) *Service charges:* There are hereby established and imposed the following sanitary sewer  
66 service charges:

	Sewer Service Charges — Fiscal Year (July 1 - June 30)					
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Sewer Service Charge, \$/1,000 gallons	\$8.46	\$8.81	\$9.33	\$9.88	\$10.46	\$11.08

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- 68 (e) *Base charges:* There are hereby established and imposed the following quarterly base  
69 charges in addition to the sewer service charge:

BASE CHARGE Cost (\$) per Quarterly Bill						
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Residential Base Charge	\$44.81	\$49.73	\$52.62	\$55.78	\$59.08	\$62.57

Commercial: (meter size)						
¾" and smaller, or no meter	\$44.81	\$49.73	\$52.62	\$55.78	\$59.08	\$62.57
1"	\$112.03	\$124.33	\$131.55	\$139.45	\$147.70	\$156.43
1½"	\$224.05	\$248.65	\$263.10	\$278.90	\$295.40	\$312.85
2"	\$358.48	\$397.84	\$420.96	\$446.24	\$472.64	\$500.56
3"	\$672.15	\$745.95	\$789.30	\$836.70	\$886.20	\$938.55
4"	\$1,120.25	\$1,243.25	\$1,315.50	\$1,394.50	\$1,477.00	\$1,564.25
6"	\$2,240.50	\$2,486.50	\$2,631.00	\$2,789.00	\$2,954.00	\$3,128.50
8"	\$3,584.80	\$3,978.40	\$4,209.60	\$4,462.40	\$4,726.40	\$5,005.60
10" and larger	\$5,153.15	\$5,718.95	\$6,051.30	\$6,414.70	\$6,794.20	\$7,195.55

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71 If requested, the Base Charge for nonresidential customers, who have irrigation systems and other  
72 water uses that do not enter the sewer system, will be adjusted. Calculations prepared by a Virginia  
73 licensed professional engineer must be provided to demonstrate what size of main water meter  
74 would be necessary for the building to accommodate only the water that enters the sewer system.  
75 The Base Charge will be adjusted based on the calculated meter size. In no case the Base Charge  
76 will be smaller than that for ¾" meter.

77 (1) *Effective date:* The Service charges and Base charges will change on July 1st of each  
78 new fiscal year. For metered accounts, the change is effective with meter readings  
79 beginning October 1st of each year. For unmetered accounts, the change is effective with  
80 billings beginning October 1st of each year.

81 (2) *Premises having a metered water supply:*

Category of Use	Service Charges
(A) Single-family detached and single-family attached dwellings such as townhouses, duplexes, multiplexes, semi-	For each 1,000 gallons of water, based on winter-quarter consumption or current quarterly consumption, as measured by the service line

detached, rowhouses, garden court and patio houses with a separate water service line meter.	meter, whichever is lower, a charge equal to the effective unit cost rate (\$/1,000 gallons).
(B) All other uses.	For each 1,000 gallons of water as measured by the water service line, a charge equal to the effective unit cost rate (\$/1,000 gallons).
(C) All users.	Base charge per billing as established in Section 67.1-10-2(e).

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(D) The winter-quarter-maximum consumption is determined as follows:

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(i) The quarterly-daily-average consumption of water is the consumption, measured by the water service line meter for the period between meter readings divided by the number of days elapsed between meter readings.

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(ii) The quarterly consumption is 91.5 times the quarterly-daily-average consumption of water in leap years or 91.25 times the quarterly-daily-average consumption in non-leap years.

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(iii) The winter-quarter-consumption is the quarterly consumption determined at the water service line meter reading scheduled between February 1 and April 30. The winter-quarter-consumption of each respective year shall be applicable to the four quarterly sewer billings rendered in conjunction with the regular meter reading scheduled after the next May.

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(iv) All water delivered to the premises, as measured by the winter-quarter-consumption for single-family dwellings and townhouses or the meter of all other Users, shall be deemed to have been discharged to the Facilities of the County. However, any person may procure the installation of a second water service line meter. Such person may notify the Director of such installation, in which event the Director shall make such inspection or inspections as may be necessary to ascertain that no water delivered to the premises or only the water delivered through any such additional meter may enter the Facilities of the County. If the Director determines that water delivered through an additional meter may not enter the Facilities of the County, no charge hereunder shall be based upon such volume of water delivery. If the Director determines that only the water delivered through an additional meter may enter the Facilities of the County, only the water recorded on the additional meter shall be charged. In the alternative, any person may procure the installation of a sewage meter which shall be of a type and installed in a manner approved by the Director, who shall make periodic inspection to ensure accurate operation of said meter; in such event, the charge imposed hereunder shall be based upon the volume measured

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112 by such meter. The cost of all inspections required by the foregoing provisions  
113 for elective metering, as determined by normal cost accounting methods, shall  
114 be an additional charge for sanitary sewer service to the premises on which such  
115 meter or meters are installed.

116 (E) For single-family premises as in (e)(2)(A) not able to register valid meter readings  
117 for the measurement of winter-quarter-consumption the following billing method  
118 shall apply:

119 (i) Premises not existing, unoccupied or occupied by a different household during  
120 the applicable winter quarter, or which due to unfavorable weather, meter failure  
121 or for any other reason of meter inaccuracy cannot register valid meter readings,  
122 shall not be considered to have a valid meter reading for the purpose of winter-  
123 quarter-consumption measurement.

124 (ii) Such premises may be billed on the basis of the average winter-quarter-  
125 consumption for similar dwelling units or the current quarterly consumption, as  
126 registered by water service line meter, or based on historical water usage.  
127 Accounts for single-family premises established by a builder for sewerage  
128 service during construction shall be considered a nonresidential use.

129 (3) Premises not having metered water supply or having both well water and public metered  
130 water supply:

131 (A) Single-family dwellings, as in (e)(2)(A). An amount equal to the average winter-  
132 quarter-consumption, during the applicable winter quarter, of similar dwelling units,  
133 times the effective unit cost rate (\$/1,000 gallons). In the alternative, any such single-  
134 family residential customer may apply to the County, via the water supplier  
135 providing water service to the area in which the residential customer is located, for  
136 special billing rates, based on average per capita consumption of water in similar  
137 type units.

138 (B) All other uses: The charge shall be based upon the number of fixture units and load  
139 factor in accordance with the VUSBC, Table I and Table II Fixture Units and Load  
140 Factors for All Other Premises. There shall be an additional charge equal to the  
141 effective unit cost (\$/1,000 gallons) for the volume discharged by fixtures  
142 discharging continuously or semi-continuously. Volume of continuous or semi-  
143 continuous discharge shall be deemed to be that used in determining availability  
144 charge.

145 (f) Hauled Wastewater Charges: There are hereby established and imposed the following Hauled  
146 Wastewater Charges:

147 (1) High-Strength Waste - \$27 per 1,000 gallons of the hauler's truck capacity for septic  
148 tank and restaurant grease wastes.

149 (2) Low-Strength Waste - \$7.72 per 1,000 gallons of the hauler's truck capacity for  
150 portable toilet, landfill leachate, or any such low- strength wastewater.

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153 *TABLE I. Table of Fixture Units*

Type of Fixture or Group of Fixtures	Drainage Fixture Unit Value (DFU)
Commercial automatic clothes washer (2" standpipe)	3
Bathroom group consisting of water closet, lavatory and bathtub or shower stall (Residential):	
Tank type closet	6
Bathtub (with or without overhead shower)	2
Combination sink-and-tray with food disposal unit	2
Combination sink-and-tray with 1½" trap	2
Dental unit or cuspidor	1
Dental lavatory	1
Drinking fountain	½
Dishwasher, domestic	2
Floor drains with 2" waste	2
Kitchen sink, domestic, with one 1½" waste	2
Kitchen sink, domestic, with food waste grinder and/or dishwasher	2
Lavatory with 1¼" waste	1
Laundry tray (1 or 2 compartments)	2
Shower stall	2

Sinks:	
Surgeon's	3
Flushing rim (with valve)	6
Service (trap standard)	3
Service (P trap)	2
Pot, scullery, etc.	4
Urinal, pedestal, syphon jet blowout	6
Urinal, wall lip	4
Urinal stall, washout	4
Urinal trough (each 6-ft. section)	2
Wash sink (circular or multiple) each set of faucets	2
Water closet, tank-operated	4
Water closet, valve-operated	6
Fixture drain or trap size:	
1¼ inches and smaller	1
1½ inches	2
2 inches	3
2½ inches	4
3 inches	5
4 inches	6



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*TABLE II.*  
*Fixture Units and Load Factors for All Other Premises*  
*Quarterly Service Charges*  
 Fiscal Year (July 1 - June 30)

Fixture Units	Load Factor	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
20 or less	1.00	135.36	140.96	149.28	158.08	167.36	177.28
21 to 30	1.25	169.20	176.20	186.60	197.60	209.20	221.60
31 to 40	1.45	196.27	204.39	216.46	229.22	242.67	257.06
41 to 50	1.60	216.58	225.54	238.85	252.93	267.78	283.65
51 to 60	1.75	236.88	246.68	261.24	276.64	292.88	310.24
61 to 70	1.90	257.18	267.82	283.63	300.35	317.98	336.83
71 to 80	2.05	277.49	288.97	306.02	324.06	343.09	363.42
81 to 90	2.20	297.79	310.11	328.42	347.78	368.19	390.02
91 to 100	2.30	311.33	324.21	343.34	363.58	384.93	407.74
101 to 110	2.40	324.86	338.30	358.27	379.39	401.66	425.47
111 to 120	2.55	345.17	359.45	380.66	403.10	426.77	452.06
121 to 130	2.65	358.70	373.54	395.59	418.91	443.50	469.79
131 to 140	2.75	372.24	387.64	410.52	434.72	460.24	487.52
141 to 150	2.85	385.78	401.74	425.45	450.53	476.98	505.25
151 to 160	2.95	399.31	415.83	440.38	466.34	493.71	522.98

161 to 170	3.05	412.85	429.93	455.30	482.14	510.45	540.70
171 to 180	3.15	426.38	444.02	470.23	497.95	527.18	558.43
181 to 190	3.25	439.92	458.12	485.16	513.76	543.92	576.16
191 to 200	3.35	453.46	472.22	500.09	529.57	560.66	593.89
201 to 210	3.45	466.99	486.31	515.02	545.38	577.39	611.62
211 to 220	3.55	480.53	500.41	529.94	561.18	594.13	629.34
221 to 230	3.65	494.06	514.50	544.87	576.99	610.86	647.07
231 to 240	3.75	507.60	528.60	559.80	592.80	627.60	664.80
241 to 250	3.85	521.14	542.70	574.73	608.61	644.34	682.53
251 to 260	3.90	527.90	549.74	582.19	616.51	652.70	691.39
261 to 270	4.00	541.44	563.84	597.12	632.32	669.44	709.12
271 to 280	4.05	548.21	570.89	604.58	640.22	677.81	717.98
281 to 290	4.10	554.98	577.94	612.05	648.13	686.18	726.85
291 to 300	4.15	561.74	584.98	619.51	656.03	694.54	735.71
301 to 310	4.20	568.51	592.03	626.98	663.94	702.91	744.58
311 to 320	4.30	582.05	606.13	641.90	679.74	719.65	762.30
321 to 330	4.40	595.58	620.22	656.83	695.55	736.38	780.03
331 to 340	4.50	609.12	634.32	671.76	711.36	753.12	797.76
341 to 350	4.60	622.66	648.42	686.69	727.17	769.86	815.49
351 to 360	4.70	636.19	662.51	701.62	742.98	786.59	833.22

361 to 370	4.80	649.73	676.61	716.54	758.78	803.33	850.94
371 to 380	4.90	663.26	690.70	731.47	774.59	820.06	868.67
381 to 390	5.00	676.80	704.80	746.40	790.40	836.80	886.40
391 to 400	5.10	690.34	718.90	761.33	806.21	853.54	904.13
401 to 410	5.20	703.87	732.99	776.26	822.02	870.27	921.86
411 to 420	5.30	717.41	747.09	791.18	837.82	887.01	939.58
421 to 430	5.40	730.94	761.18	806.11	853.63	903.74	957.31
431 to 440	5.50	744.48	775.28	821.04	869.44	920.48	975.04
441 to 450	5.60	758.02	789.38	835.97	885.25	937.22	992.77
451 to 460	5.70	771.55	803.47	850.90	901.06	953.95	1,010.50
461 to 470	5.80	785.09	817.57	865.82	916.86	970.69	1,028.22
471 to 480	5.90	798.62	831.66	880.75	932.67	987.42	1,045.95
481 to 490	6.00	812.16	845.76	895.68	948.48	1,004.16	1,063.68
491 to 500	6.10	825.70	859.86	910.61	964.29	1,020.90	1,081.41
501 to 525	6.25	846.00	881.00	933.00	988.00	1,046.00	1,108.00
526 to 550	6.50	879.84	916.24	970.32	1,027.52	1,087.84	1,152.32
551 to 575	6.75	913.68	951.48	1,007.64	1,067.04	1,129.68	1,196.64
576 to 600	7.00	947.52	986.72	1,044.96	1,106.56	1,171.52	1,240.96
601 to 625	7.25	981.36	1,021.96	1,082.28	1,146.08	1,213.36	1,285.28
626 to 650	7.50	1,015.20	1,057.20	1,119.60	1,185.60	1,255.20	1,329.60

651 to 675	7.75	1,049.04	1,092.44	1,156.92	1,225.12	1,297.04	1,373.92
676 to 700	8.00	1,082.88	1,127.68	1,194.24	1,264.64	1,338.88	1,418.24
701 to 725	8.20	1,109.95	1,155.87	1,224.10	1,296.26	1,372.35	1,453.70
726 to 750	8.40	1,137.02	1,184.06	1,253.95	1,327.87	1,405.82	1,489.15
751 to 775	8.60	1,164.10	1,212.26	1,283.81	1,359.49	1,439.30	1,524.61
776 to 800	8.80	1,191.17	1,240.45	1,313.66	1,391.10	1,472.77	1,560.06
801 to 825	9.00	1,218.24	1,268.64	1,343.52	1,422.72	1,506.24	1,595.52
826 to 850	9.20	1,245.31	1,296.83	1,373.38	1,454.34	1,539.71	1,630.98
851 to 875	9.35	1,265.62	1,317.98	1,395.77	1,478.05	1,564.82	1,657.57
876 to 900	9.50	1,285.92	1,339.12	1,418.16	1,501.76	1,589.92	1,684.16
901 to 925	9.65	1,306.22	1,360.26	1,440.55	1,525.47	1,615.02	1,710.75
926 to 950	9.80	1,326.53	1,381.41	1,462.94	1,549.18	1,640.13	1,737.34
951 to 975	9.95	1,346.83	1,402.55	1,485.34	1,572.90	1,665.23	1,763.94
976 to 1,000	10.15	1,373.90	1,430.74	1,515.19	1,604.51	1,698.70	1,799.39
1,001 to 1,050	10.55	1,428.05	1,487.13	1,574.90	1,667.74	1,765.65	1,870.30
1,051 to 1,100	10.90	1,475.42	1,536.46	1,627.15	1,723.07	1,824.22	1,932.35
1,101 to 1,150	11.30	1,529.57	1,592.85	1,686.86	1,786.30	1,891.17	2,003.26
1,151 to 1,200	11.70	1,583.71	1,649.23	1,746.58	1,849.54	1,958.11	2,074.18
1,201 to 1,250	12.00	1,624.32	1,691.52	1,791.36	1,896.96	2,008.32	2,127.36
1,251 to 1,300	12.35	1,671.70	1,740.86	1,843.61	1,952.29	2,066.90	2,189.41

1,301 to 1,350	12.70	1,719.07	1,790.19	1,895.86	2,007.62	2,125.47	2,251.46
1,351 to 1,400	13.00	1,759.68	1,832.48	1,940.64	2,055.04	2,175.68	2,304.64
1,401 to 1,450	13.25	1,793.52	1,867.72	1,977.96	2,094.56	2,217.52	2,348.96
1,451 to 1,500	13.50	1,827.36	1,902.96	2,015.28	2,134.08	2,259.36	2,393.28
1,501 to 1,600	14.05	1,901.81	1,980.49	2,097.38	2,221.02	2,351.41	2,490.78
1,601 to 1,700	14.60	1,976.26	2,058.02	2,179.49	2,307.97	2,443.46	2,588.29
1,701 to 1,800	15.15	2,050.70	2,135.54	2,261.59	2,394.91	2,535.50	2,685.79
1,801 to 1,900	15.70	2,125.15	2,213.07	2,343.70	2,481.86	2,627.55	2,783.30
1,901 to 2,000	16.25	2,199.60	2,290.60	2,425.80	2,568.80	2,719.60	2,880.80
2,001 to 2,100	16.80	2,274.05	2,368.13	2,507.90	2,655.74	2,811.65	2,978.30
2,101 to 2,200	17.35	2,348.50	2,445.66	2,590.01	2,742.69	2,903.70	3,075.81
2,201 to 2,300	17.90	2,422.94	2,523.18	2,672.11	2,829.63	2,995.74	3,173.31
2,301 to 2,400	18.45	2,497.39	2,600.71	2,754.22	2,916.58	3,087.79	3,270.82
2,401 to 2,500	19.00	2,571.84	2,678.24	2,836.32	3,003.52	3,179.84	3,368.32
2,501 to 2,600	19.55	2,646.29	2,755.77	2,918.42	3,090.46	3,271.89	3,465.82
2,601 to 2,700	20.10	2,720.74	2,833.30	3,000.53	3,177.41	3,363.94	3,563.33
2,701 to 2,800	20.65	2,795.18	2,910.82	3,082.63	3,264.35	3,455.98	3,660.83
2,801 to 2,900	21.20	2,869.63	2,988.35	3,164.74	3,351.30	3,548.03	3,758.34
2,901 to 3,000	21.75	2,944.08	3,065.88	3,246.84	3,438.24	3,640.08	3,855.84
3,001 to 4,000	26.00	3,519.36	3,664.96	3,881.28	4,110.08	4,351.36	4,609.28

4,001 to 5,000	29.50	3,993.12	4,158.32	4,403.76	4,663.36	4,937.12	5,229.76
5,001 to 6,000	33.00	4,466.88	4,651.68	4,926.24	5,216.64	5,522.88	5,850.24
6,001 to 7,000	36.40	4,927.10	5,130.94	5,433.79	5,754.11	6,091.90	6,452.99
7,001 to 8,000	39.60	5,360.26	5,582.02	5,911.49	6,259.97	6,627.46	7,020.29
8,001 to 9,000	42.75	5,786.64	6,026.04	6,381.72	6,757.92	7,154.64	7,578.72
9,001 to 10,000	46.00	6,226.56	6,484.16	6,866.88	7,271.68	7,698.56	8,154.88
10,001 to 11,000	48.85	6,612.34	6,885.90	7,292.33	7,722.21	8,175.54	8,660.13
11,001 to 12,000	51.60	6,984.58	7,273.54	7,702.85	8,156.93	8,635.78	9,147.65
12,001 to 13,000	54.60	7,390.66	7,696.42	8,150.69	8,631.17	9,137.86	9,679.49
13,001 to 14,000	57.40	7,769.66	8,091.10	8,568.67	9,073.79	9,606.46	10,175.87
14,001 to 15,000	60.00	8,121.60	8,457.60	8,956.80	9,484.80	10,041.60	10,636.80

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161 NOTES:

162 (1) Base charge is not included in rates above.

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GIVEN under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2024

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\_\_\_\_\_  
 Jill G. Cooper  
 Clerk for the Board of Supervisors

1 AN ORDINANCE AMENDING  
 2 ARTICLE 10 OF CHAPTER 67.1 OF THE FAIRFAX COUNTY CODE, RELATING TO  
 3 CHARGES FOR THE AVAILABILITY OF, CONNECTION TO, AND/OR USE OF THE  
 4 SEWERAGE FACILITIES OF THE COUNTY  
 5

6 AN ORDINANCE to amend the Fairfax County Code by amending and  
 7 readopting Section 67.1-10-2, relating to charges for the availability of,  
 8 connection to, and/or use of the sewerage facilities of the County.  
 9

10  
 11 Be it ordained by the Board of Supervisors of Fairfax County:

- 12 1. That Section 67.1-10-2 of the Fairfax County Code is amended and readopted as  
 13 follows:  
 14

15 ARTICLE 10. - Charges

16 Section 67.1-10-2. – Availability, Connection, Lateral Spur, Service Charges, Base Charges,  
 17 and Hauled Wastewater Charges.

18 (a) *Availability Charges:*

- 19 (1) *Residential uses:* The following schedule of availability charges for residential uses  
 20 desiring to connect to the Facilities of the County is hereby established and imposed:

		Fiscal Year (July 1-June 30)					
	Customer Class	FY 202 <del>43</del>	FY 202 <del>54</del>	FY 202 <del>65</del>	FY 202 <del>76</del>	FY 202 <del>87</del>	FY 202 <del>98</del>
(A)	Single-Family Detached	<del>\$8,860</del> \$8,592	<del>\$9,038</del> \$8,860	<del>\$9,218</del> \$9,038	<del>\$9,398</del> \$9,218	<del>\$9,578</del> \$9,398	<del>\$9,759</del> \$9,578
(B)	Lodging House, Hotel, Inn or Tourist Cabin	<del>\$8,860</del> \$8,592	<del>\$9,038</del> \$8,860	<del>\$9,218</del> \$9,038	<del>\$9,398</del> \$9,218	<del>\$9,578</del> \$9,398	<del>\$9,759</del> \$9,578
(C)	Townhouse	<del>\$7,088</del> \$6,874	<del>\$7,231</del> \$7,088	<del>\$7,374</del> \$7,231	<del>\$7,518</del> \$7,374	<del>\$7,662</del> \$7,518	<del>\$7,807</del> \$7,662
(D)	Apartment	<del>\$7,088</del> \$6,874	<del>\$7,231</del> \$7,088	<del>\$7,374</del> \$7,231	<del>\$7,518</del> \$7,374	<del>\$7,662</del> \$7,518	<del>\$7,807</del> \$7,662

(E)	Mobile Home	<del>\$7,088</del> <del>\$6,874</del>	<del>\$7,231</del> <del>\$7,088</del>	<del>\$7,374</del> <del>\$7,231</del>	<del>\$7,518</del> <del>\$7,374</del>	<del>\$7,662</del> <del>\$7,518</del>	<del>\$7,807</del> <del>662</del>
(F)	Any other residential dwelling unit	<del>\$7,088</del> <del>\$6,874</del>	<del>\$7,231</del> <del>\$7,088</del>	<del>\$7,374</del> <del>\$7,231</del>	<del>\$7,518</del> <del>\$7,374</del>	<del>\$7,662</del> <del>\$7,518</del>	<del>\$7,807</del> <del>662</del>
(G)	Hotel, Motel, or Dormitory rental unit	<del>\$2,215</del> <del>2,148</del>	<del>\$2,260</del> <del>\$2,215</del>	<del>\$2,304</del> <del>\$2,260</del>	<del>\$2,349</del> <del>\$2,304</del>	<del>\$2,394</del> <del>\$2,349</del>	<del>\$2,440</del> <del>394</del>

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23 (2) *Commercial and all other uses:* The following schedule of fixture unit rates for  
 24 computing availability charges for all nonresidential uses is hereby established and  
 25 imposed:

	Fiscal Year (July 1-June 30)					
	FY 202 <del>43</del>	FY 202 <del>54</del>	FY 202 <del>65</del>	FY 202 <del>76</del>	FY 202 <del>87</del>	FY 202 <del>98</del>
Fixture unit rate	\$4 <del>4330</del>	\$4 <del>5243</del>	\$4 <del>6152</del>	\$4 <del>7061</del>	\$47 <del>90</del>	\$48 <del>879</del>

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27 The availability charge will be computed as the number of fixture units (including roughed-in  
 28 fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building Code  
 29 (VUSBC), (as amended), Section 101.2, Note 1, which incorporates by reference the 2012  
 30 International Plumbing Code (Chapter 7, Section 709) ("VUSBC"), times the fixture unit rate with  
 31 a minimum charge equivalent to one single-family detached dwelling per premises. For Significant  
 32 Industrial Users with wastewater discharge permits authorizing discharge into the Integrated Sewer  
 33 System and other industrial or commercial Users determined by the Director to have processes  
 34 generating significant wastewater flows, the availability charge will be calculated on the basis of  
 35 equivalent units. One equivalent unit is equal to 280 gallons per day and rated equal to one single-  
 36 family detached dwelling unit. Therefore, the availability charge for Significant Industrial Users  
 37 and other industrial or commercial Users determined by the Director to have processes generating  
 38 significant flow will be equal to the current rate for a single-family detached dwelling unit times  
 39 the number of equivalent units associated with the permitted flow. The number of equivalent units  
 40 is equal to the permitted or projected flow in gallons per day divided by 280 gallons per day.  
 41 Fixture unit counts, for Users having fixtures discharging continuously or semi-continuously to



42 drainage system leading to the County sanitary sewer facilities, shall be increased by two fixture  
 43 units for each gallon per minute of such continuous or semi-continuous discharge. The rate of such  
 44 discharge shall be deemed to be that rate certified by the manufacturer of the fixture or other  
 45 equipment, or such other rates as the Director shall determine.

46 (3) *Effective date:* The rate will change on July 1st of each new fiscal year. The rate  
 47 applicable to each fiscal year is subject to annual review by the Board.

48 (b) *Connection Charges.*

49 (1) *Residential and community uses:* Except as otherwise provided herein, there is hereby  
 50 established and imposed a connection charge of \$152.50 per front foot of premises (with  
 51 a minimum of \$7,625 and a maximum of \$15,250 for the connection of single-family  
 52 detached and attached dwellings, churches, schools, fire stations, community centers, or  
 53 other such similar community uses, to the Facilities of the County.

54 (2) *All other uses:* There is hereby established and imposed a connection charge of \$152.50  
 55 per front foot of premises (with a minimum charge of \$15,250) for the connection of all  
 56 other uses to the Facilities of the County.

57 (3) The connection charges established and imposed above shall not apply to premises to  
 58 be connected to the Facilities of the County if such Facilities of the County are  
 59 constructed totally at private expense.

60 (4) For the purposes of Section 67.1-10-2(b), front foot of premises will be determined by  
 61 measuring the frontage of the premises located on the street address side of the premises.

62 (c) *Lateral spur charges:* There is hereby established and imposed a lateral spur charge of  
 63 \$600.00 for the connection of all uses to a lateral spur, where such lateral spur has been  
 64 installed by the County at the expense of Fairfax County.

65 (d) *Service charges:* There are hereby established and imposed the following sanitary sewer  
 66 service charges:

	Sewer Service Charges — Fiscal Year (July 1 - June 30)					
	FY 202 <del>43</del>	FY 202 <del>54</del>	FY 202 <del>65</del>	FY 202 <del>76</del>	FY 202 <del>87</del>	FY 202 <del>98</del>
Sewer Service Charge, \$ /1,000 gallons	\$8. <del>4609</del>	\$8. <del>8146</del>	\$ <del>9.338.81</del>	\$9. <del>8833</del>	\$ <del>10.469.83</del>	\$ <del>11.080.35</del>

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68 (e) *Base charges:* There are hereby established and imposed the following quarterly base  
 69 charges in addition to the sewer service charge:

BASE CHARGE Cost (\$) per Quarterly Bill						
	FY 202 <del>4</del> <sub>3</sub>	FY 202 <del>5</del> <sub>4</sub>	FY 202 <del>6</del> <sub>5</sub>	FY 202 <del>7</del> <sub>6</sub>	FY 202 <del>8</del> <sub>7</sub>	FY 202 <del>9</del> <sub>8</sub>
Residential Base Charge	<del>\$44.81</del> 14	<del>\$49.73</del> 81	<del>\$52.62</del> 49.73	<del>\$55.78</del> 2.62	<del>\$59.08</del> 5.41	<del>\$62.57</del> 58.35
Commercial: (meter size)						
¾" and smaller, or no meter	<del>\$44.81</del> \$40.14	<del>\$49.73</del> \$44.81	<del>\$52.62</del> 49.73	<del>\$55.78</del> 2.62	<del>\$59.08</del> 5.41	<del>\$62.57</del> 58.35
1"	<del>\$112.03</del> \$100.35	<del>\$124.33</del> \$112.03	<del>\$131.55</del> 124.33	<del>\$139.45</del> 1.55	<del>\$147.70</del> 38.53	<del>\$156.43</del> 45.88
1½"	<del>\$224.05</del> \$200.70	<del>\$248.65</del> \$224.05	<del>\$263.10</del> 248.65	<del>\$278.90</del> 63.10	<del>\$295.40</del> 77.05	<del>\$312.85</del> 291.75
2"	<del>\$358.48</del> \$321.12	<del>\$397.84</del> \$358.48	<del>\$420.96</del> 397.84	<del>\$446.24</del> 20.96	<del>\$472.64</del> 43.28	<del>\$500.56</del> 466.80
3"	<del>\$672.15</del> \$602.10	<del>\$745.95</del> \$672.15	<del>\$789.30</del> 745.95	<del>\$836.70</del> 789.30	<del>\$886.20</del> 31.15	<del>\$938.55</del> 875.25
4"	<del>\$1,120.25</del> \$1,003.50	<del>\$1,243.25</del> \$1,120.25	<del>\$1,315.50</del> 243.25	<del>\$1,394.50</del> 15.50	<del>\$1,477.00</del> 385.25	<del>\$1,564.25</del> 458.75
6"	<del>\$2,240.50</del> \$2,007.00	<del>\$2,486.50</del> \$2,240.50	<del>\$2,631.00</del> 486.50	<del>\$2,789.00</del> 631.00	<del>\$2,954.00</del> 770.50	<del>\$3,128.50</del> 2,917.50

8"	<u>\$3,584.8</u> 0 <del>\$3,211.2</del> 0	<u>\$3,978.4</u> 0 <del>\$3,584.8</del> 0	<del>\$4,209.603,97</del> 8.40	<del>\$4,462.40209</del> .60	<del>\$4,726.40432</del> .80	<del>\$5,005.604,66</del> 8.00
10" and larger	<u>\$5,153.1</u> 5 <del>\$4,616.1</del> 0	<u>\$5,718.9</u> 5 <del>\$5,153.1</del> 5	<del>\$6,051.305,71</del> 8.95	<del>\$6,414.70051</del> .30	<del>\$6,794.20372</del> .15	<del>\$7,195.556,71</del> 0.25

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71 If requested, the Base Charge for nonresidential customers, who have irrigation systems and other  
72 water uses that do not enter the sewer system, will be adjusted. Calculations prepared by a Virginia  
73 licensed professional engineer must be provided to demonstrate what size of main water meter  
74 would be necessary for the building to accommodate only the water that enters the sewer system.  
75 The Base Charge will be adjusted based on the calculated meter size. In no case the Base Charge  
76 will be smaller than that for 3/4" meter.

77 (1) *Effective date:* The Service charges and Base charges will change on July 1st of each  
78 new fiscal year. For metered accounts, the change is effective with meter readings  
79 beginning October 1st of each year. For unmetered accounts, the change is effective with  
80 billings beginning October 1st of each year.

81 (2) *Premises having a metered water supply:*

Category of Use	Service Charges
(A) Single-family detached and single-family attached dwellings such as townhouses, duplexes, multiplexes, semi-detached, rowhouses, garden court and patio houses with a separate water service line meter.	For each 1,000 gallons of water, based on winter-quarter consumption or current quarterly consumption, as measured by the service line meter, whichever is lower, a charge equal to the effective unit cost rate (\$/1,000 gallons).
(B) All other uses.	For each 1,000 gallons of water as measured by the water service line, a charge equal to the effective unit cost rate (\$/1,000 gallons).
(C) All users.	Base charge per billing as established in Section 67.1-10-2(e).

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(D) The winter-quarter-maximum consumption is determined as follows:

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(i) The quarterly-daily-average consumption of water is the consumption, measured by the water service line meter for the period between meter readings divided by the number of days elapsed between meter readings.

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(ii) The quarterly consumption is 91.5 times the quarterly-daily-average consumption of water in leap years or 91.25 times the quarterly-daily-average consumption in non-leap years.

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(iii) The winter-quarter-consumption is the quarterly consumption determined at the water service line meter reading scheduled between February 1 and April 30. The winter-quarter-consumption of each respective year shall be applicable to the four quarterly sewer billings rendered in conjunction with the regular meter reading scheduled after the next May.

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(iv) All water delivered to the premises, as measured by the winter-quarter-consumption for single-family dwellings and townhouses or the meter of all other Users, shall be deemed to have been discharged to the Facilities of the County. However, any person may procure the installation of a second water service line meter. Such person may notify the Director of such installation, in which event the Director shall make such inspection or inspections as may be necessary to ascertain that no water delivered to the premises or only the water delivered through any such additional meter may enter the Facilities of the County. If the Director determines that water delivered through an additional meter may not enter the Facilities of the County, no charge hereunder shall be based upon such volume of water delivery. If the Director determines that only the water delivered through an additional meter may enter the Facilities of the County, only the water recorded on the additional meter shall be charged. In the alternative, any person may procure the installation of a sewage meter which shall be of a type and installed in a manner approved by the Director, who shall make periodic inspection to ensure accurate operation of said meter; in such event, the charge imposed hereunder shall be based upon the volume measured by such meter. The cost of all inspections required by the foregoing provisions for elective metering, as determined by normal cost accounting methods, shall be an additional charge for sanitary sewer service to the premises on which such meter or meters are installed.

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(E) For single-family premises as in (e)(2)(A) not able to register valid meter readings for the measurement of winter-quarter-consumption the following billing method shall apply:

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(i) Premises not existing, unoccupied or occupied by a different household during the applicable winter quarter, or which due to unfavorable weather, meter failure or for any other reason of meter inaccuracy cannot register valid meter readings, shall not be considered to have a valid meter reading for the purpose of winter-quarter-consumption measurement.

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124 (ii) Such premises may be billed on the basis of the average winter-quarter-  
 125 consumption for similar dwelling units or the current quarterly consumption, as  
 126 registered by water service line meter, or based on historical water usage.  
 127 Accounts for single-family premises established by a builder for sewerage  
 128 service during construction shall be considered a nonresidential use.

129 (3) Premises not having metered water supply or having both well water and public metered  
 130 water supply:

131 (A) Single-family dwellings, as in (e)(2)(A). An amount equal to the average winter-  
 132 quarter-consumption, during the applicable winter quarter, of similar dwelling units,  
 133 times the effective unit cost rate (\$/1,000 gallons). In the alternative, any such single-  
 134 family residential customer may apply to the County, via the water supplier  
 135 providing water service to the area in which the residential customer is located, for  
 136 special billing rates, based on average per capita consumption of water in similar  
 137 type units.

138 (B) All other uses: The charge shall be based upon the number of fixture units and load  
 139 factor in accordance with the VUSBC, Table I and Table II Fixture Units and Load  
 140 Factors for All Other Premises. There shall be an additional charge equal to the  
 141 effective unit cost (\$/1,000 gallons) for the volume discharged by fixtures  
 142 discharging continuously or semi-continuously. Volume of continuous or semi-  
 143 continuous discharge shall be deemed to be that used in determining availability  
 144 charge.

145 (f) Hauled Wastewater Charges: There are hereby established and imposed the following Hauled  
 146 Wastewater Charges:

147 (1) High-Strength Waste - \$27 per 1,000 gallons of the hauler's truck capacity for septic  
 148 tank and restaurant grease wastes.

149 (2) Low-Strength Waste – \$7.72 per 1,000 gallons of the hauler's truck capacity for  
 150 portable toilet, landfill leachate, or any such low- strength wastewater.

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153 *TABLE I. Table of Fixture Units*

Type of Fixture or Group of Fixtures	Drainage Fixture Unit Value (DFU)
Commercial automatic clothes washer (2" standpipe)	3

Bathroom group consisting of water closet, lavatory and bathtub or shower stall (Residential):	
Tank type closet	6
Bathtub (with or without overhead shower)	2
Combination sink-and-tray with food disposal unit	2
Combination sink-and-tray with 1½" trap	2
Dental unit or cuspidor	1
Dental lavatory	1
Drinking fountain	½
Dishwasher, domestic	2
Floor drains with 2" waste	2
Kitchen sink, domestic, with one 1½" waste	2
Kitchen sink, domestic, with food waste grinder and/or dishwasher	2
Lavatory with 1¼" waste	1
Laundry tray (1 or 2 compartments)	2
Shower stall	2
Sinks:	
Surgeon's	3
Flushing rim (with valve)	6
Service (trap standard)	3

Service (P trap)	2
Pot, scullery, etc.	4
Urinal, pedestal, syphon jet blowout	6
Urinal, wall lip	4
Urinal stall, washout	4
Urinal trough (each 6-ft. section)	2
Wash sink (circular or multiple) each set of faucets	2
Water closet, tank-operated	4
Water closet, valve-operated	6
Fixture drain or trap size:	
1¼ inches and smaller	1
1½ inches	2
2 inches	3
2½ inches	4
3 inches	5
4 inches	6

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*TABLE II.*  
*Fixture Units and Load Factors for All Other Premises*  
*Quarterly Service Charges*  
*Fiscal Year (July 1 - June 30)*

Fixture Units	Load Factor	FY 202 <del>4</del> <sub>3</sub>	FY 202 <del>5</del> <sub>4</sub>	FY 202 <del>6</del> <sub>5</sub>	FY 202 <del>7</del> <sub>6</sub>	FY 202 <del>8</del> <sub>7</sub>	FY 202 <del>9</del> <sub>8</sub>
20 or less	1.00	<u>135.36</u> <u>202.25</u>	<u>140.96</u> <u>211.5</u> <u>0</u>	<u>149.28</u> <u>220.25</u>	<u>158.08</u> <u>233.2</u> <u>5</u>	<u>167.36</u> <u>245.7</u> <u>5</u>	<u>177.28</u> <u>258.7</u> <u>5</u>
21 to 30	1.25	<u>169.20</u> <u>252.81</u>	<u>176.20</u> <u>264.3</u> <u>8</u>	<u>186.60</u> <u>275.31</u>	<u>197.60</u> <u>291.5</u> <u>6</u>	<u>209.20</u> <u>307.1</u> <u>9</u>	<u>221.60</u> <u>323.4</u> <u>4</u>
31 to 40	1.45	<u>196.27</u> <u>293.2</u> <u>6</u>	<u>204.39</u> <u>306.68</u>	<u>216.46</u> <u>319.36</u>	<u>229.22</u> <u>338.2</u> <u>1</u>	<u>242.67</u> <u>356.3</u> <u>4</u>	<u>257.06</u> <u>375.1</u> <u>9</u>
41 to 50	1.60	<u>216.58</u> <u>323.6</u> <u>0</u>	<u>225.54</u> <u>338.4</u> <u>0</u>	<u>238.85</u> <u>352.40</u>	<u>252.93</u> <u>373.2</u> <u>0</u>	<u>267.78</u> <u>393.2</u> <u>0</u>	<u>283.65</u> <u>414.0</u> <u>0</u>
51 to 60	1.75	<u>236.88</u> <u>353.9</u> <u>4</u>	<u>246.68</u> <u>370.13</u>	<u>261.24</u> <u>385.44</u>	<u>276.64</u> <u>408.1</u> <u>9</u>	<u>292.88</u> <u>430.0</u> <u>6</u>	<u>310.24</u> <u>452.8</u> <u>1</u>
61 to 70	1.90	<u>257.18</u> <u>384.28</u>	<u>267.82</u> <u>401.85</u>	<u>283.63</u> <u>418.48</u>	<u>300.35</u> <u>443.1</u> <u>8</u>	<u>317.98</u> <u>466.9</u> <u>3</u>	<u>336.83</u> <u>491.6</u> <u>3</u>
71 to 80	2.05	<u>277.49</u> <u>414.6</u> <u>1</u>	<u>288.97</u> <u>433.58</u>	<u>306.02</u> <u>451.51</u>	<u>324.06</u> <u>478.1</u> <u>6</u>	<u>343.09</u> <u>503.7</u> <u>9</u>	<u>363.42</u> <u>530.4</u> <u>4</u>



81 to 90	2.2 0	<u>297.79</u> 444.95	<u>310.11</u> 465.30	<u>328.42484.5</u> 5	<u>347.78513.1</u> 5	<u>368.19540.6</u> 5	<u>390.02569.2</u> 5
91 to 100	2.3 0	<u>311.33465.1</u> 8	<u>324.21</u> 486.45	<u>343.34</u> 506.58	<u>363.58536.4</u> 8	<u>384.93565.2</u> 3	<u>407.74595.1</u> 3
101 to 110	2.4 0	<u>324.86485.4</u> 0	<u>338.30507.6</u> 0	<u>358.27</u> 528.60	<u>379.39559.8</u> 0	<u>401.66589.8</u> 0	<u>425.47621.0</u> 0
111 to 120	2.5 5	<u>345.17</u> 515.74	<u>359.45</u> 539.33	<u>380.66</u> 561.64	<u>403.10594.7</u> 9	<u>426.77626.6</u> 6	<u>452.06659.8</u> 1
121 to 130	2.6 5	<u>358.70</u> 535.96	<u>373.54</u> 560.48	<u>395.59583.6</u> 6	<u>418.91618.1</u> 1	<u>443.50651.2</u> 4	<u>469.79685.6</u> 9
131 to 140	2.7 5	<u>372.24</u> 556.19	<u>387.64581.6</u> 3	<u>410.52</u> 605.69	<u>434.72641.4</u> 4	<u>460.24675.8</u> 1	<u>487.52711.5</u> 6
141 to 150	2.8 5	<u>385.78576.4</u> 1	<u>401.74602.7</u> 8	<u>425.45627.7</u> 1	<u>450.53664.7</u> 6	<u>476.98700.3</u> 9	<u>505.25737.4</u> 4
151 to 160	2.9 5	<u>399.31596.6</u> 4	<u>415.83623.9</u> 3	<u>440.38649.7</u> 4	<u>466.34688.0</u> 9	<u>493.71724.9</u> 6	<u>522.98763.3</u> 1
161 to 170	3.0 5	<u>412.85616.8</u> 6	<u>429.93645.0</u> 8	<u>455.30671.7</u> 6	<u>482.14711.4</u> 1	<u>510.45749.5</u> 4	<u>540.70789.1</u> 9
171 to 180	3.1 5	<u>426.38637.0</u> 9	<u>444.02666.2</u> 3	<u>470.23693.7</u> 9	<u>497.95734.7</u> 4	<u>527.18774.1</u> 1	<u>558.43815.0</u> 6

181 to 190	3.2 5	<u>439.92657.3</u> ‡	<u>458.12687.3</u> 8	<u>485.16715.8</u> ‡	<u>513.76758.0</u> 6	<u>543.92798.6</u> 9	<u>576.16840.9</u> 4
191 to 200	3.3 5	<u>453.46677.5</u> 4	<u>472.22708.5</u> 3	<u>500.09737.8</u> 4	<u>529.57781.3</u> 9	<u>560.66823.2</u> 6	<u>593.89866.8</u> ‡
201 to 210	3.4 5	<u>466.99697.7</u> 6	<u>486.31729.6</u> 8	<u>515.02759.8</u> 6	<u>545.38804.7</u> ‡	<u>577.39847.8</u> 4	<u>611.62892.6</u> 9
211 to 220	3.5 5	<u>480.53717.9</u> 9	<u>500.41750.8</u> 3	<u>529.94781.8</u> 9	<u>561.18828.0</u> 4	<u>594.13872.4</u> ‡	<u>629.34918.5</u> 6
221 to 230	3.6 5	<u>494.06738.2</u> ‡	<u>514.50771.9</u> 8	<u>544.87803.9</u> ‡	<u>576.99851.3</u> 6	<u>610.86896.9</u> 9	<u>647.07944.4</u> 4
231 to 240	3.7 5	<u>507.60758.4</u> 4	<u>528.60793.1</u> 3	<u>559.80825.9</u> 4	<u>592.80874.6</u> 9	<u>627.60921.5</u> 6	<u>664.80970.3</u> ‡
241 to 250	3.8 5	<u>521.14778.6</u> 6	<u>542.70814.2</u> 8	<u>574.73847.9</u> 6	<u>608.61898.0</u> ‡	<u>644.34946.1</u> 4	<u>682.53996.1</u> 9
251 to 260	3.9 0	<u>527.90788.7</u> 8	<u>549.74824.8</u> 5	<u>582.19858.9</u> 8	<u>616.51909.6</u> 8	<u>652.70958.4</u> 3	<u>691.391,009.</u> 13
261 to 270	4.0 0	<u>541.44809.0</u> 0	<u>563.84846.0</u> 0	<u>597.12881.0</u> 0	<u>632.32933.0</u> 0	<u>669.44983.0</u> 0	<u>709.121,035.</u> 00
271 to 280	4.0 5	<u>548.21819.1</u> ‡	<u>570.89856.5</u> 8	<u>604.58892.0</u> ‡	<u>640.22944.6</u> 6	<u>677.81995.2</u> 9	<u>717.981,047.</u> 94

281 to 290	4.1 0	<u>554.98829.2</u> 3	<u>577.94867.1</u> 5	<u>612.05903.0</u> 3	<u>648.13956.3</u> 3	<u>686.181,007.</u> 58	<u>726.851,060.</u> 88
291 to 300	4.1 5	<u>561.74839.3</u> 4	<u>584.98877.7</u> 3	<u>619.51914.0</u> 4	<u>656.03967.9</u> 9	<u>694.541,019.</u> 86	<u>735.711,073.</u> 81
301 to 310	4.2 0	<u>568.51849.4</u> 5	<u>592.03888.3</u> 0	<u>626.98925.0</u> 5	<u>663.94979.6</u> 5	<u>702.911,032.</u> 15	<u>744.581,086.</u> 75
311 to 320	4.3 0	<u>582.05869.6</u> 8	<u>606.13909.4</u> 5	<u>641.90947.0</u> 8	<u>679.741,002</u> .98	<u>719.651,056.</u> 73	<u>762.301,112.</u> 63
321 to 330	4.4 0	<u>595.58889.9</u> 0	<u>620.22930.6</u> 0	<u>656.83969.1</u> 0	<u>695.551,026</u> .30	<u>736.381,081.</u> 30	<u>780.031,138.</u> 50
331 to 340	4.5 0	<u>609.12910.1</u> 3	<u>634.32951.7</u> 5	<u>671.76991.1</u> 3	<u>711.361,049</u> .63	<u>753.121,105.</u> 88	<u>797.761,164.</u> 38
341 to 350	4.6 0	<u>622.66930.3</u> 5	<u>648.42972.9</u> 0	<u>686.691,013</u> .15	<u>727.171,072</u> .95	<u>769.861,130.</u> 45	<u>815.491,190.</u> 25
351 to 360	4.7 0	<u>636.19950.5</u> 8	<u>662.51994.0</u> 5	<u>701.621,035</u> .18	<u>742.981,096</u> .28	<u>786.591,155.</u> 03	<u>833.221,216.</u> 13
361 to 370	4.8 0	<u>649.73970.8</u> 0	<u>676.611,015</u> .20	<u>716.541,057</u> .20	<u>758.781,119</u> .60	<u>803.331,179.</u> 60	<u>850.941,242.</u> 00
371 to 380	4.9 0	<u>663.26991.0</u> 3	<u>690.701,036</u> .35	<u>731.471,079</u> .23	<u>774.591,142</u> .93	<u>820.061,204.</u> 18	<u>868.671,267.</u> 88

381 to 390	5.0 0	<del>676.801,011</del> .25	<del>704.801,057</del> .50	<del>746.401,101</del> .25	<del>790.401,166</del> .25	<del>836.801,228.</del> 75	<del>886.401,293.</del> 75
391 to 400	5.1 0	<del>690.341,031</del> .48	<del>718.901,078</del> .65	<del>761.331,123</del> .28	<del>806.211,189</del> .58	<del>853.541,253.</del> 33	<del>904.131,319.</del> 63
401 to 410	5.2 0	<del>703.871,051</del> .70	<del>732.991,099</del> .80	<del>776.261,145</del> .30	<del>822.021,212</del> .90	<del>870.271,277.</del> 90	<del>921.861,345.</del> 50
411 to 420	5.3 0	<del>717.411,071</del> .93	<del>747.091,120</del> .95	<del>791.181,167</del> .33	<del>837.821,236</del> .23	<del>887.011,302.</del> 48	<del>939.581,371.</del> 38
421 to 430	5.4 0	<del>730.941,092</del> .15	<del>761.181,142</del> .10	<del>806.111,189</del> .35	<del>853.631,259</del> .55	<del>903.741,327.</del> 05	<del>957.311,397.</del> 25
431 to 440	5.5 0	<del>744.481,112</del> .38	<del>775.281,163</del> .25	<del>821.041,211</del> .38	<del>869.441,282</del> .88	<del>920.481,351.</del> 63	<del>975.041,423.</del> 13
441 to 450	5.6 0	<del>758.021,132</del> .60	<del>789.381,184</del> .40	<del>835.971,233</del> .40	<del>885.251,306</del> .20	<del>937.221,376.</del> 20	<del>992.771,449.</del> 00
451 to 460	5.7 0	<del>771.551,152</del> .83	<del>803.471,205</del> .55	<del>850.901,255</del> .43	<del>901.061,329</del> .53	<del>953.951,400.</del> 78	<del>1,010.50474.</del> 88
461 to 470	5.8 0	<del>785.091,173</del> .05	<del>817.571,226</del> .70	<del>865.821,277</del> .45	<del>916.861,352</del> .85	<del>970.691,425.</del> 35	<del>1,028.22500.</del> 75
471 to 480	5.9 0	<del>798.621,193</del> .28	<del>831.661,247</del> .85	<del>880.751,299</del> .48	<del>932.671,376</del> .18	<del>987.421,449.</del> 93	<del>1,045.95526.</del> 63

481 to 490	6.0 0	<u>812.161,213</u> .50	<u>845.761,269</u> .00	<u>895.681,321</u> .50	<u>948.481,399</u> .50	<u>1,004.161,47</u> 4.50	<u>1,063.68552</u> 50
491 to 500	6.1 0	<u>825.701,233</u> .73	<u>859.861,290</u> .15	<u>910.611,343</u> .53	<u>964.291,422</u> .83	<u>1,020.90499</u> 08	<u>1,081.41578</u> 38
501 to 525	6.2 5	<u>846.001,264</u> .06	<u>881.001,321</u> .88	<u>933.001,376</u> .56	<u>988.001,457</u> .81	<u>1,046.00535</u> 94	<u>1,108.00617</u> 19
526 to 550	6.5 0	<u>879.841,314</u> .63	<u>916.241,374</u> .75	<u>970.321,431</u> .63	<u>1,027.52516</u> .13	<u>1,087.84597</u> 38	<u>1,152.32681</u> 88
551 to 575	6.7 5	<u>913.681,365</u> .19	<u>951.481,427</u> .63	<u>1,007.641,4</u> 86.69	<u>1,067.04574</u> .44	<u>1,129.68658</u> 81	<u>1,196.64746</u> 56
576 to 600	7.0 0	<u>947.521,415</u> .75	<u>986.721,480</u> .50	<u>1,044.961,5</u> 41.75	<u>1,106.56632</u> .75	<u>1,171.52720</u> 25	<u>1,240.96811</u> 25
601 to 625	7.2 5	<u>981.361,466</u> .31	<u>1,021.961,5</u> 33.38	<u>1,082.281,5</u> 96.81	<u>1,146.08691</u> .06	<u>1,213.36781</u> 69	<u>1,285.281,87</u> 5.94
626 to 650	7.5 0	<u>1,015.201,5</u> 16.88	<u>1,057.201,5</u> 86.25	<u>1,119.601,6</u> 51.88	<u>1,185.60749</u> .38	<u>1,255.20843</u> 13	<u>1,329.601,94</u> 0.63
651 to 675	7.7 5	<u>1,049.041,5</u> 67.44	<u>1,092.441,6</u> 39.13	<u>1,156.921,7</u> 06.94	<u>1,225.12807</u> .69	<u>1,297.041,90</u> 4.56	<u>1,373.922,00</u> 5.31
676 to 700	8.0 0	<u>1,082.881,6</u> 18.00	<u>1,127.681,6</u> 92.00	<u>1,194.241,7</u> 62.00	<u>1,264.64866</u> .00	<u>1,338.881,96</u> 6.00	<u>1,418.242,07</u> 0.00

701 to 725	8.2 0	<u>1,109.951,6</u> 58.45	<u>1,155.871,7</u> 34.30	<u>1,224.101,8</u> 06.05	<u>1,296.261,9</u> 12.65	<u>1,372.352,01</u> 5.15	<u>1,453.702,12</u> 1.75
726 to 750	8.4 0	<u>1,137.021,6</u> 98.90	<u>1,184.061,7</u> 76.60	<u>1,253.951,8</u> 50.10	<u>1,327.871,9</u> 59.30	<u>1,405.822,06</u> 4.30	<u>1,489.152,17</u> 3.50
751 to 775	8.6 0	<u>1,164.101,7</u> 39.35	<u>1,212.261,8</u> 18.90	<u>1,283.811,8</u> 94.15	<u>1,359.492,0</u> 05.95	<u>1,439.302,11</u> 3.45	<u>1,524.612,22</u> 5.25
776 to 800	8.8 0	<u>1,191.171,7</u> 79.80	<u>1,240.451,8</u> 61.20	<u>1,313.661,9</u> 38.20	<u>1,391.102,0</u> 52.60	<u>1,472.772,16</u> 2.60	<u>1,560.062,27</u> 7.00
801 to 825	9.0 0	<u>1,218.241,8</u> 20.25	<u>1,268.641,9</u> 03.50	<u>1,343.521,9</u> 82.25	<u>1,422.722,0</u> 99.25	<u>1,506.242,21</u> 1.75	<u>1,595.522,32</u> 8.75
826 to 850	9.2 0	<u>1,245.311,8</u> 60.70	<u>1,296.831,9</u> 45.80	<u>1,373.382,0</u> 26.30	<u>1,454.342,1</u> 45.90	<u>1,539.712,26</u> 0.90	<u>1,630.982,38</u> 0.50
851 to 875	9.3 5	<u>1,265.621,8</u> 91.04	<u>1,317.981,9</u> 77.53	<u>1,395.772,0</u> 59.34	<u>1,478.052,1</u> 80.89	<u>1,564.822,29</u> 7.76	<u>1,657.572,41</u> 9.31
876 to 900	9.5 0	<u>1,285.921,9</u> 21.38	<u>1,339.122,0</u> 09.25	<u>1,418.162,0</u> 92.38	<u>1,501.762,2</u> 15.88	<u>1,589.922,33</u> 4.63	<u>1,684.162,45</u> 8.13
901 to 925	9.6 5	<u>1,306.221,9</u> 51.71	<u>1,360.262,0</u> 40.98	<u>1,440.552,1</u> 25.41	<u>1,525.472,2</u> 50.86	<u>1,615.022,37</u> 1.49	<u>1,710.752,49</u> 6.94
926 to 950	9.8 0	<u>1,326.531,9</u> 82.05	<u>1,381.412,0</u> 72.70	<u>1,462.942,1</u> 58.45	<u>1,549.182,2</u> 85.85	<u>1,640.132,40</u> 8.35	<u>1,737.342,53</u> 5.75

951 to 975	9.9 5	<u>1,346.832,0</u> 12.39	<u>1,402.552,1</u> 04.43	<u>1,485.342,1</u> 91.49	<u>1,572.902,3</u> 20.84	<u>1,665.232,44</u> 5.21	<u>1,763.942,57</u> 4.56
976 to 1,00 0	10. 15	<u>1,373.902,0</u> 52.84	<u>1,430.742,1</u> 46.73	<u>1,515.192,2</u> 35.54	<u>1,604.512,3</u> 67.49	<u>1,698.702,49</u> 4.36	<u>1,799.392,62</u> 6.31
1,00 1 to 1,05 0	10. 55	<u>1,428.052,1</u> 33.74	<u>1,487.132,2</u> 31.33	<u>1,574.902,3</u> 23.64	<u>1,667.742,4</u> 60.79	<u>1,765.652,59</u> 2.66	<u>1,870.302,72</u> 9.81
1,05 1 to 1,10 0	10. 90	<u>1,475.422,2</u> 04.53	<u>1,536.462,3</u> 05.35	<u>1,627.152,4</u> 00.73	<u>1,723.072,5</u> 42.43	<u>1,824.222,67</u> 8.68	<u>1,932.352,82</u> 0.38
1,10 1 to 1,15 0	11. 30	<u>1,529.572,2</u> 85.43	<u>1,592.852,3</u> 89.95	<u>1,686.862,4</u> 88.83	<u>1,786.302,6</u> 35.73	<u>1,891.172,77</u> 6.98	<u>2,003.262,92</u> 3.88
1,15 1 to 1,20 0	11. 70	<u>1,583.712,3</u> 66.33	<u>1,649.232,4</u> 74.55	<u>1,746.582,5</u> 76.93	<u>1,849.542,7</u> 29.03	<u>1,958.112,87</u> 5.28	<u>2,074.183,02</u> 7.38
1,20 1 to 1,25 0	12. 00	<u>1,624.322,4</u> 27.00	<u>1,691.522,5</u> 38.00	<u>1,791.362,6</u> 43.00	<u>1,896.962,7</u> 99.00	<u>2,008.322,94</u> 9.00	<u>2,127.363,10</u> 5.00
1,25 1 to 1,30 0	12. 35	<u>1,671.702,4</u> 97.79	<u>1,740.862,6</u> 12.03	<u>1,843.612,7</u> 20.09	<u>1,952.292,8</u> 80.64	<u>2,066.903,03</u> 5.01	<u>2,189.413,19</u> 5.56

1,30 1 to 1,35 0	12. 70	<u>1,719.072,5</u> 68.58	<u>1,790.192,6</u> 86.05	<u>1,895.862,7</u> 97.18	<u>2,007.622,9</u> 62.28	<u>2,125.473,12</u> 1.03	<u>2,251.463,28</u> 6.13
1,35 1 to 1,40 0	13. 00	<u>1,759.682,6</u> 29.25	<u>1,832.482,7</u> 49.50	<u>1,940.642,8</u> 63.25	<u>2,055.043,0</u> 32.25	<u>2,175.683,19</u> 4.75	<u>2,304.643,36</u> 3.75
1,40 1 to 1,45 0	13. 25	<u>1,793.522,6</u> 79.81	<u>1,867.722,8</u> 02.38	<u>1,977.962,9</u> 18.31	<u>2,094.563,0</u> 90.56	<u>2,217.523,25</u> 6.19	<u>2,348.963,42</u> 8.44
1,45 1 to 1,50 0	13. 50	<u>1,827.36</u> <u>2,730.38</u>	<u>1,902.962,8</u> 55.25	<u>2,015.282,9</u> 73.38	<u>2,134.083,1</u> 48.88	<u>2,259.363,31</u> 7.63	<u>2,393.283,49</u> 3.13
1,50 1 to 1,60 0	14. 05	<u>1,901.812,8</u> 41.61	<u>1,980.492,9</u> 71.58	<u>2,097.383,0</u> 94.51	<u>2,221.023,2</u> 77.16	<u>2,351.413,45</u> 2.79	<u>2,490.783,63</u> 5.44
1,60 1 to 1,70 0	14. 60	<u>1,976.262,9</u> 52.85	<u>2,058.023,0</u> 87.90	<u>2,179.493,2</u> 15.65	<u>2,307.973,4</u> 05.45	<u>2,443.463,58</u> 7.95	<u>2,588.293,77</u> 7.75
1,70 1 to 1,80 0	15. 15	<u>2,050.703,0</u> 64.09	<u>2,135.543,2</u> 04.23	<u>2,261.593,3</u> 36.79	<u>2,394.913,5</u> 33.74	<u>2,535.503,72</u> 3.11	<u>2,685.793,92</u> 0.06
1,80 1 to 1,90 0	15. 70	<u>2,125.153,1</u> 75.33	<u>2,213.073,3</u> 20.55	<u>2,343.703,4</u> 57.93	<u>2,481.863,6</u> 62.03	<u>2,627.553,85</u> 8.28	<u>2,783.304,06</u> 2.38



1,90 1 to 2,00 0	16. 25	<u>2,199.603,2</u> 86.56	<u>2,290.603,4</u> 36.88	<u>2,425.803,5</u> 79.06	<u>2,568.803,7</u> 90.31	<u>2,719.603,99</u> 3.44	<u>2,880.804,20</u> 4.69
2,00 1 to 2,10 0	16. 80	<u>2,274.05</u> 3,397.80	<u>2,368.133,5</u> 53.20	<u>2,507.903,7</u> 00.20	<u>2,655.743,9</u> 18.60	<u>2,811.654,12</u> 8.60	<u>2,978.304,34</u> 7.00
2,10 1 to 2,20 0	17. 35	<u>2,348.503,5</u> 09.04	<u>2,445.663,6</u> 69.53	<u>2,590.013,8</u> 21.34	<u>2,742.694,0</u> 46.89	<u>2,903.704,26</u> 3.76	<u>3,075.814,48</u> 9.31
2,20 1 to 2,30 0	17. 90	<u>2,422.943,6</u> 20.28	<u>2,523.183,7</u> 85.85	<u>2,672.113,9</u> 42.48	<u>2,829.634,1</u> 75.18	<u>2,995.744,39</u> 8.93	<u>3,173.314,63</u> 1.63
2,30 1 to 2,40 0	18. 45	<u>2,497.393,7</u> 31.51	<u>2,600.713,9</u> 02.18	<u>2,754.224,0</u> 63.61	<u>2,916.584,3</u> 03.46	<u>3,087.794,53</u> 4.09	<u>3,270.824,77</u> 3.94
2,40 1 to 2,50 0	19. 00	<u>2,571.843,8</u> 42.75	<u>2,678.244,0</u> 18.50	<u>2,836.324,1</u> 84.75	<u>3,003.524,4</u> 31.75	<u>3,179.844,66</u> 9.25	<u>3,368.324,91</u> 6.25
2,50 1 to 2,60 0	19. 55	<u>2,646.293,9</u> 53.99	<u>2,755.774,1</u> 34.83	<u>2,918.424,3</u> 05.89	<u>3,090.464,5</u> 60.04	<u>3,271.894,80</u> 4.41	<u>3,465.825,05</u> 8.56
2,60 1 to 2,70 0	20. 10	<u>2,720.744,0</u> 65.23	<u>2,833.304,2</u> 51.15	<u>3,000.534,4</u> 27.03	<u>3,177.414,6</u> 88.33	<u>3,363.944,93</u> 9.58	<u>3,563.335,20</u> 0.88

2,70 1 to 2,80 0	20. 65	<u>2,795.184,1</u> 76.46	<u>2,910.824,3</u> 67.48	<u>3,082.634,5</u> 48.16	<u>3,264.354,8</u> 16.61	<u>3,455.985,07</u> 4.74	<u>3,660.835,34</u> 3.19
2,80 1 to 2,90 0	21. 20	<u>2,869.634,2</u> 87.70	<u>2,988.354,4</u> 83.80	<u>3,164.744,6</u> 69.30	<u>3,351.304,9</u> 44.90	<u>3,548.035,20</u> 9.90	<u>3,758.345,48</u> 5.50
2,90 1 to 3,00 0	21. 75	<u>2,944.084,3</u> 98.94	<u>3,065.884,6</u> 00.13	<u>3,246.844,7</u> 90.44	<u>3,438.245,0</u> 73.19	<u>3,640.085,34</u> 5.06	<u>3,855.845,62</u> 7.81
3,00 1 to 4,00 0	26. 00	<u>3,519.365,2</u> 58.50	<u>3,664.965,4</u> 99.00	<u>3,881.285,7</u> 26.50	<u>4,110.086,0</u> 64.50	<u>4,351.366,38</u> 9.50	<u>4,609.286,72</u> 7.50
4,00 1 to 5,00 0	29. 50	<u>3,993.125,9</u> 66.38	<u>4,158.326,2</u> 39.25	<u>4,403.766,4</u> 97.38	<u>4,663.366,8</u> 80.88	<u>4,937.127,24</u> 9.63	<u>5,229.767,63</u> 3.13
5,00 1 to 6,00 0	33. 00	<u>4,466.886,6</u> 74.25	<u>4,651.686,9</u> 79.50	<u>4,926.247,2</u> 68.25	<u>5,216.647,6</u> 97.25	<u>5,522.888,10</u> 9.75	<u>5,850.248,53</u> 8.75
6,00 1 to 7,00 0	36. 40	<u>4,927.107,3</u> 61.90	<u>5,130.947,6</u> 98.60	<u>5,433.798,0</u> 17.10	<u>5,754.118,4</u> 90.30	<u>6,091.908,94</u> 5.30	<u>6,452.999,41</u> 8.50
7,00 1 to 8,00 0	39. 60	<u>5,360.268,0</u> 09.10	<u>5,582.028,3</u> 75.40	<u>5,911.498,7</u> 21.90	<u>6,259.979,2</u> 36.70	<u>6,627.469,73</u> 1.70	<u>7,020.2910,2</u> 46.50

8,00 1 to 9,00 0	42. 75	<u>5,786.648,6</u> 46.19	<u>6,026.049,0</u> 41.63	<u>6,381.729,4</u> 15.69	<u>6,757.929,9</u> 71.44	<u>7,154.6410,5</u> 05.81	<u>7,578.7211,0</u> 61.56
9,00 1 to 10,0 00	46. 00	<u>6,226.569,3</u> 03.50	<u>6,484.169,7</u> 29.00	<u>6,866.8810,</u> 131.50	<u>7,271.6810,</u> 729.50	<u>7,698.5611,3</u> 04.50	<u>8,154.8811,9</u> 02.50
10,0 01 to 11,0 00	48. 85	<u>6,612.349,8</u> 79.91	<u>6,885.9010,</u> 331.78	<u>7,292.3310,</u> 759.21	<u>7,722.2111,</u> 394.26	<u>8,175.5412,0</u> 04.89	<u>8,660.1312,6</u> 39.94
11,0 01 to 12,0 00	51. 60	<u>6,984.5810,</u> 436.10	<u>7,273.5410,</u> 913.40	<u>7,702.8511,</u> 364.90	<u>8,156.9312,</u> 035.70	<u>8,635.7812,6</u> 80.70	<u>9,147.6513,3</u> 51.50
12,0 01 to 13,0 00	54. 60	<u>7,390.6611,</u> 042.85	<u>7,696.4211,</u> 547.90	<u>8,150.6912,</u> 025.65	<u>8,631.1712,</u> 735.45	<u>9,137.8613,4</u> 17.95	<u>9,679.4914,1</u> 27.75
13,0 01 to 14,0 00	57. 40	<u>7,769.6611,</u> 609.15	<u>8,091.1012,</u> 140.10	<u>8,568.6712,</u> 642.35	<u>9,073.7913,</u> 388.55	<u>9,606.4614,1</u> 06.05	<u>10,175.8714,</u> 852.25
14,0 01 to 15,0 00	60. 00	<u>8,121.6012,</u> 135.00	<u>8,457.6012,</u> 690.00	<u>8,956.8013,</u> 215.00	<u>9,484.8013,</u> 995.00	<u>10,041.6014,</u> 745.00	<u>10,636.8015,</u> 525.00

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161 NOTES:

162 (1) Base charge is not included in rates above.  
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164 GIVEN under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 202~~3~~<sup>4</sup>

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\_\_\_\_\_  
Jill G. Cooper  
Clerk for the Board of Supervisors

**FAIRFAX COUNTY NOTICE OF PROPOSED  
SEWER SERVICE CHARGE & BASE CHARGE - RATE REVISIONS**

NOTICE is hereby given that the Fairfax County Board of Supervisors will hold a **PUBLIC HEARING** on:

**Tuesday  
April 16, 2024  
commencing at 3:00 p.m.**

on the matter of an amendment to Chapter 67.1 of the Fairfax County Code (Sanitary Sewers and Sewage Disposal), Article 10 (Charges), Section 2. Public hearing before the Board of Supervisors of Fairfax County, Virginia.

Pursuant to the authority of the Virginia Code, Title 15.2., Chapter 21 (including, without limitation, Sections 15.2-2111, 2119, and 2122), the Board of Supervisors of Fairfax County, Virginia, proposes to amend and readopt Section 67.1-10-2 of the Fairfax County Code by, among other things, changing all references to the unit cost of sewer service and the base charge as follows:

<b>SEWER SERVICE CHARGE SCHEDULE</b> Per 1,000 gallons of water consumption						
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Sewer Service Charge	\$8.46	\$8.81	\$9.33	\$9.88	\$10.46	\$11.08

<b>BASE CHARGE SCHEDULE</b> Cost (\$) per Quarterly Bill						
Type of Connection	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Residential (3/4" meter)	\$44.81	\$49.73	\$52.62	\$55.78	\$59.08	\$62.57
All customers based on meter size						
3/4" and smaller, or no meter	\$44.81	\$49.73	\$52.62	\$55.78	\$59.08	\$62.57
1"	\$112.03	\$124.33	\$131.55	\$139.45	\$147.70	\$156.43
1 1/2"	\$224.05	\$248.65	\$263.10	\$278.90	\$295.40	\$312.85
2"	\$358.48	\$397.84	\$420.96	\$446.24	\$472.64	\$500.56
3"	\$672.15	\$745.95	\$789.30	\$836.70	\$886.20	\$938.55
4"	\$1,120.25	\$1,243.25	\$1,315.50	\$1,394.50	\$1,477.00	\$1,564.25
6"	\$2,240.50	\$2,486.50	\$2,631.00	\$2,789.00	\$2,954.00	\$3,128.50
8"	\$3,584.80	\$3,978.40	\$4,209.60	\$4,462.40	\$4,726.40	\$5,005.60
10" and larger	\$5,153.15	\$5,718.95	\$6,051.30	\$6,414.70	\$6,794.20	\$7,195.55

Public hearing before the Board of Supervisors of Fairfax County, Virginia, to be held at the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035. If, however, a physical meeting is unsafe due to the COVID-19 pandemic, the Board of Supervisors may meet electronically. If the meeting is held electronically, instructions regarding how to access the meeting will be provided at [2024 Board of Supervisors Meetings and Committee Meetings | Board Of Supervisors \(fairfaxcounty.gov\)](#) and will be posted in advance of the meeting in the lobby of 12000 Government Center Parkway, Fairfax, Virginia and in the Office of the Clerk to the Board of Supervisors, 12000 Government Center Parkway, Suite 552, Fairfax, Virginia.

The public hearings are available to view live on Channel 16 and stream live online at <https://www.fairfaxcounty.gov/cableconsumer/channel-16/stream>. Live audio of the meeting may be accessed at 703-324-7700. Those wishing to testify may do so in person, unless the meeting is held electronically, or via phone or pre-recorded YouTube video. Speakers wishing to testify via video must register by signing up online below or by calling the Department of Clerk Services at 703-324-3151, TTY 711, and must submit their video no later than 9 a.m. on the day prior to the hearing. Speakers wishing to testify via phone must sign up to testify no later than 12:00 p.m. the day of the hearing to be placed on the Speakers List. Speakers not on the Speakers List may be heard after the registered speakers have testified. In addition, written testimony and other submissions will be received by mail at 12000 Government Center Parkway, Suite 552, Fairfax, Virginia 22035 or by email at [ClerktotheBOS@fairfaxcounty.gov](mailto:ClerktotheBOS@fairfaxcounty.gov). More information on the ways to testify can be found at <https://www.fairfaxcounty.gov/clerkservices/ways-provide-public-hearing-testimony>.

As required by law, copies of the full text of proposed ordinances, plans and amendments, as applicable, as well as other documents relating to the aforementioned subjects, are on file and available for review at the [Office of the Clerk for the Board of Supervisors and on the County’s website at

[Clerk to the Board of Supervisors](#) | [Clerk to the Board \(fairfaxcounty.gov\)](#) Info/Other]. To make arrangements to view the documents, please contact [the Office of the Clerk for the Board of Supervisors at 703-324-3151/ZED Info/Other].



Fairfax County is committed to nondiscrimination based on disability in all county programs, services and activities and supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities. All televised government meetings are closed captioned. Reasonable accommodation is available upon 48 hours advance notice by calling [703-324-3151/703-324-2865] or TTY 711.

**GIVEN** under my hand this 5th day of March, 2024.

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Jill G. Cooper  
Clerk for the Board of Supervisors

**Ad Run Dates: April 2 and April 9, 2024**

**FAIRFAX COUNTY NOTICE OF PROPOSED  
SEWER AVAILABILITY CHARGES (including the FIXTURE UNIT RATE) AND HAULED WASTEWATER CHARGES - RATE  
REVISIONS**

NOTICE is hereby given that the Fairfax County Board of Supervisors will hold a **PUBLIC HEARING** on:

**Tuesday  
April 16, 2024  
commencing at 3:00 p.m.**

on the matter of an amendment to Chapter 67.1 of the Fairfax County Code (Sanitary Sewers and Sewage Disposal), Article 10 (Charges), Section 2. Public hearing before the Board of Supervisors of Fairfax County, Virginia.

Pursuant to the authority of the Virginia Code, Title 15.2., Chapter 21 (including, without limitation, Sections 15.2-2111, 2119, and 2122), the Board of Supervisors of Fairfax County, Virginia, proposes to amend Section 67.1-10-2 of the Fairfax County Code by, among other things, updating the availability charge schedule for residential, commercial, and all other users desiring to connect to the County sanitary sewer facilities, the fixture unit rate, and proposed hauled wastewater charge as follows:

<b>AVAILABILITY CHARGE SCHEDULE</b>						
Type of Connection	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Single-Family	\$8,860	\$9,038	\$9,218	\$9,398	\$9,578	\$9,759
Lodging House, Hotel, Inn or Tourist Cabin	\$8,860	\$9,038	\$9,218	\$9,398	\$9,578	\$9,759
Townhouse	\$7,088	\$7,231	\$7,374	\$7,518	\$7,662	\$7,807
Apartment	\$7,088	\$7,231	\$7,374	\$7,518	\$7,662	\$7,807
Mobile Home	\$7,088	\$7,231	\$7,374	\$7,518	\$7,662	\$7,807
Any other residential dwelling unit	\$7,088	\$7,231	\$7,374	\$7,518	\$7,662	\$7,807
Hotels, Motels, or Dormitory rental unit	\$2,215	\$2,260	\$2,304	\$2,349	\$2,394	\$2,440

The availability charge for all nonresidential uses will be computed as the number of fixture units in accordance with the current Virginia Uniform Statewide Building Code times the fixture unit rate with a minimum charge equivalent to one (1) single-family detached dwelling per premises. The revised, five-year rate schedule for the fixture unit charge for nonresidential uses is as follows:

<b>AVAILABILITY CHARGE SCHEDULE</b>						
Cost (\$) per Quarterly Bill						
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Nonresidential per fixture unit	\$443	\$452	\$461	\$470	\$479	\$488

**HAULED WASTEWATER CHARGE**

The hauled wastewater charge will be calculated based on the size of the wastewater hauler’s truck volume capacity as follows:

1. High-strength Waste - \$27 per 1,000 gallons for septic tank and restaurant grease waste
2. Low-strength Waste – \$7.72 per 1,000 gallons of the hauler’s truck capacity for portable toilet, landfill leachate, or any such low-strength wastewater.

Public hearing before the Board of Supervisors of Fairfax County, Virginia, to be held at the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035. If, however, a physical meeting is unsafe due to the COVID-19 pandemic, the Board of Supervisors may meet electronically. If the meeting is held electronically, instructions regarding how to access the meeting will be provided at [2024 Board of Supervisors Meetings and Committee Meetings | Board Of Supervisors \(fairfaxcounty.gov\)](#) and will be posted in advance of the meeting in the lobby of 12000 Government Center Parkway, Fairfax, Virginia and in the Office of the Clerk to the Board of Supervisors, 12000 Government Center Parkway, Suite 552, Fairfax, Virginia.

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As required by law, copies of the full text of proposed ordinances, plans and amendments, as applicable, as well as other documents relating to the

aforementioned subjects, are on file and available for review at the [Office of the Clerk for the Board of Supervisors and on the County’s website at [Clerk to the Board of Supervisors | Clerk to the Board \(fairfaxcounty.gov\)](#) Info/Other]. To make arrangements to view the documents, please contact [the Office of the Clerk for the Board of Supervisors at 703-324-3151/ZED Info/Other].



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**GIVEN** under my hand this 5th day of March, 2024.

\_\_\_\_\_  
Jill G. Cooper  
Clerk for the Board of Supervisors

**Ad Run Dates: April 2 and April 9, 2024**



Board Agenda Item  
March 5, 2024

ADMINISTRATIVE- 8

Authorization to Advertise Proposed Amendments to the Fire Prevention Code of the County of Fairfax (Chapter 62) and Building Provision (Chapter 61)

ISSUE:

Adjustments to the fees charged for plan review, permits and inspection services in order to support the Fire Marshal's efforts to enhance the plans review, permit and inspection services and to achieve a cost recovery threshold of 90-100%.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed amendments as set forth in the staff report dated February 8, 2024.

TIMING:

The Board is requested to take action on March 5, 2024, to provide sufficient time to advertise public hearings on April 16, 2024, at 3:00 p.m., before the Board of Supervisors, for the proposed amendments to become effective at 12:01 a.m. on July 1, 2024.

BACKGROUND:

The Fire and Rescue Department suggests revising the fees associated with Fire Marshal services, including plan review, permits, and inspections. The hourly rate fees for Fire Marshal services and operational permits were last updated in 2015 (FY 2016). During that revision, the hourly rate fees saw an increase of approximately 21.9%, and fees for most operational permits outlined in Chapter 62 were raised by 20%. These adjustments aimed to cover the actual costs of delivering services. The Board of Supervisors instructed staff, and staff has continued, to review the Fire Marshal's fee structure each year with the goal of achieving a cost recovery threshold ranging from 90% to 100%.

Fire Marshal fees contained in Appendix Q in Chapter 61 of the Code of the County of Fairfax are being presented for revision as well. Staff recommends that timing of the increases in Fire Marshal fees in Appendix Q and Chapter 62 are done concurrently to avoid confusion by industry and efficient implementation into the PLUS system.

Board Agenda Item  
March 5, 2024

When the last comprehensive increase in fees occurred in 2015, the cost recovery in FY 2016 was approximately at 100 percent. Since then, costs to provide services have continued to increase to support compensation and operational requirements as well as to ensure quality of services. The FY 2025 expenditures included in County Executive's FY 2025 Advertised Budget Plan reflect an increase of 35 percent compared to FY 2016, while estimated revenues, based on the existing rates, reflect a decline of 9 percent. As a result, the projected FY 2025 cost recovery is less than 70 percent without the recommended fee increase. The increased costs are primarily due to increases in personnel costs, fringe benefits and increased operating costs. The proposed fee increase will ensure that the FMO achieve its cost recovery threshold.

SUMMARY OF AMENDMENTS:

The proposed amendments increase fees charged by the Fire Marshal. The proposed adjustments will assist the Fire Marshal in efforts to achieve a cost recovery rate of 90-100%. In general, the hourly fees contained in Table 107.2 of the Fire Prevention Code of the County of Fairfax (Chapter 62) concerning plan review, witnessed fire protection systems tests, and certain inspections will be increased from \$156 per hour (billed in ¼ hour increments) to \$208 per hour, representing a 33% increase. Most operational permits contained in Table 107.2 of the Fire Prevention Code of the County of Fairfax (Chapter 62) will increase by 30% as well. The increase to the Fire Marshal fees will also apply to the plan review and sprinkler acceptance testing fees contained in Appendix Q in Chapter 61 of the Code of the County.

REGULATORY IMPACT:

The proposed fee amendments increase the fees charged by the Fire Marshal for plan review, permits, and inspection services to ensure that the mandated rate of cost recovery is 90-100%. For a full list of proposed amendments, refer to Attachment I – Amendments to Chapter 62, Section 62-2-9, Table 107.2, Fire Prevention Fees and Detailed Permit Requirements and Chapter 61, Section H of Appendix Q.

FISCAL IMPACT:

If adopted by the Board, it is anticipated that the proposed fee adjustments will generate increased revenue of approximately \$1.5 million in FY 2025. This revenue estimate is based on the FY 2024 estimated revenue of \$5.6 million for services provided under Chapter 62 and assumes that the workload remains constant in FY 2025. Any reduction in plan and permit activity may have a negative impact on the projected revenue. Staff will work in close coordination with the Department of Management and Budget to monitor these trends. The \$1.5 million in additional revenue will be reflected in the FY 2025 Advertised Budget Plan.

Board Agenda Item  
March 5, 2024

ENCLOSED DOCUMENTS:

Attachment I – Staff Report dated February 8, 2024

Attachment II – Public Notice

STAFF:

Thomas Arnold, Deputy County Executive

Fire Chief John S. Butler, Fire and Rescue Department

Deputy Chief William D. Vannoy, Fire and Rescue Department

Battalion Chief Christopher M. Sampl, Fire and Rescue Department

Margaret Dix, Financial Specialist III, Fire and Rescue Department

ASSIGNED COUNSEL:

Patrick Foltz, Assistant County Attorney



**FAIRFAX  
COUNTY**

# **STAFF REPORT**

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V I R G I N I A

## **PROPOSED AMENDMENTS TO THE FIRE PREVENTION CODE OF THE COUNTY OF FAIRFAX (CHAPTER 62) AND BUILDING PROVISION (CHAPTER 61)**

Fire Marshal Fees

### **PUBLIC HEARING DATES**

**Board of Supervisors** .

**PREPARED BY  
FIRE PREVENTION DIVISION  
FIRE AND RESCUE DEPARTMENT  
703-246-4753**

NJ



Americans With Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).

## STAFF COMMENT

The proposed Fire Prevention Code of the County of Fairfax amendments increase Fire Marshal fees for plans submissions, inspections and operational permits contained in the Prevention Code of the County of Fairfax (Chapter 62) and the Building Provision (Chapter 61)

### **Existing Fire Prevention Code Provisions**

The Fire Prevention Division of the County's Fire and Rescue Department reviews various plans, issues operational permits, performs inspections and witnesses periodic testing of existing fire protection systems for compliance with Fire Prevention Code of the County of Fairfax. Under the existing Fire Prevention Code, Fire Marshal fees are assessed for review of various types of plans, issuance of operational permits, and witnessing annual re-testing of existing fire protection systems. The Fire Marshal fees are based on the actual costs of performing each type of service. The Statewide Fire Prevention Code allows jurisdictions to assess fees to defray the costs associated with enforcing the code. The Fire Marshal's Office was directed by the BOS to set fees so that 90-100% of actual costs are recovered.

### **Background**

The current Fire Marshal review, permit and inspection fees, which were last adjusted in FY 2015 that set the hourly rate at \$156 per hour (billed in ¼ hour increments), per reviewer or inspector. Fees for most operational permits were last reviewed and adjusted in FY 2015 and most permit fees were set at \$150. The Fire and Rescue Department recently reviewed the current fee structure and cost recovery effort within the Fire Prevention Division. As a result of the review, staff recommends an increase in existing fees to more closely align the fees with the cost of performing mandated services. Staff recommends a fee increase to of the hourly rate to \$208 per hour (a 33% increase), per reviewer or inspector and further recommends a 30% increase in fees for most operational permits. The rationale for the proposed rate increases is due to increased personnel costs, fringe benefits and operational expenses. Recent cost recovery rates were 77% in FY23 and 72% estimated in FY24. The projected FY 2025 cost recovery is less than 70 percent without the recommended fee increase. The recommended increased rates are comparable to those of surrounding jurisdictions and represent a 90% to 100% cost recovery rate.

**Proposed Amendments**

The proposed Fire Prevention Code of the County of Fairfax amendments increase the Fire Marshal review and inspection fee to \$208 per hour and increases the cost of most operational permits to \$195. This includes fees Fire Marshal fees found in Chapter 61, Appendix Q, Section H. The proposed rates represent a 90% to 100% cost recovery rate which aligns with the directive set by the Board.

**Conclusion**

Given that the current fees do not generate sufficient revenue to recover 90-100% of the Fire Marshal's costs to process and review plans, perform inspections or re-test existing fire protection systems, staff believes that a fee increase is appropriate. It is critical that the hourly rates charged in Chapter 61, Appendix Q and Chapter 62 remain consistent to avoid confusion among industry.

Staff recommends the adoption of the proposed amendments as advertised with an effective date of 12:01 A.M. on July, 1, 2024.

## Chapter 61

### Appendix Q – Land Development Services Fee Schedule Effective October 31, 2022 (thru 18-22-Q)

#### H: FIRE PREVENTION DIVISION (OFFICE OF THE FIRE MARSHAL) FEES

(A) Plan Review Fees:

Fees for all plan review are based on an hourly charge calculated on the quarter hour or part thereof, per reviewer. Fees are due upon completion of the plan review process.

- Per Hour ~~\$156.00~~ \$208.00

(B) Acceptance Testing and Inspection Fees:

Fees are based on an hourly charge calculated on the quarter hour or part thereof, per inspector. Fees for fire protection equipment and systems performance tests and inspections, other equipment and systems performance tests and inspections, occupancy or preoccupancy inspections, fire lanes and required reinspection's shall be imposed per hour calculated on the quarter hour or part thereof, per required inspector.

- Per Hour ~~\$156.00~~ \$208.00

(C) Reinspection Fees:

Reinspection fees shall be based on the hours reserved to perform the test and will be charged per hour calculated on the quarter hour or part thereof, per required inspector. The following matrix is to serve as a guideline in determining when a reinspection fee is required for acceptance testing. A minimum notice of 24 hours (one full business day) for test cancellation is required. The fee is charged when an inspection is not canceled in time to save an unnecessary trip by inspectors.

- Per Hour ~~\$156.00~~ \$208.00

### REINSPECTION FEES

<b>CIRCUMSTANCE</b>	<b>CONDITION</b>	<b>INSPECTED</b>	<b>REINSPECTION FEE</b>
Cancelled or rescheduled off site more than 24 hours prior to appointment	N/A	No	No
Cancelled or rescheduled off site less than 24 hours prior to appointment	N/A	No	Yes
Contractor shows, others do not, or inspectors arrive, no one on site	Cannot Test	No	Yes
Cancelled while inspectors on site; test not started	Not Ready	No	Yes
Regular inspection, test started, test not completed	Not Ready or Failure due to fault of contractor	Yes	Yes
Regular inspection, test started, test not completed	Failed, but due to fault of contractor	Yes	No
Regular inspection, test completed	Substantially ready with minor deficiencies	Yes	No
Regular inspection, test completed	No punch list, inspection approved	Yes	No
Final inspection	Deficient	Yes	Yes

(D) Plan Review and Inspections Performed Outside Business Hours: Plan reviews and inspections may be performed outside business hours upon request at the sole discretion of the fire official. Fees for these plan reviews and inspections shall be assessed at twice the rate listed in (A), (B), and (C) above. Fees shall be assessed in 30-minute increments.



## CHAPTER 62

### FIRE PROTECTION

#### *Article 1. IN GENERAL*

#### **Section 62-2-7. Fairfax County Fire Prevention Code.**

The regulations set forth herein shall be known as the Fire Prevention Code of the County of Fairfax and shall be herein referred to as such or as this Code.

#### **Section 62-2-8. Amendments, additions, deletions to the Virginia Statewide Fire Prevention Code.**

The Virginia Statewide Fire Prevention Code is hereby amended and changed pursuant to Section 27-97 of the Code of Virginia in the following respects:

Table 107.2. Amended as follows:

### CHAPTER 62. – Fire Protection

**Table 107.2.** Delete and Substitute as follows: **Table 107.2.** Duration of permit is 365 days, unless otherwise noted. Amended as follows:

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	New Flat Fee	Hourly Fee	New Hourly Fee
Section 1 - Detailed Operational Permit Requirements. Note: All permit fees are per line item that applies						
1	5101.2	<b>Aerosol Products, Level 2 or 3.</b> An operational permit is required to manufacture, store or handle, an aggregate quantity in excess of 500 pounds net weight.	<del>\$150</del>	\$195		
2	107.2	<b>Amusement Buildings: Permanent.</b> An operational permit is required to operate a special amusement building.	<del>\$150</del>	\$195		
3	107.2 403.12.2	<b>Amusement Buildings: Temporary or Mobile.</b> An operational permit is required to operate a special amusement building, (e.g., Haunted House). (60-day permit)	<del>\$150</del>	\$195		
4	2001.3	<b>Aviation Facilities.</b> An operational permit is required to use a Group H or Group S Occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles  Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.	<del>\$150</del>	\$195		
5	107.2	<b>Assembly, Indoor (to include Exhibits and Trade Shows).</b> An operational permit is required to operate exhibits and trade shows. Permit is valid for up to 30 days, but not past event date.	<del>\$150</del>	\$195		

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	New Flat Fee	Hourly Fee	New Hourly Fee
6	107.2 403.12.2 403.12.3	<b>Assembly, Outdoor (to include Carnivals, Circuses, Fairs, and Festivals).</b> An operational permit is required to conduct an outdoor gathering of 500 persons or more, at one time. Permit is valid for up to 30 days, but not past event date.	\$150	\$195		
7	107.2	<b>Assembly, Place of or Education – Occupant Load 50 or Greater</b>	\$150	\$195		
8	1206.2	<b>Battery Systems, Stationary Storage</b> An operational permit is required for the operation of stationary storage battery systems regulated by Chapter 12.	\$150	\$195		
9	301.2	<b>Cellulose Nitrate Film:</b> An operational permit is required to store, handle, or use cellulose nitrate film in a Group A Occupancy.	\$150	\$195		
10	2201.2	<b>Combustible Dust-Producing Operations.</b> An operational permit is required is required to operate a grain elevator, flour starch mill feed mill, or a plant pulverizing aluminum coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.	\$150	\$195		
11	107.2	<b>Combustible Fibers.</b> An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 Cubic Feet <b>Exception:</b> An operational permit is not required for agricultural storage.	\$150	\$195		
12	609.3	<b>Commercial Kitchen Operation Requiring a Type I Hood.</b> An operational permit is required for the operation of a commercial kitchen requiring a Type I hood <b>Exceptions:</b> 1. Assembly (Group A) or Educational (Group E) Occupancies having a Fire Prevention Code Permit (FPCP). 2. Mobile food preparation vehicles.	\$150	\$195		
13	5301.2 5001.5 5401.2	<b>Compressed Gas: Corrosive.</b> An operational permit is required for the storage, use, or handling of corrosive gas in excess of 200 cubic feet at normal temperature and pressure (NTP) <b>Exception:</b> <i>Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.</i>	\$150	\$195		
14	5301.2 5801.2 5001.5	<b>Compressed Gas: Flammable.</b> An operational permit is required for the storage, use, or handling of flammable gas in excess of 200 cubic feet at normal temperature and pressure (NTP) <b>Exceptions:</b> 1. Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle, 2. cryogenic fluids; and 3. liquified petroleum gases.	\$150	\$195		
15	5301.2 6001.2 5001.5	<b>Compressed Gas: Toxic or Highly Toxic.</b> An operational permit is required for the storage, use, or handling of any toxic or highly toxic gas in any amount.	\$150	\$195		
16	5301.2 5001.5	<b>Compressed Gas: Inert or Simple Asphyxiant.</b> An operational permit is required for the storage, use, or handling of inert or simple asphyxiant gas in excess of 6,000 cubic feet at normal temperate and pressure (NTP). <b>Exception:</b> Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	\$150	\$195		
17	5301.2 6301.2 5001.5	<b>Compressed Gas: Oxidizing (including Oxygen).</b> An operational permit is required for the storage, use, or handling of oxidizing gas in excess of 504 cubic feet at normal temperature and pressure (NTP). <b>Exception:</b> Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	\$150	\$195		

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	New Flat Fee	Hourly Fee	New Hourly Fee																									
18	5301.2 6401.2 5001.5	<b>Compressed Gas: Pyrophoric.</b> An operational permit is required for the storage, use, or handling of pyrophoric gas in any amount.	\$150	\$195																											
19	107.2	<b>Covered and open mall buildings.</b> An operational permit is required for: 1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall. 2. The display of liquid-fired or gas-fired equipment or vehicles in the mall. 3. The use of open-flame or flame-producing equipment in the mall.	\$150	\$195																											
20	5501.2 2301.2 5001.5 5801.2	<b>Cryogenic Fluids.</b> An operational permit is required to produce, store, transport onsite, use, handle or dispense cryogenic fluids in excess of the amounts listed below.  <b>Exception:</b> Vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.  <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Type of Cryogenic Building</th> <th style="text-align: center;">Inside Building (gallons)</th> <th style="text-align: center;">Outside (gallons)</th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td>Flammable</td> <td style="text-align: center;">More than 1</td> <td style="text-align: center;">60.....</td> <td>\$150</td> <td>\$195</td> </tr> <tr> <td>Inert</td> <td style="text-align: center;">60</td> <td style="text-align: center;">500.....</td> <td>\$150</td> <td>\$195</td> </tr> <tr> <td>Oxidizing (Includes oxygen)</td> <td style="text-align: center;">10</td> <td style="text-align: center;">50.....</td> <td>\$150</td> <td>\$195</td> </tr> <tr> <td>Physical or health hazard not indicated above</td> <td style="text-align: center;">Any amount</td> <td style="text-align: center;">Any amount....</td> <td>\$150</td> <td>\$195</td> </tr> </tbody> </table>	Type of Cryogenic Building	Inside Building (gallons)	Outside (gallons)			Flammable	More than 1	60.....	\$150	\$195	Inert	60	500.....	\$150	\$195	Oxidizing (Includes oxygen)	10	50.....	\$150	\$195	Physical or health hazard not indicated above	Any amount	Any amount....	\$150	\$195				
Type of Cryogenic Building	Inside Building (gallons)	Outside (gallons)																													
Flammable	More than 1	60.....	\$150	\$195																											
Inert	60	500.....	\$150	\$195																											
Oxidizing (Includes oxygen)	10	50.....	\$150	\$195																											
Physical or health hazard not indicated above	Any amount	Any amount....	\$150	\$195																											
21	2101.2	<b>Dry Cleaning Plants.</b> An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.	\$150	\$195																											
22	601.2	Electrified Security Fence	\$150	\$195																											
23	5601.2	<b>Explosives:</b> Explosives Use, Each Site or Location (6 Month Permit).	\$180	\$234																											
24	5601.2	<b>Explosives:</b> Firm or Company License.	\$150	\$195																											
25	5601.2	<b>Explosives:</b> Storage and Display of Black Powder or Smokeless Propellant Indoors.  <b>Exception:</b> Storage in Group R-3 or R-5 occupancies of smokeless propellant, black powder, and small arms primers for personal use, not for resale, and in accordance with the quantity limitations and conditions set forth in Section 5601.1, Exceptions 4 and 12.	\$150	\$195																											
26	5601.2	<b>Explosives:</b> Laboratory Use (6 Month Permit).	\$150	\$195																											
27	3308.2	<b>Fire Prevention Program Manager:</b> A permit is required for the Fire Prevention Program Manager designated by the owner for safeguarding construction, alteration, and demolition operations  <b>Exception:</b> Building less than 5 stories above average grade plane and less than 50,000 square feet in size.	\$0	\$0																											

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	New Flat Fee	Hourly Fee	New Hourly Fee
28	5701.4	<p><b>Flammable and combustible liquids.</b> An operational permit is required:</p> <ol style="list-style-type: none"> <li>1. To use or operation of a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the U.S. Department of Transportation (DOT), nor does it apply to piping systems.....</li> <li>2. <b>Class I:</b> Store, Handle, or Use in Excess of 5 Gallons in a Building or in Excess of 10 Gallons Outside a Building.....</li> </ol> <p><b>Exceptions:</b></p> <ol style="list-style-type: none"> <li>a. Storage or Use in the Fuel Tank of a Motor Vehicle, Aircraft, Motorboat, Mobile Power Plant, or Mobile Heating Plant, Unless Such Storage, in the Opinion of the Fire Official, Would Cause an Unsafe Condition.</li> <li>b. Storage or Use of Paints, Oils, Varnishes, or Similar Flammable Mixtures When Such Liquids are Stored for Maintenance, Painting, or Similar Purposes for a Period of Not More Than 30 Days.</li> </ol> <ol style="list-style-type: none"> <li>3. <b>Class II or IIIA:</b> Store, Handle or Use in Excess of 25 Gallons in a Building or in Excess of 60 Gallons Outside a Building, except for Fuel oil used in conjunction with oil burning equipment.....</li> <li>4. To remove Class I or Class II liquids from an underground storage tank used for fuel fueling motor vehicles by any means other than the approved, stationary, on-site pumps normally used for dispensing purposes.....</li> <li>5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.....</li> <li>6. To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.....</li> </ol>	\$150	\$195		
29	5701.4	<p><b>Flammable/Combustible Liquid Tank.</b> An operational permit is required for the following:</p> <ol style="list-style-type: none"> <li>a. Underground Storage, with or without dispensing equipment.....</li> <li>b. Above-ground Storage, with or without dispensing equipment.....</li> <li>c. Bulk Storage Facility – in Excess of 100,000 Gallons.....</li> <li>d. Installation, Above_ground or Underground_Tank (90 Day Permit).....</li> <li>e. Alter or Relocate an Existing Tank (90 Day Permit).....</li> <li>f. Place Temporarily Out of Service.....</li> <li>g. Underground Abandonment (90 Day Permit).....</li> <li>h. Underground Removal (Commercial - 90 Day Permit).....</li> <li>i. Underground Removal (Residential - 90 Day Permit).....</li> <li>j. Above-ground Removal (Commercial - 90 Day Permit).....</li> <li>k. Above-ground Removal (Residential - 90 Day Permit).....</li> <li>l. Install Product Lines/Dispensing Equipment (90 Day Permit).....</li> <li>m. Manufacture, Process, Blend, or Refine.....</li> </ol> <p><b>Note:</b> Installation permits are based on the fee Table in Appendix Q of Chapter 61 of the Code of the County of Fairfax.</p>	\$450	\$195		
30	2401.3	<b>Floor finishing:</b> An operational permit is required for floor finishing or surfacing exceeding 350 square feet using class I or class II liquids (30-day permit).	\$78	\$104		
31	2501.2	<b>Fruit or crop-ripening:</b> An operational permit is required to operate a fruit or crop ripening facility or conduct a fruit-ripening process using ethylene gas.	\$150	\$195		

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	New Flat Fee	Hourly Fee	New Hourly Fee
32	2601.2	<b>Fumigation, thermal insecticidal and fogging:</b> An operational permit is required to operate a business of fumigation, thermal or insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used. (15-day permit).	\$450	\$195		
33	5001.5	<b>Hazardous Materials.</b> An operational permit is required to store, transport on site , dispense, use or handle hazardous materials in excess of the amounts shown below:				
34		<b>Combustible Liquids:</b> refer to Flammable and Combustible Liquids				
35		<b>Corrosive Gases:</b> refer to Compressed Gases				
36	5401.2	<b>Corrosive Liquids:</b> greater than 55 Gallons	\$450	\$195		
37	5401.2	<b>Corrosive Solids:</b> greater than 1000 Pounds	\$450	\$195		
38		<b>Explosives:</b> refer to Explosive Materials				
39		<b>Flammable Gasses:</b> refer to Compressed Gases				
40		<b>Flammable Liquids:</b> refer to Flammable and Combustible Liquids				
41	5901.2	<b>Flammable Solids:</b> greater than 100 Pounds	\$450	\$195		
42		<b>Highly Toxic Gases:</b> refer to Compressed Gases				
43	6001.2	<b>Highly Toxic Liquids:</b> any amount	\$450	\$195		
44	6001.2	<b>Highly Toxic Solids:</b> any amount	\$450	\$195		
45		<b>Oxidizing Gases:</b> refer to Compressed Gases				
46	6301.2	<b>Oxidizing Liquids:</b> a. Class 4: any amount..... b. Class 3: greater than 1 gallon..... c. Class 2: greater than 10 gallons..... d. Class 1: greater than 55 gallons.....	\$450 \$450 \$450 \$450	\$195 \$195 \$195 \$195		
47	6301.2	<b>Oxidizing Solids:</b> a. Class 4: any amount..... b. Class 3: greater than 10 pounds..... c. Class 2: greater than 100 pounds..... d. Class 1: greater than 500 pounds.....	\$450 \$450 \$450 \$450	\$195 \$195 \$195 \$195		
48	6201.2	<b>Organic Peroxides, Liquid</b> a. Class I: any amount..... b. Class II: any amount..... c. Class III: greater than 1 gallon..... d. Class IV: greater than 2 gallons..... e. Class V: no permit required.....	\$450 \$450 \$450 \$450	\$195 \$195 \$195 \$195		
49	6201.2	<b>Organic Peroxides, Solids:</b> a. Class I: any amount..... b. Class II: any amount..... c. Class III: greater than 10 pounds..... d. Class IV: greater than 20 pounds..... e. Class V: no permit required.....	\$450 \$450 \$450 \$450	\$195 \$195 \$195 \$195		
50	6401.2	<b>Pyrophoric Material:</b> a. Gas: any amount..... b. Liquid: any amount..... c. Solid: any amount .....	\$450 \$450 \$450	\$195 \$195 \$195		
51	6001.2	<b>Toxic Materials:</b> a. Gases: refer to compressed gases..... b. Liquids: 10 gallons..... c. Solids: 100 pounds.....	\$450 \$450 \$450	\$195 \$195 \$195		

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	New Flat Fee	Hourly Fee	New Hourly Fee
52	6601.2	<b>Unstable (Reactive) Materials:</b> Liquids: a. Class 1: greater than 10 gallons..... b. Class 2: greater than 5 gallons..... c. Class 3: any amount..... d. Class 4: any amount.....  Solids: a. Class 1: greater than 100 pounds..... b. Class 2: greater than 50 pounds..... c. Class 3: any amount..... d. Class 4: any amount.....	\$150 \$150 \$150 \$150  \$150 \$150 \$150 \$150	\$195 \$195 \$195 \$195  \$195 \$195 \$195 \$195		
53	6701.2	<b>Water-reactive Materials:</b> Liquids: a. Class 1: greater than 55 gallons..... b. Class 2: greater than 5 gallons..... c. Class 3: greater than any amount.....  Solids: a. Class 1: greater than 500 pounds..... b. Class 2: greater than 50 pounds..... c. Class 3: any amount.....	\$150 \$150 \$150  \$150 \$150 \$150	\$195 \$195 \$195  \$195 \$195 \$195		
54	5001.5	<b>Hazardous Production Facilities (HPM):</b> An operational permit is required to store, handle or use hazardous production materials.	\$150	\$195		
55	3201.2	<b>High Piled Storage.</b> An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet.	\$150	\$195		
56	3501.2	<b>Hot Work and Welding:</b> Public Exhibitions and Demonstrations (Each Exhibitor/Demo – 10 Day Permit)	\$78	\$104		
57	3501.2	<b>Hot Work and Welding:</b> An operational permit is required for: a. Small Scale Hot Work ..... b. Fixed-Site Hot Work Equipment (Example: Welding Booth)..... c. Cutting or Welding, All Locations..... d. Open Flame Device Roofing Operation, <b>to include Rubberized Asphalt Melter Operations</b> (Each Site/Location – 90 Day permit)..... e. Torch or Open-Flame Operations other than Roofing (Each Site/Location – 30 Day permit).....	\$150 \$150 \$150 \$150 \$78	\$195 \$195 \$195 \$195 \$104		
58	3001.2	<b>Industrial Ovens:</b> An operational permit is required for operation of industrial ovens regulated by Chapter 30.	\$150	\$195		
59	2801.2	<b>Lumber Yards and Agro-Industrial Solid Biomass and Woodworking Plants.</b> Storage or Processing of Lumber Exceeding 100,000 Board Feet (8,333 ft <sup>3</sup> ) (236 m <sup>3</sup> ).	\$150	\$195		
60	109.1	<b>Live/Work Units:</b> An operational permit is required for each Live/Work Unit that does not function solely as a dwelling unit.	\$150	\$195		
61	6101.2	<b>LP-Gas:</b> An operational permit is required for: a. Storage or use of LP-gas, (inside or outside any structure).	\$150	\$195		

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	New Flat Fee	Hourly Fee	New Hourly Fee
62	6101.2	<b>LP-Gas:</b> An operational permit is required for storage and/or use outside, portable installation, per event, more than 10 gallons aggregate (30-day permit). <b>Exception:</b> Single-and two-family dwellings.	\$78	\$104		
63	6106 6109	<b>LP-Gas:</b> An operational permit is required for: a. Dispensing and Cylinder Refill Location ..... b. Retail cylinder exchange location..... c. Automated cylinder exchange location.....	\$150 \$150 \$150	\$195 \$195 \$195		
64	315.2	<b>Miscellaneous Combustible Storage:</b> Storage inside any building or upon any premises - in excess of 2500 cubic feet.	\$150	\$195		
65	107.2	<b>Mobile food preparation vehicle: A permit is required for mobile food preparation vehicles equipped with appliances that produce smoke or grease laden vapors.</b>	\$150	\$195		
66	301.2	<b>Open Burning:</b> An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground, as follows: a. Bonfire (10 Day Permit)..... b. Silvicultural / Controlled Burning (90 Day Permit).....	\$150 \$150	\$195 \$195		
67	301.2	<b>Open Flame and Candles.</b> An operational permit is required to use open flames or candles in connection with assembly areas, educational use, dining areas of restaurants or drinking establishments. a. Public meetings or gatherings in assembly or educational use (Each Event)..... b. Assembly areas or dining areas of restaurants or drinking establishments.....	\$78 \$150	\$104 \$195		
68	2901.2	<b>Organic Coatings:</b> An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon in one day.	\$150	\$195		
69	107.2	<b>Private Fire Hydrant – An operational permit is required for the removal from service, use or operation of private fire hydrants.</b>	\$150	\$195		
70	5601.2	<b>Pyrotechnics and Fireworks:</b> An operational permit is required for: a. Outdoor Fireworks Display (Aerial Audience) (One Day Permit)	\$480	\$624		
71	5601.2	<b>Pyrotechnics and Fireworks.</b> An operational permit is required for Retail Sales (inside mercantile establishment) of Permissible Fireworks - Any Amount (45-day permit).	\$720	\$936		
72	5601.2	<b>Pyrotechnics and Fireworks.</b> An operational permit is required for Wholesale Sales of Permissible Fireworks - Any Amount (21-day permit. With a minor site plan, up to 45-day permit).	\$720	\$936		
73	6501.2	<b>Pyroxylin Plastic:</b> Storage or handling, more than 25 pounds of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastic.	\$150	\$195		
74	601.2	<b>Refrigeration Equipment:</b> An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.	\$150	\$195		
75	2301.2	<b>Repair garages and service stations:</b> An operational permit is required for operation of repair garages and automotive, marine and fleet service station.	\$150	\$195		
76	2001.3	<b>Rooftop Heliports:</b> An operational permit is required to operate a rooftop heliport.	\$150	\$195		
77	1204	<b>Solar photovoltaic power systems. An operational permit is required for the installation and operation of a solar photovoltaic power system.</b>	\$150	\$195		

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	New Flat Fee	Hourly Fee	New Hourly Fee
78	2401.3	<b>Spraying or dipping operations:</b> An operational permit is required for the following: a. Flammable/Combustible Liquid Spray Finishing Operation..... b. Flammable/Combustible Liquid Dip Tank Operation..... c. Application of Combustible Powders/Spray/Fluidized ..... d. Organic Peroxides and Dual-component coatings.....	\$150 \$150 \$150 \$150	\$195 \$195 \$195 \$195		
79	5001.5	Swimming Pool Operation: The operation of a public or community pool requires an operational permit.	\$150	\$195		
80	3103.2	<b>Temporary membrane structures and tents,</b> (6 Month Permit). <b>Exceptions:</b> 1. Tents used exclusively for recreational camping purposes. 2. Tents and air-supported structures that cover an area of 900 square feet or less, including all connecting areas or spaces with a common means of egress and with an occupant load of less than 50 persons.	\$150	\$195		
81	3401.2	<b>Tire-rebuilding Plants:</b> An operational permit is required for the operation and maintenance of a tire-rebuilding plant.	\$150	\$195		
82	3401.2	<b>Tire Storage (scrap tires and tire byproducts):</b> An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet of total volume of scrap tires and for indoor storage of tires and tire byproducts.	\$150	\$195		
83	107.2	<b>Waste Handling:</b> An operational permit is required for the operation of wrecking yards, junk yards and waste material handling facilities.	\$150	\$195		
84	2801.2	<b>Wood Products:</b> An operational permit is required to store chips, hogged material, lumber, or plywood in excess of 200 cubic feet.	\$150	\$195		
<b>Note: All permit fees are per line item that applies</b>						
Section 2 – Plan Review Fees						
85	3201.4	Fire Safety and Evacuation Plan Review for High-Piled Combustible Storage Areas in Excess of 500 Square Feet.			\$156	\$208
86	3201.3	High-piled Storage Plan Review			\$156	\$208
87	2803.7	Lumber Yard or Woodworking Facility Plan Review			\$156	\$208
88	6109	Site and Installation Plan Review for LP-gas Cylinder Exchange Program			\$156	\$208
89	5001.5.1	Hazard Communication: Hazardous Material Management Plan Review			\$156	\$208
90	5001.6.3	Hazardous Material Facility Closure Plan Review			\$156	\$208
91	5001	Hazardous materials facility emergency response plan, above the threshold planning quantity of extremely hazardous substances.	\$400	\$133		
92	5001	Tier II submissions, per chemical, to a maximum of \$264.	\$25	\$33		
Section 3 - Inspection and Testing Fees						
93	107.10	County and State Licensing Fire Inspections (each inspection).	\$25	\$33		
94	107.10	Certificate of Occupancy Inspections (Towns of Vienna and Herndon).			\$156	\$208
95	107.10	Fire Prevention Permit Inspections, Follow-ups, Performance Testing, and Re-inspections.			\$156	\$208
96	107.10	Fire Code Inspection (Not Otherwise Specified), (i.e., Pre-Occupancy Punch List – Each Inspector).			\$156	\$208
97	901.6.3.1	Testing and Reinspection of Existing Fire Protection Systems (Each Inspector).			\$156	\$208
98	907.8.5	Unwanted or Nuisance Fire Alarm Inspections, Follow-ups, and Re-inspections.			\$156	\$208



PUBLIC NOTICE

AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX  
CHAPTER 62, FIRE PROTECTION AND CHAPTER 61, BUILDING PROVISION

FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT

Notice is hereby given that the Fairfax County Board of Supervisors will hold a public hearing on April 16, 2024 in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, regarding adoption of amendments to the *Code of the County of Fairfax, Virginia*, Chapter 62, Fire Protection and Chapter 61, Building Provision.

Proposed administrative amendments to Chapter 62 and Chapter 61, Appendix Q, Section H will increase fees associated with plans review, inspections, operational permits and witnessed testing of fire protection systems.

All persons wishing to speak to this subject may call the Office of the Clerk at 703-324-3151 to be placed on the speaker's list. Persons may also appear at the scheduled time of public hearing and be heard. Written comments will be accepted. Mail written comments to:

The Clerk of the Board of Supervisors, Fairfax County  
12000 Government Center Parkway  
Suite 533  
Fairfax, VA 22035-1100

The full text of the amended code is on file in the Office of the Clerk to the County Board at the above address. Questions regarding the proposed amendments may be directed to the Office of the Fire Marshal at 703-246-4753.

ADMINISTRATIVE – 9

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance  
Amendment Re: Zoning Application Fees and Planned District Recreation Minimum  
Expenditure

ISSUE:

The proposed Zoning Ordinance amendment would increase zoning application fees by up to 35 percent, except appeals (where staff recommends an increase of 20 percent), and Wireless Reviews to Determine Compliance with Sect. 6409 of the Spectrum Act and Family Health Care Structures (where the fees are set by the Virginia Code). Zoning application fees apply to applications for a rezoning, special exception, special permit, variance, appeal, compliance letter, administrative permit, and other miscellaneous permits and approvals. Additionally, the amendment proposes an increase in the minimum required expenditure for recreational facilities in a Planned District from \$1,900 per unit to up to \$2,400 per unit.

RECOMMENDATION:

The County Executive recommends the authorization of the proposed Zoning Ordinance amendment by adopting the Resolution set forth in Attachment 1.

TIMING:

Board action is requested on March 5, 2024, to provide sufficient time to advertise the proposed Planning Commission public hearing on April 3, 2024, at 7:30 p.m., and the proposed Board of Supervisors public hearing on April 16, 2024, at 3:00 p.m.

BACKGROUND:

Increasing zoning application fees and the Planned District recreation minimum expenditure were both identified on the FY 2024/2025 Zoning Ordinance Work Program (ZOWP) as first-tier items. This increase also reflects the results of a comprehensive General Fund user fees review as part of FY 2025 budget development process, coordinated by the Department of Management and Budget. The review was focused on revenue maximization, cost recovery and consistency with the other jurisdictions.

Zoning Application Fees

Zoning application fees were last increased comprehensively in 2009 (200 percent increase) and 2011 (3.1 percent increase, with a minimum fee increase of \$5). At that time, those fee increases for certain application types allowed the County to recover 75

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to 78 percent of its zoning application review costs. In FY 2011, revenue from zoning application fees made up approximately 32 percent of the budget for the Department of Planning and Development (DPD). Minor updates were made with the Zoning Ordinance Modernization project originally adopted in 2021 and readopted in 2023, which lowered fees for certain use types and introduced new fees for new uses.

Since the previous comprehensive amendment for zoning application fees in 2011, the Consumer Price Index (CPI) has increased 36 percent. In addition, between FY 2011 and FY 2023, full-time planner positions within DPD have increased by 34 percent (or 21 employees) in response to Board initiatives, the midpoint hourly salary increased by 36 percent, and the total hourly salary (which includes midpoint hourly salary plus fringe benefits) has increased by 51 percent. Time spent on an average zoning application review has not decreased over time, therefore fees for zoning application review continue to cover a reduced portion of the cost over time. In FY 2023, zoning application fees only covered 18 percent of DPD's budget.

Staff also reviewed the zoning application fees of surrounding jurisdictions, including Loudoun County, Arlington County, Prince William County, Montgomery County, and Prince George's County. Attachment 3 includes a comparison table showing Fairfax County's current and proposed fees for certain application types compared to other jurisdictions. Generally, Fairfax County is comparable with neighboring jurisdictions, even following the proposed increase. Arlington County, Loudoun County, and Montgomery County have indicated that they are each considering increasing application fees.

Given the increase in inflation and personnel costs, staff recommends an increase of 35 percent for a majority of zoning application fees. Staff is recommending a lesser increase of 20 percent for appeal applications, which would increase the current \$600 fee to \$720. Appeals of Zoning Administrator determinations or Notices of Violation (NOVs) to the Board of Zoning Appeals (BZA) are most often filed by individual homeowners or property owners. This fee was specifically identified for a lower increase during the last major fee increase due to concerns about ensuring an individual's right to due process if they feel aggrieved by a decision of the Zoning Administrator or NOV. This fee also applies to appeals of proffer interpretations or NOVs related to proffers that are heard by the Board. In addition, staff does not propose an increase to the fee for family health care structures (\$100) or the fee for wireless reviews that fall under Sect. 6409 of the Spectrum Act (\$500), as these fees are set by Virginia Code and cannot be increased.

On February 27, 2024, staff presented the proposed amendment to the Board's Land Use Policy Committee where questions were raised regarding the appropriate percentage increase. To preserve flexibility and allow for consideration of community

feedback, an increase of up to 35 percent will be advertised, allowing the Board to keep certain fees static or to increase all or certain fees by a lesser percentage.

In summary, the proposed fee increase would track with inflation, help offset increased personnel costs, and would be consistent with zoning application fees throughout the region.

#### Planned District Recreation Minimum Expenditure

*Zoning Ordinance subsections 2105.2.B(4)(b), 2105.4.B(4)(b), 2105.5.B(4)(b), and 2105.6.B(3)(b)* require the provision of recreation facilities as part of developments in all PDH, PDC, PRM, and PTC Districts with a residential component; this expenditure is not required in the PRC and PCC Districts. These recreation facilities must be provided on site by the developer, unless the Board approves the provision of the facilities on land outside of the proposed development. A per-unit recreation expenditure of \$500 was first added to the Zoning Ordinance in 1975 and has been subsequently amended to the current minimum expenditure of \$1,900 per dwelling unit. The \$1,900 expenditure has been in effect since 2017. In consultation with the Park Authority, staff has identified the Engineering News-Record (ENR) as an industry standard for construction cost indices (CCIs). Based on ENR's CCIs, average construction costs have increased approximately 25 percent since the Planned District expenditure was last adjusted.

Considering this increase in construction costs, staff recommends increasing the current \$1,900 per-dwelling-unit recreation facilities expenditure by approximately 26 percent to \$2,400 in the PDH, PDC, PRM, and PTC Districts. While facilities such as pools, play equipment, sports courts, and other similar recreational facilities that are provided by the developer typically exceed the per unit cost required, this increase ensures that recreational facilities commensurate with the expectations of the Planned Districts will continue to be provided for those who live in these residential developments.

A copy of the proposed draft text is included as Attachment 2. A staff report providing additional details and analysis will be published a minimum of three weeks prior to the Planning Commission public hearing.

#### EQUITY IMPACT:

Zoning application fees are uniformly applied countywide and contribute directly to a portion of the cost of staff review time. Staff does not track application data by population, and there is a lack of sufficient information to determine an equity impact. Zoning application fees are generally a small percentage of overall project cost and are not considered a barrier to access; however, the Board does have the ability to waive fees for good cause shown.

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The proposed increase in Planned District minimum expenditures from \$1,900 per unit to \$2,400 per unit has the potential to advance equity through providing additional funding for high-quality on-site recreation amenities to residents, which is in alignment with One Fairfax Area of Focuses 11 and 13.

FISCAL IMPACT:

Zoning fee revenue was approximately \$2.2 million in FY 2022, and approximately \$2.5 million in FY 2023. If adopted by the Board, the recommended fee adjustments are anticipated to generate increased revenue of approximately \$980,000 in FY 2025 over the projected FY 2024 revenue level. The additional revenue is reflected in the County Executive's FY 2025 Advertised Budget Plan. Regarding the Planned District Minimum Expenditure, given increases in the Construction Cost Index, as well as the length of time since the last update, the increase from \$1,900 to \$2,400 would allow for the recreation facilities expenditure to better align with market conditions.

REGULATORY IMPACT:

The proposed amendment would increase the costs to applicants filing zoning applications and increase the required expenditure for those developing residential developments in the PDH, PDC, PRM, and PTC Districts.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution  
Attachment 2 – Proposed Text  
Attachment 3 – Jurisdictional Comparison Table

STAFF:

Rachel Flynn, Deputy County Executive  
Tracy Strunk, Director, Department of Planning and Development (DPD)  
Jai Cole, Executive Director, Park Authority  
Leslie B. Johnson, Zoning Administrator, DPD  
William Mayland, Assistant Zoning Administrator, DPD  
Casey Judge, Deputy Zoning Administrator, DPD  
Adam Nowaczyk, Planner, DPD

ASSIGNED COUNSEL:

Sara Silverman, Assistant County Attorney

## RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, on March 5, 2024, at which meeting a quorum was present, the following resolution was adopted:

WHEREAS, § 15.2-2286 (A)(6) of the Code of Virginia provides for the collection of fees to cover the cost of making inspections, issuing permits, advertising notices and other expenses incidental to the administration of a zoning ordinance or to the filing or processing of any appeal or amendment thereto; and

WHEREAS, the current application fees set forth in the Zoning Ordinance were last increased on July 1, 2011, and currently recover approximately 18 percent of the administrative costs associated with the processing of zoning applications, such as applications for special permits, special exceptions, rezonings, and other similar zoning requests; and

WHEREAS, staff believes an increase of approximately 35 percent for most application fees is reasonable and necessary to achieve an increase in cost recovery due to increased salaries and rising inflation since the last fee update; and

WHEREAS, staff believes an increase from \$1,900 to \$2,400 for the minimum expenditure for recreational facilities in the PDH, PDC, PRM, and PTC Districts is reasonable and necessary to align with market conditions given increases in the Construction Cost Index since the last update; and

WHEREAS, the public necessity, convenience, general welfare, and good zoning practice require consideration of the proposed revisions to the Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, for the foregoing reasons, the Board of Supervisors authorizes the advertisement of the proposed Zoning Ordinance amendment as recommended by staff.

A Copy Teste:

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Jill G. Cooper  
Clerk for the Board of Supervisors

## Proposed Text

In the revisions shown below, text to be deleted is identified with ~~strike-through~~ and text to be added is underlined. Advertised options are included **(in parentheses, italics, and bold)**. When an option is presented as a range, the Board may approve any number within the advertised range. The proposed changes are based on the provision of the adopted Zoning Ordinance in effect as of March 5, 2024.

### 2105. Planned Districts

**#1 INSTRUCTION:** Amend subsection 2105.2.B(4)(b) by increasing the minimum recreational expenditure in the PDH District to \$2,400.

- (b) As part of the open space to be provided in accordance with Table 2105.2 above, recreational facilities are required to be provided in all PDH Districts in conjunction with approval of a final development plan. Such facilities are subject to the provisions of subsection 8100.2.E(4), and those requirements are based on a minimum expenditure of ~~\$1,900~~ \$2,400 per dwelling unit for the recreational facilities and either:
1. The facilities are provided on-site by the developer in substantial conformance with the approved final development plan; and/or
  2. The Board may approve facilities on land that is not part of the subject PDH District.

**#2 INSTRUCTION:** Amend subsection 2105.4.B(4)(b) by increasing the minimum recreational expenditure in the PDC District to \$2,400.

- (b) In a PDC District development where dwelling units are proposed, as part of the open space to be provided in accordance with subsection (a) above, recreational facilities for the enjoyment of the residents of the dwelling units must be provided and shown on the final development plan. The required recreational facilities are subject to the provisions of subsection 8100.2.E(4), and must be based on a minimum expenditure of ~~\$1,900~~ \$2,400 per dwelling unit and either:
1. The facilities are provided on-site by the developer in substantial conformance with the approved final development plan. In the administration of this provision, credit may be considered where there is a plan to provide common recreational facilities for the residents of the dwelling units and the occupants of the principal uses; or
  2. The Board may approve the provision of the facilities located on property that is not part of the subject PDC District.

**#3 INSTRUCTION:** Amend subsection 2105.5.B(4)(b) by increasing the minimum recreational expenditure in the PRM District to \$2,400.

- (b) Recreational facilities must be provided in conjunction with approval of a final development plan. Provision of recreational facilities is subject to the provisions of subsection 8100.2.E(4); however, recreational facilities located on rooftops, deck areas, or areas within a building, such as swimming pools, exercise rooms, or health clubs, may be used to fulfill this requirement. The requirement for providing recreational facilities is based on a minimum expenditure of ~~\$1,900~~ \$2,400 per dwelling unit for recreational facilities and either:
1. The facilities will be provided on-site by the developer in substantial conformance with the approved final development plan; or

2. The Board may approve facilities on land that is not part of the subject PRM District.

**#4 INSTRUCTION:** Amend subsection 2105.6.B(3)(b) by increasing the minimum recreational expenditure in the PTC District to \$2,400.

- (b) Recreational facilities must be provided in conjunction with approval of a final development plan. These facilities are subject to the provisions of subsection 8100.2.E(4); however, recreational facilities, such as swimming pools, exercise rooms, or health clubs located on rooftops, deck areas, or areas within a building may be used to fulfill this requirement. The requirement for providing recreational facilities will be based on a minimum expenditure of ~~\$1,900~~ \$2,400 per dwelling unit for recreational facilities and either:
1. The facilities will be provided on-site by the developer in substantial conformance with the approved final development plan; or
  2. The Board may approve the provision of the facilities on land that is not part of the subject PTC District.

**#5 INSTRUCTION:** Amend Table 8102.1 to increase fees up to 35 percent (*advertised range: 0 percent to 35 percent, rounded to nearest \$5*) except appeals (where staff recommends an increase of 20 percent), and Wireless Reviews to Determine Compliance with Sect. 6409 of the Spectrum Act and Family Health Care Structures (where the fees are set by the Virginia Code, and staff recommends no increase).

## 8102. Fee Schedule

**TABLE 8102.1: FEE SCHEDULE**

This table includes standard fees related to approvals under the Zoning Ordinance. Additional fees may apply related to review or approval by other County departments or governmental or quasi-governmental agencies, or in accordance with Appendix Q of the County Code.

APPLICATION TYPE		FEE [1]
<b>MISCELLANEOUS PERMITS AND APPROVALS</b>		
<b>General</b>		
Interpretation of Approved Zoning Application or Minor Variation to Proffered Conditions		\$ <del>520</del> <u>\$700</u>
Modification to the Affordable Dwelling Unit Program		\$ <del>2,755</del> <u>\$3,720</u>
Nonresidential Use Permit (NonRUP)		\$ <del>70</del> <u>\$95</u>
Zoning Compliance Letter	Dwelling, Single-Family, Per Lot	\$ <del>115</del> <u>\$155</u>
	All Other Uses, Per Lot	\$ <del>320</del> <u>\$430</u>
General Public Facilities	2232 Review with Public Hearing	\$ <del>1,500</del> <u>\$2,025</u>
	2232 Review without Public Hearing	\$ <del>750</del> <u>\$1,015</u>
Sign Permits		\$ <del>95</del> <u>\$130</u>
<b>Wireless Telecommunications</b>		
Wireless Reviews to Determine Compliance with Sect. 6409 of the Spectrum Act		\$500
Wireless Facilities	Standard Process Project	\$ <del>6,200</del> <u>\$8,370</u>
<b>Variance [2]</b>		
Increase in Maximum Fence or Wall Height	Residential District	\$ <del>435</del> <u>\$585</u>
	Commercial or Industrial District	\$ <del>2,500</del> <u>\$3,375</u>
Modification of Residential Setback		\$ <del>910</del> <u>\$1,230</u>
Modification of Residential Accessory Structure Use or Location Standards per subsection 4102.7		\$ <del>910</del> <u>\$1,230</u>



**ATTACHMENT 2 – PROPOSED TEXT**

**TABLE 8102.1: FEE SCHEDULE**

This table includes standard fees related to approvals under the Zoning Ordinance. Additional fees may apply related to review or approval by other County departments or governmental or quasi-governmental agencies, or in accordance with Appendix Q of the County Code.

<b>APPLICATION TYPE</b>		<b>FEE [1]</b>
Modification of Grade for Single-Family Detached Dwelling		\$910 <u>\$1,230</u>
Increase in Building Height for a Single-Family Detached Dwelling		\$910 <u>\$1,230</u>
All Other Variances		\$8,180 <u>\$11,045</u>
<b>Appeal</b>		
Appeal to BZA		\$600 <u>\$720</u>
Appeal to Board		\$600 <u>\$720</u>
<b>ADMINISTRATIVE PERMITS</b>		
General Fee Unless Otherwise Listed		\$205 <u>\$275</u>
<b>Accessory Uses</b>		
Accessory Living Unit	Permit	\$200 <u>\$270</u>
	Renewal Fee	\$70 <u>\$95</u>
Agritourism Tier 4	Permit	\$205 <u>\$275</u>
	Renewal Fee	\$50 <u>\$70</u>
Family Health Care Structure		\$100
Home-Based Business		\$100 <u>\$135</u>
Limited Riding or Boarding Stable		\$50 <u>\$70</u>
Short-Term Lodging	Two Year Permit	\$200 <u>\$270</u>
<b>Temporary Uses</b>		
Community Garden	Permit	\$205 <u>\$275</u>
	Two Year Renewal Fee	\$50 <u>\$70</u>
Farmer’s Market	Permit	\$205 <u>\$275</u>
	Two Year Renewal Fee	\$50 <u>\$70</u>
Food Truck	One Year Operation Permit	\$100 <u>\$135</u>
	Location Permit	\$100 <u>\$135</u>
Portable Storage Container		\$0
<b>SPECIAL PERMITS [2]</b>		
Standard fees for special permit approvals are listed below.		
General Fee Unless Otherwise Listed		\$16,375 <u>\$22,105</u>
<b>Principal Uses</b>		
Community Swim, Tennis and Recreation Club		\$4,085 <u>\$5,515</u>
Group Household or Religious Group Living		\$1,100 <u>\$1,485</u>
Marina, Private Noncommercial		\$4,085 <u>\$5,515</u>
Religious Assembly		\$1,100 <u>\$1,485</u>
Religious Assembly with Private School, Specialized Instruction Center, or Child Care Center	Private School, Specialized Instruction Center, or Child Care Center with fewer than 100 children	\$1,100 <u>\$1,485</u>
	Private School, Specialized Instruction Center, or Child Care Center with 100 children or more	\$11,025 <u>\$14,885</u>
Stable, Riding or Boarding		\$8,180 <u>\$11,045</u>
<b>Accessory and Temporary Uses</b>		

**ATTACHMENT 2 – PROPOSED TEXT**

**TABLE 8102.1: FEE SCHEDULE**

This table includes standard fees related to approvals under the Zoning Ordinance. Additional fees may apply related to review or approval by other County departments or governmental or quasi-governmental agencies, or in accordance with Appendix Q of the County Code.

<b>APPLICATION TYPE</b>		<b>FEE [1]</b>
Accessory Living Unit	Special Permit	\$435 <u>\$585</u>
	Renewal Fee	\$70 <u>\$95</u>
Community Garden		\$435 <u>\$585</u>
Home Day Care Facility		\$435 <u>\$585</u>
Home-Based Business		\$435 <u>\$585</u>
Special Event for longer than 21 days		\$4,090 <u>\$5,520</u>
<b>Other Special Permits</b>		
Accessory Structures on Through Lots		\$910 <u>\$1,230</u>
Increase in the Cumulative Square Footage of Freestanding Accessory Structures		\$910 <u>\$1,230</u>
Increase in Fence or Wall Height	Dwelling, Single-Family	\$435 <u>\$590</u>
	All Other Uses	\$2,500 <u>\$3,375</u>
Increase in Flagpole Height		\$435 <u>\$590</u>
Increase in the Height of a Freestanding Accessory Structure		\$910 <u>\$1,230</u>
Increase in Percentage of Rear Setback Coverage		\$910 <u>\$1,230</u>
Installation or Modification of a Noise Barrier on a Single Residential Lot		\$910 <u>\$1,230</u>
Modification of Grade for Single-Family Detached Dwelling		\$910 <u>\$1,230</u>
Modification of Limits to Keeping of Animals		\$435 <u>\$590</u>
Modification of Minimum Setback Requirements	Error in Building Location	\$910 <u>\$1,230</u>
	Certain Existing Structures and Uses	\$910 <u>\$1,230</u>
	Certain Additions to Existing Single-Family Detached Dwelling	\$910 <u>\$1,230</u>
	Reduction of Required Setbacks for a Single-Family Lot	\$910 <u>\$1,230</u>
	All Other Uses	\$8,180 <u>\$11,045</u>
<b>SPECIAL EXCEPTIONS [2]</b>		
Standard fees for special exception approvals are listed below.		
General Fee Unless Otherwise Listed		\$16,375 <u>\$22,105</u>
<b>Principal Uses</b>		
Adult Day Care Center	Fewer Than 100 Adults	\$1,100 <u>\$1,485</u>
	100 or More Adults	\$11,025 <u>\$14,885</u>
Adult Day Support Center	Fewer Than 100 Adults	\$1,100 <u>\$1,485</u>
	100 or More Adults	\$11,025 <u>\$14,885</u>
Agritourism		\$4,090 <u>\$5,520</u>
Alternative Use of Historic Building		\$8,180 <u>\$11,045</u>
Bed and Breakfast		\$8,180 <u>\$11,045</u>
Child Care Center	Fewer Than 100 Children	\$1,100 <u>\$1,485</u>
	100 or More Children	\$11,025 <u>\$14,885</u>
Club, Service Organization, or Community Center		\$4,085 <u>\$5,515</u>
Congregate Living Facility		\$8,180 <u>\$11,045</u>

**ATTACHMENT 2 – PROPOSED TEXT**

**TABLE 8102.1: FEE SCHEDULE**

This table includes standard fees related to approvals under the Zoning Ordinance. Additional fees may apply related to review or approval by other County departments or governmental or quasi-governmental agencies, or in accordance with Appendix Q of the County Code.

APPLICATION TYPE		FEE [1]
Farm Winery, Limited Brewery, or Limited Distillery	R-C District: Development of a new use or expansion of an existing use for any agricultural building or structure: That does not permit access by any member of the public, whether a customer, guest, or attendee at a public or private event or activity	<del>\$1,000</del> <u>\$1,350</u>
	With no construction of buildings or structures over 400 SF in GFA or no land disturbance over 2,500 SF	<del>\$4,090</del> <u>\$5,520</u>
	R-C District: Establishment of a new use or expansion of an existing use with construction of buildings or structures over 400 SF in GFA or land disturbance over 2,500 SF	<del>\$8,180</del> <u>\$11,045</u>
	R-A, R-C, R-E, and R-1 District: Modification of the number of attendees, frequency, or duration of events or activities	<del>\$4,090</del> <u>\$5,520</u>
Group Household or Religious Group Living		<del>\$1,100</del> <u>\$1,485</u>
Independent Living Facilities for Low Income Tenants per Subsection 4102.4.P(1)(c) [3]		<del>\$1,100</del> <u>\$1,485</u>
Marina, Private Noncommercial		<del>\$4,085</del> <u>\$5,520</u>
Quasi-Public Park, Playground, or Athletic Field		<del>\$8,180</del> <u>\$11,045</u>
Religious Assembly		<del>\$1,100</del> <u>\$1,485</u>
Religious Assembly with Private School, Specialized Instruction Center, or Child Care Center	Private School, Specialized Instruction Center, or Child Care Center with fewer than 100 children	<del>\$1,100</del> <u>\$1,485</u>
	Private School, Specialized Instruction Center, or Child Care Center with 100 children or more	<del>\$11,025</del> <u>\$14,885</u>
School, Private	Fewer than 100 students	<del>\$1,100</del> <u>\$1,485</u>
	100 or more students	<del>\$11,025</del> <u>\$14,885</u>
Specialized Instruction Center	Fewer than 100 students	<del>\$1,100</del> <u>\$1,485</u>
	100 or more students	<del>\$11,025</del> <u>\$14,885</u>
Stable, Riding or Boarding		<del>\$8,180</del> <u>\$11,045</u>
<b>Accessory Uses and Other Special Exceptions</b>		
Home Day Care Facility		<del>\$435</del> <u>\$590</u>
Modification of Shape Factor		<del>\$8,180</del> <u>\$11,045</u>
Modification of Grade for Single-Family Detached Dwellings		<del>\$910</del> <u>\$1,230</u>
Modification of Minimum Setback Requirements	Certain Existing Structures and Uses	<del>\$910</del> <u>\$1,230</u>
	Reconstruction of Certain Single-Family Detached Dwellings that are Destroyed by Casualty	\$0
Sign Modifications		<del>\$8,260</del> <u>\$11,045</u>
Amendment to Approved Sign Modifications		<del>\$4,130</del> <u>\$5,575</u>
Waiver of Minimum Lot Size Requirements		<del>\$8,180</del> <u>\$11,045</u>
Addition to or Replacement of a Single-Family Detached Dwelling Existing as of May 10, 2023, in a Floodplain		<del>\$8,180</del> <u>\$11,045</u>

**ATTACHMENT 2 – PROPOSED TEXT**

**TABLE 8102.1: FEE SCHEDULE**

This table includes standard fees related to approvals under the Zoning Ordinance. Additional fees may apply related to review or approval by other County departments or governmental or quasi-governmental agencies, or in accordance with Appendix Q of the County Code.

APPLICATION TYPE		FEE [1]
<b>ZONING MAP AMENDMENTS [5]</b>		
<b>District Requested</b>		
Residential District		<del>\$27,280 plus \$570 per acre</del> <del>\$36,830 plus \$770 per acre</del>
Commercial, Industrial, or Overlay District		<del>\$27,280 plus \$910 per acre</del> <del>\$36,830 plus \$1,230 per acre</del>
PRC District	Rezoning with Concurrent Development Plan	<del>\$27,280 plus \$910 per acre</del> <del>\$36,680 plus \$1,230 per acre</del>
	Rezoning with Concurrent Development Plan and PRC Plan	<del>\$27,280 plus \$1,345 per acre</del> <del>\$36,680 plus \$1,815 per acre</del>
	PRC Plan	<del>\$13,640 plus \$435 per acre</del> <del>\$18,415 plus \$590 per acre</del>
	PRC Plan with Concurrent DPA, PCA, Special Exception, or Special Permit	<del>\$16,375 plus \$435 per acre</del> <del>\$22,105 plus \$590 per acre</del>
PDH, PDC, PRM, PTC, and PCC Districts	Rezoning with Concurrent Conceptual Development Plan	<del>\$27,280 plus \$910 per acre</del> <del>\$36,680 plus \$1,230 per acre</del>
	Rezoning with Concurrent Conceptual and Final Development Plans	<del>\$27,280 plus \$1,345 per acre</del> <del>\$36,680 plus \$1,815 per acre</del>
	Final Development Plan after Prior Approval of Rezoning and Conceptual Development Plan	<del>\$13,640 plus \$435 per acre</del> <del>\$18,415 plus \$590 per acre</del>
<b>AMENDMENTS TO PENDING AND PREVIOUSLY APPROVED APPLICATIONS AND EXTENSIONS OF TIME [4][5]</b>		
<b>Applications for Variance, SP, or SE Approvals</b>		
Extension of Time for a Special Permit or Special Exception Per Subsection 8100.3.D(3) or 8100.4.D(3)		1/8 of Application Fee
Amendment to a Pending Application for a Variance, Special Permit, or Special Exception		1/10 of Application Fee
Amendment to a Previously Approved and Currently Valid Application	Change of Permittee Only (SP)	<del>\$500 or 1/2 of Application Fee, whichever is less</del> <u>The lesser of \$675 or 1/2 of Application Fee</u>
	With No New Construction (Variance, SP, or SE)	1/2 of New Application Fee
	With New Construction (Variance, SP, or SE)	New Application Fee
<b>Applications for Zoning Map and Related Plan Approvals</b>		
Amendment to a Pending Amendment to Zoning Map in all Districts	<del>\$4,545 plus applicable per acre fee for acreage affected by the amendment</del> <u>\$6,135 plus applicable per acre fee for acreage affected by the amendment</u>	
Pending Application for a Final Development Plan or Development Plan Amendment or PRC Plan	<del>\$4,130</del> <u>\$5,575</u>	
Amendments to a Previously Approved Proffered Condition and/or Development	Increase in Fence or Wall Height on a Single-Family Lot	<del>\$435</del> <u>\$590</u>

**TABLE 8102.1: FEE SCHEDULE**

This table includes standard fees related to approvals under the Zoning Ordinance. Additional fees may apply related to review or approval by other County departments or governmental or quasi-governmental agencies, or in accordance with Appendix Q of the County Code.

APPLICATION TYPE		FEE [1]
Plan, Final Development Plan, Conceptual Development Plan, PRC Plan or Concurrent Conceptual/Final Development Plan for:	Increase in Fence or Wall Height on All Other Uses	<del>\$2,500</del> <u>\$3,375</u>
	Reduction of Certain Setback Requirements on a Single-Family Lot	<del>\$910</del> <u>\$1,230</u>
	Reduction of Certain Yard Requirements on All Other Uses	<del>\$8,180</del> <u>\$11,045</u>
	Increase in Coverage Limitation for Minimum Required Rear Setbacks	<del>\$910</del> <u>\$1,230</u>
	The Addition of or Modification to an Independent Living Facility for Low Income Tenants	<del>\$1,100</del> <u>\$1,485</u>
	All Other Uses With New Construction	1/2 of prevailing fee plus applicable per acre fee for acreage affected by the amendment
	All Other Uses Without New Construction	1/2 of prevailing fee
	Deletion of Land Area Only	1/4 of prevailing fee
<b>Deferrals of Public Hearings</b>		
Before the Planning Commission or Board of Supervisors	After Public Notice Has Been Given and that are Related Solely to Affidavit Errors	<del>\$260 plus actual costs of advertising, up to a maximum of \$1,000</del> <u>\$350 plus actual costs of advertising, up to a maximum of \$1,350</u>
<p><b>Notes:</b></p> <p>[1] In calculating fees that based on acreage, any portion of an acre will count as a full acre.</p> <p>[2] When one application is filed by one applicant for (1) two or more Variances on the same lot, or (2) two or more Special Permit uses on the same lot, or (3) two or more Special Exception uses on the same lot, or (4) a combination of two or more Variances or Special Permits on the same lot, only one filing fee will be required, and that fee will be the highest of the fees required for the individual uses included in the application.</p> <p>[3] Applies to a new application or an amendment to a previously approved and currently valid application, with or without new construction.</p> <p>[4] The fee for an amendment to a pending application is only applicable when the amendment request results in a substantial revision, as determined by the Zoning Administrator.</p> <p>[5] For purposes of computing acreage fees, any portion of an acre is counted as an acre.</p>		

**#6 INSTRUCTION:** Add 2.b(4) to Appendix 1 as shown below:

# APPENDIX 1 - PROVISIONS RELATING TO PREVIOUS APPROVALS

**#6 INSTRUCTION:** Add 2.B(4) to Appendix 1 as shown below:

## 2. Specific Provisions Regarding Previous Approvals

### B. Amendments Adopted After May 10, 2023

#### (4) Zoning Application Fees and Planned District Recreational Minimum Expenditure

##### (ZO 112.2-2024-X)

- (a) Any application filed and accepted before *[insert effective date]* is subject to the previous applicable zoning application fee. Any application filed and accepted on or after *[insert effective date]* is subject to the new application fee.
- (b) Any rezoning application or proffered condition amendment application proposing to add dwelling units in the PDH, PDC, PRM, and PTC zoning districts that is filed and accepted before *[insert effective date]* is subject to the previous \$1,900 per dwelling unit minimum expenditure for recreational facilities as set out in sections 2105.2.B(4)(b), 2105.4.B(4)(b), 2105.5.B(4)(b), and 2105.6.B(3)(b). Any rezoning or proffered condition amendment application proposing to add dwelling units that is accepted on or after the effective date is subject to the minimum expenditure for recreational facilities of \$2,400 per dwelling unit.

### ATTACHMENT 3 – JURISDICTIONAL COMPARISON TABLE

The following table provides zoning application fees by application type for nearby jurisdictions:

Application Type	Fairfax Co.	Proposed Fairfax Co. (35%)	Loudoun Co.	Arlington Co.	Prince William Co.	Montgomery Co.	Prince George's Co.
<b>Compliance Letter</b>	\$320	\$430	\$485	\$385	\$100	\$490	\$45
<b>Appeals</b>	\$600	\$720*	\$350	\$645	\$825	\$220	\$200
<b>Special Permit</b> (Community Pool)	\$4,085	\$5,515	\$260	\$2,100	\$55	\$1,640	\$825
<b>Special Permit</b> (Home Day Care)	\$435	\$585	\$350	\$143	\$445	\$490	\$700
<b>Special Exception</b> (Religious Assembly)	\$1,100	\$1,485	\$5,955	NA	\$2,925	NA	NA
<b>Special Exception</b> (Vehicle Fueling Station)	\$16,375	\$22,105	\$10,805	\$9,787	\$11,695	\$16,390	\$5,500
<b>Rezoning (Planned District)</b>	\$27,280	\$36,380	\$35,605	\$16,791	\$15,935	\$7,800	\$5,000
<b>+ per acre</b>	\$910	\$1,230	\$180	NA	\$475	\$700	\$200

Note: Fees rounded to the nearest \$5.

\*Note: \$720 for Appeals represents proposed 20% increase.

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ADMINISTRATIVE - 10

Authorization to Advertise Public Hearings on Proposed Amendments to Appendix Q (Land Development Services Fee Schedule) of the Code of the County of Fairfax, Virginia (County Code) Regarding Adjustment of the Fees Charged by Land Development Services for Plan Review, Permits, and Inspection Services

ISSUE:

Board of Supervisors (Board) authorization to advertise public hearings on a proposed amendment to Appendix Q (Land Development Services Fee Schedule) of County Code to adjust the fees charged by the county for plan review, permits, and inspection services to meet the Board's direction for approximately 100% cost recovery through plan review, permits and inspection fee revenue. Adjustments to Appendix Q will also cover enhancements for customer service.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed amendments as set forth in the Staff Report dated March 5, 2024.

The proposed amendment has been prepared by LDS in coordination with the Department of Management and Budget and the Office of the County Attorney.

TIMING:

Board action is requested on March 5, 2024, to provide sufficient time to advertise the Planning Commission Public Hearing on April 3, 2024, at 7:30 p.m., and the Board Public Hearing on April 16, 2024, at 3:00 p.m. If adopted by the Board, the amendment will become effective at 12:01 a.m. on July 1, 2024.

BACKGROUND:

The Department of Land Development Services (LDS) proposes to adjust the LDS Fee Schedule for plan review, permits, and inspection services. The last comprehensive increase in LDS fees occurred in January 2015. At that time, the Board approved a 20% increase to most LDS fees to support initiatives to enhance the timeliness, quality, and customer-centric focus of the regulatory review process. Some fees were left unchanged as they were deemed sufficient to cover the actual costs of providing services.



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Since the last fee adjustment in FY 2015, LDS has added 62 new merit positions, a 22.8% increase in staffing (272 positions to 334). These new positions are directly dedicated to supporting permit issuance operations and ongoing efforts to enhance and streamline the permit application process. Additionally, as reflected in the County Executive's FY 2025 Advertised Budget Plan, the total LDS expenditures in FY 2025 are projected to be \$55.3 million, an increase of \$21.5 million compared to budgeted expenditures in FY 2016. These figures indicate a substantial growth equivalent to an increase of 63.6%.

Increased expenditures include:

- Market Rate Adjustments (MRA)
- Performance-based increases
- Benchmark salary increases for certain positions
- Fringe benefits costs (e.g., retirement and health insurance)
- IT costs related to the PLUS system (PLUS positions and licenses)
- Operating Expense costs due to inflation including contract rate increases

LDS conducted two regional fee studies from 2018-2021 benchmarking against neighboring jurisdictions, and prepared a comprehensive fee increase request. The analysis scrutinized fees for comparable projects in neighboring jurisdictions, including Arlington, Fairfax, Loudoun, Prince William, and Stafford counties. The study found significant differences in building fees among neighboring jurisdictions, with Fairfax positioned on the lower end of the spectrum.

As of FY 2023, LDS is no longer under the umbrella of the General Fund. The majority of the expenditures associated with the mission of the agency are included in an independent Special Revenue Fund. This allows for enhanced transparency to show that expenditures and revenue align. However, the full burden of costs not included in the independent fund but tied to the mission of the agency include, but are not limited to: code enforcement efforts performed in the Department of Code Compliance, application review by Zoning Administration in the Department of Planning and Development, rent and utilities for the space occupied by LDS, as well as central services supporting the agency. The cost burden for these direct and indirect services is borne by the General Fund.

As noted at the time of the transition to the Special Revenue Fund, the newly established fund is intended to provide an accounting mechanism to reflect all revenues and expenditures assigned to the fund for LDS activities in a dedicated fund fully paid for by the fees and charges assessed by LDS. At the same time, while expenditures have continued to increase due to new positions, funded employee compensation increases, and inflationary increases across the board, revenue collection is trending downward. Revenue generated from current fees only recovers approximately 76.5% of

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LDS fee-related departmental costs within the Special Revenue Fund. To ensure that the LDS Special Revenue Fund is sustainable and self-supporting for the costs allocated to the fund, a fee increase effective for FY 2025 is recommended. The anticipated revenue growth created by the proposed fee increases is anticipated to restore the percentage to approximately 100% cost recovery of expenses assigned to the Special Revenue Fund.

In 2023, LDS entered a partnership with a consultant to conduct a thorough examination of existing fees in comparison to the corresponding level of effort. Initial findings from the consultant reveal that Fairfax imposes significantly lower fees for commercial (approximately 25% of the average) and residential (approximately 25% of the average) new construction building permits compared to its peer jurisdictions. Additionally, the consultant conducted an analysis of the Technology Surcharge Fee, which is currently set at 4%. The findings indicate that other comparable jurisdictions impose surcharges ranging from 10% to 14%. The consultant continues to work through their analysis. Once complete in FY 2025, LDS will propose further adjustments to the Appendix Q fee schedule to align fee revenue with task expenditures.

The proposed adjustments will assist LDS in efforts to improve the timeliness, quality, and customer focus of the regulatory review process, conduct ongoing staff training, and enhance the new PLUS platform, as well as maximize cost recovery. The proposed fee increase encompasses a 25% increase in all building fees, a 10% increase in all site fees, a 6-percentage point increase in the technology surcharge fee rate, and an additional 2% fee on all building and trade permits to support code academy operations, as required by the Virginia Uniform Statewide Building Code. LDS believes all proposed fee changes are fair, necessary, and reasonable to comply with the requirements of an independent Special Revenue Fund.

Moving forward, LDS intends to implement annual increases in fees based on agency-specific cost pressures to provide permit, plan review and inspection services. Such pressures could include county-wide salary increases (e.g., market rate adjustments, average performance-based increases, pay compression and benchmarking initiatives) as well as specific operating expenditure increases. The Board and public will have an opportunity to consider these changes through normal public hearings.

PROPOSED AMENDMENTS:

The proposed amendments to the Appendix Q of the County Code the following elements:

1. Increase the Technology Surcharge fee, applicable to all fees, from 4% to 10%. This adjustment seeks to ensure sufficient funding for PLUS IT staff, PLUS

licenses, and essential technical staff resources. This adjustment focuses on continuous improvements to PLUS and the overall customer experience.

2. Institute a 2% code academy surcharge on all building and trade permit fees. According to *Section §36-137(7) of the Virginia Code*, each local building department is required to either transmit a levy of 2% of all building and trade permit fees collected or allocate 2% of building and trade permit revenue to support local code academy training efforts. Over the last three decades, Fairfax County has chosen to manage its own local code academy. These funds are utilized to ensure that building code staff receive regular training and updates on building code requirements and changes.

Historically, LDS has funded code academy expenditures from the existing fee structure. LDS proposes to implement a separate 2% code academy fee and set aside the revenue generated specifically to cover code academy expenditures in the future.

3. Increase building fees (excluding Vertical Transportation permit fees) by 25%. This adjustment attempts to accommodate increased compensation and fringe benefit costs, as well as new merit and non-merit staff in the Building Division and the Customer and Technical Support Center, which handles permit operations. It should be noted that there has been a 31.94% funded employee compensation increase for all existing building staff since fees were last increased in FY 2015.
4. Increase all site fees by 10%. This adjustment is intended to address site-related contract staff and the associated commensurate increases in compensation and fringe benefit costs, as well as new merit and non-merit staff in the site division and the customer and technical support center, which handles permit operations. It should be noted that there has been a 31.94% funded employee compensation increase for all existing building staff since fees were last increased in FY 2015.
5. Remove the following fees, which are no longer used:
  - Digitization fee
  - Substitution fee
  - Recycling fee
  - Radiation, fall out or blast shelter
6. Add a specific fee for Pedestrian Bridges, which clarifies the permitting fees regarding these structures and aligns with staff effort. Previously, these fees were based on the area of bridge decking which significantly over estimated staff effort to review and inspect these structures.

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7. Added a fee for Signature Set Review Cycle for site-related plan submissions wherein such minor changes affecting more than five but less than 21 sheets (six to 20 plan sheets) of the plan set. This provides customers a predictable option to avoid a full resubmission fee. Signature Set Review Cycles affecting five or less sheets will not carry a separate fee.
8. Added a fee for Minor Revisions. This provides customers a predictable option to avoid a full revision fee for minor amendments to an approved site-related plan type.

Additionally, there are proposed restructuring changes to Appendix Q to simplify the fee structure, align the language with the PLUS platform, and enhance clarity for residents as well as minor editorial changes to address code reference changes in related state codes.

The proposed amendment is attached to the Staff Report.

EQUITY IMPACT:

Plan review and permit fees are consistently applied to all applications as determined by the scope of the project. However, LDS recognizes the diverse needs of its customers and provides various programs and services to cater to those with unique requirements.

LDS implemented heightened staffing levels to provide thorough in-person customer support, particularly in response to the transition to an all-online platform. This strategic move aims to enhance the customer experience during the shift to online services. The Customer Experience Team is now equipped to provide assistance during business hours, aiding with plan and permit submissions and facilitating inspection scheduling. This initiative aims to enhance the quality and accessibility of customer support services and the requested fees ensure continued high-quality services.

To further enhance the customer experience, a new customer service center is currently in the design phase on the first floor of the Herrity Building, with an anticipated completion date in late 2025. The center will co-locate customer service representatives from various agencies. This initiative is designed to offer a more user-friendly environment for customers, allowing them to visit staff in-person and find answers to all their development-related questions in one centralized location.

In alignment with the principle of equity, the proposed fee increases were also applied in a fair and equitable manner, considering the costs associated with delivering services for the respective business areas. LDS staff remains committed to translating forms and videos into a variety of languages, ensuring accessibility for a diverse audience. Additionally, a coordinator dedicated to nonprofits and religious use continues to provide

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extra support for customers representing non-profit organizations or places of worship. These efforts enhance inclusivity and cater to the unique needs of different community members.

REGULATORY IMPACT:

The proposed amendment updates Appendix Q of the Code to ensure compliance with state and local construction-related regulations.

Attachment 1 includes the proposed fee changes to Appendix Q.

FISCAL IMPACT:

If adopted by the Board, the recommended fee changes are anticipated to generate increased revenue of approximately \$11.8 million in FY 2025. This includes \$8.3 million in incremental building and site revenue and \$3.5 million from technology surcharge fees. This estimate is based on actual FY 2023 revenue, year-to-date revenue collection trends in FY 2024 and assumes a consistent workload in FY 2025. Any reduction in plan and permit activity could have a negative impact on the projected revenue. LDS will work closely with the Department of Management and Budget to monitor these trends. The additional revenue is reflected in the County Executive's FY 2025 Advertised Budget Plan.

If adopted by the Board, it is anticipated that the proposed fee adjustments will be needed to support the expenditure appropriations for LDS in FY 2025, including additional costs associated with PLUS licenses and PLUS system improvements. Without a fee increase, incorporating these additional expenses will necessitate support from the General Fund.

ENCLOSED DOCUMENTS:

Attachment I – Staff Report dated March 5, 2024, included is Attachment A (Amendment to Appendix Q - LDS Fee Schedule)

STAFF:

Rachel Flynn, Deputy County Executive  
Philip Hagen, Director, Department of Management and Budget  
William D. Hicks, P.E., Director, Land Development Services (LDS)  
Desiree Roberts, Manager, Financial Management Branch, LDS

ASSIGNED COUNSEL:

Patrick Foltz, Assistant County Attorney

LAND DEVELOPMENT SERVICES  
March 5, 2024

# STAFF REPORT

PREPARED BY PERMITTING AND CODE ADMINISTRATION

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- PROPOSED COUNTY CODE AMENDMENT
- PROPOSED PFM AMENDMENT
- PROPOSED ZONING ORDINANCE AMENDMENT
- APPEAL OF DECISION
- WAIVER REQUEST

Proposed Amendments to Appendix Q (Land Development Services Fee Schedule) of the *Code of the County of Fairfax, Virginia* (County Code) Regarding Adjustment of the Fees Charged by Land Development Services for Plan Review, Permits, and Inspection Services.

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Authorization to Advertise:	<u>March 5, 2024</u>
Planning Commission Hearing:	<u>April 3, 2024</u>
Board of Supervisors Hearing:	<u>April 16, 2024 at 3:00 p.m.</u>
Source:	Department of Land Development Services
Prepared By:	Desiree Roberts, Chief Finance and Human Resource Officer (703) 324-7888

## **STAFF REPORT**

### **ISSUE**

Board of Supervisors (Board) to adopt proposed amendments to Appendix Q (Land Development Services Fee Schedule) of the County Code to adjust the fees charged by the county for plan review, permits, and inspection services to meet the Board's direction for approximately 100% cost recovery through plan review, permits and inspection fee revenue. Adjustments to Appendix Q will also cover enhancements for customer service.

### **RECOMMENDED ACTION**

Staff recommends that the Board of Supervisors adopt the proposed amendments to Appendix Q of the County Code. Edits are shown by underlining for added text and strikethrough for deleted text.

### **COORDINATION**

The proposed amendments were prepared by the Department of Land Development Services and coordinated with the Department of Management and Budget and the Office of the County Attorney.

### **Discussion**

The Department of Land Development Services (LDS) proposes to adjust the LDS Fee Schedule for plan review, permits, and inspection services. The last comprehensive increase in LDS fees occurred in January 2015. At that time, the Board approved a 20% increase to most LDS fees to support initiatives to enhance the timeliness, quality, and customer-centric focus of the regulatory review process. Some fees were left unchanged as they were deemed sufficient to cover the actual costs of providing services.

Since the last fee adjustment in FY 2015, LDS has added 62 new merit positions, a 22.8% increase in staffing (272 positions to 334). These new positions are directly dedicated to supporting permit issuance operations and ongoing efforts to enhance and streamline the permit application process. Additionally, as reflected in the County Executive's FY 2025 Advertised Budget Plan, the total LDS expenditures in FY 2025 are projected to be \$55.3 million, an increase of \$21.5 million compared to budgeted expenditures in FY 2016. These figures indicate a substantial growth equivalent to an increase of 63.6%.

Increased expenditures include:

- Market Rate Adjustments (MRA)
- Performance-based increases

- Benchmark salary increases for certain positions
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- Operating Expense costs due to inflation including contract rate increases

LDS conducted two regional fee studies from 2018-2021 benchmarking against neighboring jurisdictions, and prepared a comprehensive fee increase request. The analysis scrutinized fees for comparable projects in neighboring jurisdictions, including Arlington, Fairfax, Loudoun, Prince William, and Stafford counties. The study found significant differences in building fees among neighboring jurisdictions, with Fairfax positioned on the lower end of the spectrum.

As of FY 2023, LDS is no longer under the umbrella of the General Fund. The majority of the expenditures associated with the mission of the agency are included in an independent Special Revenue Fund. This allows for enhanced transparency to show that expenditures and revenue align. However, the full burden of costs not included in the independent fund but tied to the mission of the agency include, but are not limited to: code enforcement efforts performed in the Department of Code Compliance, application review by Zoning Administration in the Department of Planning and Development, rent and utilities for the space occupied by LDS, as well as central services supporting the agency. The cost burden for these direct and indirect services is borne by the General Fund.

As noted at the time of the transition to the Special Revenue Fund, the newly established fund is intended to provide an accounting mechanism to reflect all revenues and expenditures assigned to the fund for LDS activities in a dedicated fund fully paid for by the fees and charges assessed by LDS. At the same time, while expenditures have continued to increase due to new positions, funded employee compensation increases, and inflationary increases across the board, revenue collection is trending downward. Revenue generated from current fees only recovers approximately 76.5% of LDS fee-related departmental costs within the Special Revenue Fund. To ensure that the LDS Special Revenue Fund is sustainable and self-supporting for the costs allocated to the fund, a fee increase effective for FY 2025 is recommended. The anticipated revenue growth created by the proposed fee increases is anticipated to restore the percentage to approximately 100% cost recovery of expenses assigned to the Special Revenue Fund.

In 2023, LDS entered a partnership with a consultant to conduct a thorough examination of existing fees in comparison to the corresponding level of effort. Initial findings from the consultant reveal that Fairfax imposes significantly lower fees for commercial (approximately 25% of the average) and residential (approximately 25% of the average) new construction building permits compared to its peer jurisdictions. Additionally, the consultant conducted an analysis of the Technology Surcharge Fee, which is currently



set at 4%. The findings indicate that other comparable jurisdictions impose surcharges ranging from 10% to 14%. The consultant continues to work through their analysis. Once complete in FY 2025, LDS will propose further adjustments to the Appendix Q fee schedule to align fee revenue with task expenditures.

The proposed adjustments will assist LDS in efforts to improve the timeliness, quality, and customer focus of the regulatory review process, conduct ongoing staff training, and enhance the new PLUS platform, as well as maximize cost recovery. The proposed fee increase encompasses a 25% increase in all building fees, a 10% increase in all site fees, a 6-percentage point increase in the technology surcharge fee rate, and an additional 2% fee on all building and trade permits to support code academy operations, as required by the *Virginia Uniform Statewide Building Code*. LDS believes all proposed fee changes are fair, necessary, and reasonable to comply with the requirements of an independent Special Revenue Fund.

Moving forward, LDS intends to implement annual increases in fees based on agency-specific cost pressures to provide permit, plan review and inspection services. Such pressures could include county-wide salary increases (e.g., market rate adjustments, average performance-based increases, pay compression and benchmarking initiatives) as well as specific operating expenditure increases. The Board and public will have an opportunity to consider these changes through normal public hearings.

## PROPOSED AMENDMENTS

The proposed amendments to the Appendix Q of the County Code include the following elements:

1. Increase the Technology Surcharge fee, applicable to all fees, from 4% to 10%. This adjustment seeks to ensure sufficient funding for PLUS IT staff, PLUS licenses, and essential technical staff resources. This adjustment focuses on continuous improvements to PLUS and the overall customer experience.
2. Institute a 2% code academy surcharge on all building and trade permit fees. According to Section §36-137(7) of the Virginia Code, each local building department is required to either transmit a levy of 2% of all building and trade permit fees collected or allocate 2% of building and trade permit revenue to support local code academy training efforts. Over the last three decades, Fairfax County has chosen to manage its own local code academy. These funds are utilized to ensure that building code staff receive regular training and updates on building code requirements and changes.

Historically, LDS has funded code academy expenditures from the existing fee structure. LDS proposes to implement a separate 2% code academy fee and set

aside the revenue generated specifically to cover code academy expenditures in the future.

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5. Remove the following fees, which are no longer used:
  - Digitization fee
  - Substitution fee
  - Recycling fee
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6. Add a specific fee for Pedestrian Bridges, which clarifies the permitting fees regarding these structures and aligns with staff effort. Previously, these fees were based on the area of bridge decking which significantly over estimated staff effort to review and inspect these structures.
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8. Added a fee for Minor Revisions. This provides customers a predictable option to avoid a full revision fee for minor amendments to an approved site-related plan types.

Additionally, there are proposed restructuring changes to Appendix Q to simplify the fee structure, align the language with the PLUS platform, and enhance clarity for residents as well as minor editorial changes to address code reference changes in related state codes.

## **EQUITY IMPACT**

Plan review and permit fees are consistently applied to all applications as determined by the scope of the project. However, LDS recognizes the diverse needs of its customers and provides various programs and services to cater to those with unique requirements.

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In alignment with the principle of equity, the proposed fee increases were also applied in a fair and equitable manner, considering the costs associated with delivering services for the respective business areas. LDS staff remains committed to translating forms and videos into a variety of languages, ensuring accessibility for a diverse audience. Additionally, a coordinator dedicated to nonprofits and religious use continues to provide extra support for customers representing non-profit organizations or places of worship. These efforts enhance inclusivity and cater to the unique needs of different community members.

## **REGULATORY IMPACT**

The proposed amendment updates Appendix Q of the Code to ensure compliance with state and local construction-related regulations.

Attachment 1 includes the proposed fee changes to Appendix Q.

**FISCAL IMPACT**

If adopted by the Board, the recommended fee changes are anticipated to generate increased revenue of approximately \$11.8 million in FY 2025. This includes \$8.3 million in incremental building and site revenue and \$3.5 million from technology surcharge fees. This estimate is based on actual FY 2023 revenue, year-to-date revenue collection trends in FY 2024 and assumes a consistent workload in FY 2025. Any reduction in plan and permit activity could have a negative impact on the projected revenue. LDS will work closely with the Department of Management and Budget to monitor these trends. The additional revenue is reflected in the County Executive's FY 2025 Advertised Budget Plan.

If adopted by the Board, it is anticipated that the proposed fee adjustments will be needed to support the expenditure appropriations for LDS in FY 2025, including additional costs associated with PLUS licenses and PLUS system improvements. Without a fee increase, incorporating these additional expenses will necessitate support from the General Fund.

**ATTACHED DOCUMENTS**

Attachment 1– Amendment to Appendix Q (LDS Fee Schedule)

**Proposed Amendment to  
Appendix Q (Land Development Services Fee Schedule) of  
The Code of the County of Fairfax, Virginia**

**Amend Appendix Q where insertions are underlined and deletions are stricken, to read as follows. Amend Table of Contents, by adding the page numbers upon adoption.**

**This proposed amendment is based on the Appendix Q in effect as of January 1, 2024, and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.**

**Appendix Q - Land Development Services Fee Schedule**

This fee schedule establishes the fees charged, by Land Development Services and the Fire Marshal, for building and site development activities pursuant to the authority granted by §§ 15.2-2241(A)(9), 15.2-2286(A)(6), ~~62.1-44.15:54(J), 62.1-44.15:27(H)(4), 36-98.3, 36-105, 62.1-44.15:28(A) and 62.1-44.15:28(9), 62.1-44.15:29~~ of the Code of Virginia and Chapters 2 (Property Under County Control), 61 (Building Provisions), 64 (Mechanical Provisions), 65 (Plumbing and Gas Provisions), 66 (Electrical Provisions), 101 (Subdivision Ordinance), 104 (Erosion and Sediment Control Ordinance), 112.1 (Zoning Ordinance), and 124 (Stormwater Management Ordinance) of the Code of the County of Fairfax, Virginia (the Code).

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### I. BUILDING DEVELOPMENT FEES

The following building development fees to cover the cost of reviewing plans, issuing permits, performing inspections, licensing, home improvement contractors and other expenses incidental to the enforcement of the Uniform Statewide Building Code, (USBC) and Chapters 61, 64, 65 and 66 of the Code are hereby adopted:

#### A: STANDARD FEES

Listed below are standard fees that apply to building, mechanical, electrical, plumbing, fire alarm, fire suppression and fire lane permits. The fees shall apply provided all of the applicable conditions set forth in § 61-1-3 of the Code are met.

1. Base fee: The minimum fee charged for any permit. (Ch. 61-1-3 (d)1) A reduced fee shall will apply as noted below.	<del>\$108.00</del> <u>135.00</u>
2. Reduced fees:	
• Multiple permits, per unit (Ch. 61-1-3(d)2a)	<del>\$36.00</del> <u>45.00</u>
• Fee for permits requiring no inspections (Ch. 61-1-3(d)2b)	<del>\$36.00</del> <u>45.00</u>
• Casualty Permits (Ch. 61-1-3(d)2c)	\$0.00
3. After-hours time-specific inspection fee for each 30-minute period or fraction thereof (Ch. 61-1-3(d)4)	<del>\$241.00</del> <u>301.00</u>
4. Amendment of permit (Ch. 61-1-3(d)5) The fee shall be the fee for any equipment added or the fee for any additional work involved, whichever fee is greater. In no case shall the fee be less than:	<del>\$36.00</del> <u>45.00</u>
5. Annual permit fee (Ch. 61-1-3(d)7) Same as Base Fee	<del>\$108.00</del> <u>135.00</u>
6. Asbestos removal/abatement (Ch. 61-1-3(d)8) Same as Base Fee	<del>\$108.00</del> <u>135.00</u>
7. Re-inspection fee (Ch. 61-1-3(d)18) Same as Base Fee	<del>\$108.00</del> <u>135.00</u>
8. Modular residential units, including manufactured homes (Ch. 61-1-3(d)14) Percentage of the regular permit fee	50.00%
9. Permit extensions: Permit authorizing construction of:	
• Interior alteration to an existing building	<del>\$36.00</del> <u>45.00</u>
• An addition(s) or exterior alteration(s) to an existing residential structure (R-3, R-4 and R-5 construction)	<del>\$36.00</del> <u>45.00</u>
• An accessory structure(s) on a residential property (R-3, R-4 and R-5 construction)	<del>\$36.00</del> <u>45.00</u>
• A new structure (other than noted above)	<del>\$241.00</del> <u>301.00</u>

• An addition(s) to a non-residential structure	\$241.00 <u>301.00</u>
<del>10. Radiation, fallout or blast shelter</del>	<del>\$0.00</del>
4410. Solar Energy (Ch. 61-1-3(d)23)	\$0.00
4211. Maximum Occupancy Load Posting	\$156.00 <u>195.00</u>
<u>12. Code Academy levy – collected for all building development fees in Section I-A, B, C, D, E, F, G, I, J</u>	<u>2.0%</u>
13. Electric Vehicle Charging Equipment	\$0.00

*This provision will expire eighteen (18) months from the effective date of this provision, unless the Board of Supervisors expressly authorizes its continuation by an appropriate amendment to this Article.*

### B: BUILDING PERMIT AND OTHER FEES

(A) *New Buildings, Additions or Enlargements*: The fee for the construction of a new building, an addition or an enlargement shall be based on the area (as determined by the exterior dimension) of all floors, including basements or cellars and horizontally projected roof areas, for the following types of construction as defined in the USBC in effect, and specified in Table I below.

**TABLE 1**

#### Residential Fees

• Type IA, and IB, per square foot	\$0.216 <u>0.270</u>
• Type IIA, IIIA and IV, per square foot	\$0.169 <u>0.211</u>
• Type IIB, IIIB and VA, <u>VB</u> per square foot	\$0.114 <u>0.143</u>
<del>• Type VB, per square foot</del>	<del>\$0.114</del>

#### Commercial Fee

• Type IA, and IB, per square foot	\$0.216 <u>0.270</u>
• Type IIA, <u>IIB</u> , IIIA, <u>IIIB</u> , and IV, <u>VA</u> and <u>VB</u> per square foot	\$0.169 <u>0.211</u>
<del>• Type IIB, IIIB and VA, per square foot</del>	<del>\$0.169</del>
<del>• Type VB, per square foot</del>	<del>\$0.169</del>

(B) *Plan Resubmissions*: A fee per plan review discipline (i.e., building, electrical, mechanical or plumbing) will be assessed for each resubmission of plans.

• For all new commercial buildings and additions to existing commercial buildings	\$204.00 <u>255.00</u>
• For all new residential buildings and additions <u>and alterations</u> to existing residential buildings	
Same as Base Fee	\$108.00 <u>135.00</u>
• For each resubmission of plans for alterations to existing commercial buildings	
Same as Base Fee	\$108.00 <u>135.00</u>

(C) *Countywide Master File Review*: A fee per plan review discipline (i.e., building, electrical, mechanical or plumbing) will be assessed at the time of the initial permit application. When based on an approved Masterfile, fees shall be based on Table 1.

\$216.00 270.00

(D) *New Structure*: The fee for erection or installation of structures other than buildings (e.g., signs and canopies)

- For structures accessory to R-3, R-4 and R-5 construction  
Percentage of the estimated cost of construction 2.40 3.00%  
(The permittee must provide verifiable detail of the cost of construction.)
  - For other structures  
Percentage of the estimated cost of construction 4.40 5.13%  
(The permittee must provide verifiable detail of the cost of construction.)
- (E) *Basement Finishing:* (R-3, R-4 and R-5 construction)
- Same as Base Fee \$108.00 135.00
- (F) *Demolition:* (Ch. 61-1-3(d)9)
- Entire Structure: The fee for a permit to demolish a structure  
Same as Base Fee \$108.00 135.00
  - Partial Demolition for renovation: The fee for a permit to partially demolish a structure in preparation for renovation  
Percentage of estimated cost of demolition 2.40 3.00%  
(The permittee must provide verifiable detail of the cost of construction.)
- (G) *Filing Fees for Permit Application and Plans Examination* (does not apply to Fire Prevention Division fees for fire alarm, fire suppression and fire lane permits): To allow for permit application processing and plan examination in the event a building permit is not issued, the following fees shall be paid prior to plan review for such a permit.
- For ~~non-walk-through~~ all single-family residential projects-(new and repairs/remodels)  
Percentage of the permit fee 50.00%
  - For all commercial work, apartment buildings, garden apartments,  
and high-rise residential buildings  
Percentage of the permit fee 35.00%
  - For ~~walk-through~~ fast-track residential projects  
Percentage of the permit fee 100.00%
- ~~(H) Home Improvements: See applicable fees for new buildings, additions, enlargements, repairs and alterations.~~
- (H) *Modular Furniture:* The fee for the installation of modular furniture per floor or portion thereof when:
- The estimated cost of construction is \$10,000 or more \$440.00 513.00  
(The permittee must provide verifiable detail of the cost of construction.)
  - The estimated cost of construction is less than \$10,000  
Percentage of the estimated cost of construction 4.40 5.13%  
with a minimum fee of \$205.00 256.00  
(The permittee must provide verifiable detail of the cost of construction.)
- (J) *Partitions (metal studs only):* (Ch. 61-1-3(d)16)
- Same as base fee \$108.00 135.00
- (K) *Removal and Relocation:* (Ch. 61-1-3(d)20) The fee shall be based on a percentage of the cost of moving, plus a percentage of the cost of all work necessary to place the building or structure in its completed condition in the new location.
- Percentage of the cost of moving plus 2.40 3.00%  
Percentage of the cost of construction 2.40 3.00%  
(The permittee must provide verifiable detail of the cost of moving and cost of construction.)
- (L) *Repairs and Alterations:* The fees for repairs and alterations of any building or structure where there is no addition or enlargement:
- For commercial work, including tenant fit outs



Percentage of the estimated cost of construction 4.40 5.13%  
 (The permittee must provide verifiable detail of the cost of construction.)

- For residential work (R-3, R-4 and R-5 construction) roof repairs, new roof structures, re-siding  
 Percentage of the estimated cost of construction 2.40 3.00%  
 (The permittee must provide verifiable detail of the cost of construction.)

(ML) *Retaining Walls*: The fee for installation and repair of a retaining wall:

- Retaining walls reviewed/inspected under the International Building Code (generally commercial or multi-family)  
 Percentage of the estimated cost of construction 4.40 5.13%
- Retaining walls reviewed/inspected under the International Residential Code (generally single-family detached dwellings)  
 Percentage of the estimated cost of construction. 2.40 3.00%  
 (The permittee must provide verifiable detail of the cost of construction.)

~~(N) *Roof Repairs, New Roof Structures, Re-siding*: Fees for repairs and alterations apply.~~

(OM) *Swimming Pool*: The fee for a building permit to construct a swimming pool. \$246.00 270.00

(PN) *Temporary Structures*: (Ch. 61-1-3(d)26)

- Same as Base Fee \$408.00 135.00

(QO) *Tenant alterations and Layouts*: (Ch. 61-1-3(d)25)

- Except for those tenant layouts shown on the originally approved plans for a new building, separate building permits shall be required for each tenant layout. The fee shall be based on a percentage of the estimated cost of construction.  
 Percentage of the estimated cost of construction 4.40 5.13%
- The permittee must provide verifiable detail of the cost of construction.  
 In no case, shall the permit fee be less than: \$440.00 513.00
- Fee per plan review discipline for each submission of plans for alterations to existing commercial buildings  
 Same as Base Fee \$408.00 135.00

(RP) *Home Improvement Contractor License Fees*: (Ch. 61-3)

All contractor application and license fees are charged per individual for a sole proprietorship, per general partner for a partnership, or per corporate officer for a corporation.

- Application processing fee \$403.00 129.00
- Fee of license issuance \$64.00 80.00
- Fee to renew expired license, in addition to license renewal fee\* \$61.00 76.00
- Fee to renew license \$85.00 106.00
- ~~Fee to maintain license in inactive state \$30.00~~

\*The fee to renew expired license. The Building Official or his designee has the authority to waive the penalty fee when the failure to renew a license is due to circumstances beyond the control of the licensee.

(Q) *Pedestrian Bridges*:

Pedestrian bridges constructed outside of VDOT right-of-way, where there is no approved masterfile: \$4,200.00

Permits based on masterfiles shall be subject to Table 1.

**C: MECHANICAL PERMIT FEES**

(A) *Mechanical Equipment Installation Fees:*

1. The permit fee for installation, repair, or replacement of all mechanical equipment installed in buildings other than buildings in the R-3 or R-5 use groups. This fee is in addition to the fees listed below in this section.

Percentage of the contract value less the value of listed equipment 4.0 1.25%  
 (The permittee must provide verifiable detail of the cost of construction and total contract value.)

2. New Residential Mechanical (For New Dwelling Units in R-2, R-3, R-4, and R-5 Use Groups): Fees for the initial installation of equipment listed on the mechanical permit application that includes the HVAC equipment for the dwelling.

• 1 New Zone	Base Fee
• 2 New Zones	<del>\$211.00</del> <u>264.00</u>
• 3 New Zones	<del>\$317.00</del> <u>396.00</u>
• 4 New Zones	<del>\$422.00</del> <u>527.00</u>
• 5 or more New Zones	<del>\$528.00</del> <u>660.00</u>

3. Mechanical Residential HVAC Equipment Installation Fees (For Gas Fixtures in Addition to New HVAC Equipment):

The total permit fee is based on the level in which the permittee's total number of fixtures being installed falls:

• Level One (1-7 Fixtures)	Base Fee
• Level Two (8-12 Fixtures)	<del>\$137.00</del> <u>171.00</u>
• Level Three (13-17 Fixtures)	<del>\$180.00</del> <u>225.00</u>
• Level Four (18-22 Fixtures)	<del>\$224.00</del> <u>280.00</u>
• Level Five (Over 22 Fixtures)	<del>\$267.00</del> <u>334.00</u>

4. Mechanical Commercial HVAC Equipment Installation Fees:

The total permit fee is based on the level in which the permittee's total number of fixtures being installed falls:

• Level One (1-7 Fixtures)	Base Fee
• Level Two (8-12 Fixtures)	<del>\$211.00</del> <u>264.00</u>
• Level Three (13-17 Fixtures)	<del>\$317.00</del> <u>396.00</u>
• Level Four (18-22 Fixtures)	<del>\$422.00</del> <u>527.00</u>
• Level Five (23-27 Fixtures)	<del>\$528.00</del> <u>660.00</u>
• Level Six (28-32 Fixtures)	<del>\$633.00</del> <u>791.00</u>
• Level Seven (33-37 Fixtures)	<del>\$738.00</del> <u>923.00</u>
• Level Eight (38-42 Fixtures)	<del>\$844.00</del> <u>1055.00</u>
• Level Nine (43-47 Fixtures)	<del>\$950.00</del> <u>1188.00</u>
• Level Ten (48-52 Fixtures)	<del>\$1055.00</del> <u>1319.00</u>
• Level Eleven (53-57 Fixtures)	<del>\$1161.00</del> <u>1451.00</u>
• Level Twelve (58-62 Fixtures)	<del>\$1266.00</del> <u>1589.00</u>
• Level Thirteen (63-67 Fixtures)	<del>\$1372.00</del> <u>1715.00</u>
• Level Fourteen (68-72 Fixtures)	<del>\$1478.00</del> <u>1848.00</u>
• Level Fifteen (Over 72 Fixtures)	<del>\$1583.00</del> <u>1979.00</u>

5. Mechanical Commercial Miscellaneous Equipment Installation Fees:

The total permit fee is based on the level in which the permittee's total number of fixtures being installed falls:

• Level One (1-5 Fixtures)	Base Fee
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• Level Two (6-20 Fixtures)	<del>\$190.00</del> 238.00
• Level Three (21-35 Fixtures)	<del>\$340.00</del> 452.00
• Level Four (36-50 Fixtures)	<del>\$490.00</del> 613.00
• Level Five (51-65 Fixtures)	<del>\$640.00</del> 800.00
• Level Six (66-80 Fixtures)	<del>\$790.00</del> 989.00
• Level Seven (81-95 Fixtures)	<del>\$940.00</del> 1175.00
• Level Eight (96-110 Fixtures)	<del>\$1090.00</del> 1363.00
• Level Nine (111-125 Fixtures)	<del>\$1240.00</del> 1550.00
• Level Ten (126-140 Fixtures)	<del>\$1390.00</del> 1738.00
• Level Eleven (141-155 Fixtures)	<del>\$1540.00</del> 1925.00
• Level Twelve (156-170 Fixtures)	<del>\$1690.00</del> 2113.00
• Level Thirteen (171-185 Fixtures)	<del>\$1840.00</del> 2300.00
• Level Fourteen (186-200 Fixtures)	<del>\$1990.00</del> 2488.00
• Level Fifteen (Over 200 Fixtures)	<del>\$2140.00</del> 2675.00

(B) Piping of Equipment: Base Fee

(C) Ductwork: Base Fee

**D: ELECTRICAL PERMIT FEES**

(A) Electrical Equipment Installation Fees:

1. The permit fee for installation, repair, or replacement of all electrical equipment installed in buildings other than buildings in the R-3 or R-5 use groups. This fee is in addition to the fees listed below in this section.

Percentage of the contract value less the value of listed equipment 1-0 1.25%  
 (The permittee must provide verifiable detail of the cost of construction and total contract value.)

2. New Residential Electrical Installation Fees:

Fees for the initial construction of new dwelling units in R-2, R-3, R-4 and R-5 use groups. The fees include the initial installation of equipment listed on the electrical permit application that includes the main electrical service for the dwelling unit. Any equipment installed pursuant to other electrical permit applications shall be charged in accordance with the fees prescribed in Sections 2, 3, 4, 5, 6 and 7 below.

• 0-149 Amps	<del>\$273.00</del> 341.00
• 150-399 Amps	<del>\$302.00</del> 378.00
• 400-599 Amps	<del>\$343.00</del> 429.00
• 600-799 Amps	<del>\$372.00</del> 465.00
• More than 799 Amps	<del>\$475.00</del> 594.00

3. Residential Addition/Alteration Electrical Installation Fees:

The total permit fee is based on total number of fixtures, circuits, equipment:

• Level One (1-100 fixtures, circuits, equipment)	Base Fee
• Level Two (101-125 fixtures, circuits, equipment)	<del>\$117.00</del> 146.00
• Level Three (126-150 fixtures, circuits, equipment)	<del>\$145.00</del> 181.00
• Level Four (151-175 fixtures, circuits, equipment)	<del>\$173.00</del> 216.00
• Level Five (Over 175 fixtures, circuits, equipment)	<del>\$202.00</del> 253.00

4. Commercial Building/Addition/Alteration Electrical Installation Fees:  
The total permit fee is based on total number of fixtures, circuits, equipment:
- |  | Base Fee                            |
|--|-------------------------------------|
| • Level One (1-50 fixtures, circuits, equipment)           | <del>\$300.00</del> <u>375.00</u>   |
| • Level Two (51-150 fixtures, circuits, equipment)         | <del>\$500.00</del> <u>625.00</u>   |
| • Level Three (151-250 fixtures, circuits, equipment)      | <del>\$700.00</del> <u>875.00</u>   |
| • Level Four (251-350 fixtures, circuits, equipment)       | <del>\$900.00</del> <u>1125.00</u>  |
| • Level Five (351-450 fixtures, circuits, equipment)       | <del>\$1100.00</del> <u>1375.00</u> |
| • Level Six (451-550 fixtures, circuits, equipment)        | <del>\$1300.00</del> <u>1625.00</u> |
| • Level Seven (551-650 fixtures, circuits, equipment)      | <del>\$1500.00</del> <u>1875.00</u> |
| • Level Eight (651-750 fixtures, circuits, equipment)      | <del>\$1700.00</del> <u>2125.00</u> |
| • Level Nine (751-850 fixtures, circuits, equipment)       | <del>\$1900.00</del> <u>2375.00</u> |
| • Level Ten (851-950 fixtures, circuits, equipment)        | <del>\$2100.00</del> <u>2625.00</u> |
| • Level Eleven (951-1050 fixtures, circuits, equipment)    | <del>\$2300.00</del> <u>2875.00</u> |
| • Level Twelve (1051-1150 fixtures, circuits, equipment)   | <del>\$2500.00</del> <u>3125.00</u> |
| • Level Thirteen (1151-1250 fixtures, circuits, equipment) | <del>\$2700.00</del> <u>3375.00</u> |
| • Level Fourteen (1251-1350 fixtures, circuits, equipment) | <del>\$2900.00</del> <u>3625.00</u> |
| • Level Fifteen (Over 1350 fixtures, circuits, equipment)  |                                     |
5. Service Panels
- |                              |                                 |
|------------------------------|---------------------------------|
| • Service Panel              | <del>\$60.00</del> <u>75.00</u> |
| • Temporary to Permanent     | <del>\$60.00</del> <u>75.00</u> |
| • Temporary for Construction | <del>\$60.00</del> <u>75.00</u> |
| • Sub Panel                  | <del>\$60.00</del> <u>75.00</u> |
| • Transfer Switch            | <del>\$60.00</del> <u>75.00</u> |
6. Generator ~~\$60.00~~ 75.00
7. Low Voltage (per system per floor) ~~\$108.00~~ 135.00

### E: PLUMBING PERMIT FEES

1. The permit fee for installation, repair, or replacement of all plumbing equipment installed in buildings other than buildings in R-3 or R-5 use groups. This fee is in addition to the fees listed below in this section.

Percentage of the contract value less the value of listed equipment (The permittee must provide verifiable detail of the cost of construction and total contract value.)	4.0 <u>1.25%</u>
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2. New Residential Townhouse/Condo Plumbing Installation Fees:  
The total permit fee is based on the level in which the permittee's total number of fixtures being installed falls:
- |                                 |                                   |
|---------------------------------|-----------------------------------|
| • Level One (1-19 Fixtures)     | <del>\$206.00</del> <u>258.00</u> |
| • Level Two (20-24 Fixtures)    | <del>\$250.00</del> <u>313.00</u> |
| • Level Three (25-29 Fixtures)  | <del>\$278.00</del> <u>348.00</u> |
| • Level Four (30-34 Fixtures)   | <del>\$293.00</del> <u>366.00</u> |
| • Level Five (Over 34 Fixtures) | <del>\$322.00</del> <u>403.00</u> |

3. New Residential Single-Family Detached Dwelling Plumbing Installation Fees:  
The total permit fee is based on the level in which the permittee's total number of fixtures being installed falls:

• Level One (1-29 Fixtures)	<del>\$272.00</del> <u>340.00</u>
• Level Two (30-39 Fixtures)	<del>\$359.00</del> <u>449.00</u>
• Level Three (40-49 Fixtures)	<del>\$446.00</del> <u>558.00</u>
• Level Four (50-59 Fixtures)	<del>\$533.00</del> <u>665.00</u>
• Level Five (Over 59 Fixtures)	<del>\$624.00</del> <u>780.00</u>

## 4. Residential Addition/Alteration Plumbing Installation Fees:

The total permit fee is based on the level in which the permittee's total number of fixtures being installed falls:

• Level One (1-7 Fixtures)	Base Fee
• Level Two (8-12 Fixtures)	<del>\$137.00</del> <u>171.00</u>
• Level Three (13-17 Fixtures)	<del>\$180.00</del> <u>225.00</u>
• Level Four (18-22 Fixtures)	<del>\$224.00</del> <u>280.00</u>
• Level Five (Over 22 Fixtures)	<del>\$267.00</del> <u>334.00</u>

## 5. Commercial Building/Addition/Alteration Plumbing Installation Fees:

The total permit fee is based on the level in which the permittee's total number of fixtures being installed falls:

• Level One (1-5 Fixtures)	Base Fee
• Level Two (6-20 Fixtures)	<del>\$190.00</del> <u>238.00</u>
• Level Three (21-35 Fixtures)	<del>\$340.00</del> <u>425.00</u>
• Level Four (36-50 Fixtures)	<del>\$490.00</del> <u>613.00</u>
• Level Five (51-65 Fixtures)	<del>\$640.00</del> <u>800.00</u>
• Level Six (66-80 Fixtures)	<del>\$790.00</del> <u>988.00</u>
• Level Seven (81-95 Fixtures)	<del>\$940.00</del> <u>1175.00</u>
• Level Eight (96-110 Fixtures)	<del>\$1090.00</del> <u>1363.00</u>
• Level Nine (111-125 Fixtures)	<del>\$1240.00</del> <u>1550.00</u>
• Level Ten (126-140 Fixtures)	<del>\$1390.00</del> <u>1738.00</u>
• Level Eleven (141-155 Fixtures)	<del>\$1540.00</del> <u>1925.00</u>
• Level Twelve (156-170 Fixtures)	<del>\$1690.00</del> <u>2113.00</u>
• Level Thirteen (171-185 Fixtures)	<del>\$1840.00</del> <u>2300.00</u>
• Level Fourteen (186-200 Fixtures)	<del>\$1990.00</del> <u>2488.00</u>
• Level Fifteen (Over 200 Fixtures)	<del>\$2140.00</del> <u>2675.00</u>

## 6. Sewer/Water Service

• Sewer (New, Replacement or Repair)	<del>\$59.00</del> <u>74.00</u>
• Sewer Tap (Manhole or Line)	<del>\$59.00</del> <u>74.00</u>
• Water Service (New, Replacement or Repair)	<del>\$59.00</del> <u>74.00</u>

**F: HOUSEHOLD APPLIANCE PERMIT FEES**(A) Household Appliance Fees: (61-1-3(d)13)

• One Appliance	<del>\$60.00</del> <u>75.00</u>
• Two Appliances	<del>\$74.00</del> <u>92.00</u>
• Three Appliances	<del>\$89.00</del> <u>111.00</u>
• Four Appliances	<del>\$103.00</del> <u>129.00</u>

**G: VERTICAL TRANSPORTATION PERMIT FEES**

All vertical transportation equipment operating in Fairfax County must be permitted for installation, modernization, and/or replacement. In order to maintain a valid Certificate of Compliance, all commercial

vertical transportation equipment (other than single-family detached dwellings) must also be permitted; tested periodically (six months); annually (one year); and submitted for re-acceptance every five years. Commercial vertical transportation equipment must have a valid Certificate of Compliance to operate.

(A) *Floor Fee*: For all permits; annual certificates of compliance; five-year tests; and all re-inspections, the floor fee will be added to the cost for each individual piece of equipment. For these purposes, this will be defined as the fee charged for each floor in the building where an individual passenger or freight elevator is installed. \$15.00

(B) *Testing Fees*: Unless otherwise stated in the following sections, fees for individual tests that must be performed on each piece of equipment will be as follows:

• Governor Test	\$296.00
• Load Test	\$445.00
• Speed Test	\$296.00
• Static Pressure Test	\$296.00
• Fire and Smoke Test	\$296.00
• Generator Test	\$296.00

(C) *Commercial Vertical Transportation Equipment Installation Fees*: The permit fee for installation, repair, modernization, or replacement of all vertical transportation equipment installed in buildings other than within single-family detached dwellings. This fee is in addition to the equipment fees listed below in this section.

1. Floor fee plus 2.40% of the vertical transportation installation/repair/modernization, or replacement cost as indicated by the associated contract value less the value of the equipment listed below:  
2.00%  
(The permittee must provide verifiable cost detail of construction and total contract value.)
2. Elevator (Electric/Hydraulic) \$289.00
3. Escalator/Moving Walk \$487.00
4. Dumbwaiter \$146.00
5. Lift \$146.00

(D) *Residential Vertical Transportation Equipment Installation Fees (new, repair, modernization, or replacement)*:

- |  |          |
|--|----------|
| • Private residence elevators, lifts, or dumbwaiters                 | \$308.00 |
| • Private residence elevator re-inspection fee (if acceptance fails) | \$308.00 |

(E) *Temporary Construction Use*:

- |   |          |
|---|----------|
| • After required elevator permit (including floor fees) is issued | \$266.00 |
| • Temporary construction use extension                            | \$115.00 |

(F) *Annual Certificate of Compliance Inspection Fee*: All vertical transportation equipment, other than those in single-family detached dwellings, and other than conveyors, requires an annual certificate of compliance. The annual certificate of compliance covers the permit renewal, one regular and one periodic inspection during the certificate, payable by the owner of the building to the County of Fairfax before the expiration of the certificate. This will be calculated for each individual piece of equipment, which is designated by a unique equipment ID number, as follows:

• Elevator (Electric/Hydraulic)	Floor Fee +	\$289.00
• Escalator/Moving Walk	Floor Fee +	\$487.00
• Dumbwaiter	Floor Fee +	\$146.00
• Lift	Floor Fee +	\$146.00

If the vertical transportation equipment is not inspection ready at the appointed time, or if a potential safety issue is noted during the periodic, or annual inspection, and immediate corrective action is prescribed, then a reinspection fee (and any applicable testing fees referenced in Section B above), will be payable prior to a reinspection being scheduled, and calculated as follows:

- Per inspection visit \$246.00
- + Floor Fee per equipment ID + applicable testing fee(s) per equipment ID

(G) *Acceptance of Modernization/Repair and/or Five-Year Testing and Inspection Fees*: Once commercial vertical transportation equipment has been permitted for repair/modernization and/or the equipment reaches five years since acceptance testing was performed, the following fee shall be assessed:

- Per equipment ID Floor Fee + \$1,750.00

If the vertical transportation equipment is not inspection ready at the appointed time, or if a potential safety issue is noted during the modernization/repair acceptance, or five-year testing inspection, and immediate corrective action is prescribed, then a reinspection fee (and any applicable testing fees referenced in Section B above), will be payable prior to a reinspection being scheduled, and calculated as follows:

- Per inspection visit \$246.00
- + Floor Fee per equipment ID + applicable testing fee(s) per equipment ID

(H) *Removal (Demolition)*: Applies to the complete removal of all associated equipment for a specific equipment ID within a commercial or residential structure:

- Permit Fee \$108.00
- Inspection Fees
  - Elevator (Electric/Hydraulic) \$289.00
  - Escalator/Moving Walk \$487.00
  - Dumbwaiter \$146.00
  - Lift \$146.00

**H: FIRE PREVENTION DIVISION (OFFICE OF THE FIRE MARSHAL) FEES**

(A) Plan Review Fees:

Fees for all plan review are based on an hourly charge calculated on the quarter hour or part thereof, per reviewer. Fees are due upon completion of the plan review process.

- Per Hour \$156.00

(B) Acceptance Testing and Inspection Fees:

Fees are based on an hourly charge calculated on the quarter hour or part thereof, per inspector. Fees for fire protection equipment and systems performance tests and inspections, other equipment and systems performance tests and inspections, occupancy or preoccupancy inspections, fire lanes and required reinspections shall be imposed per hour calculated on the quarter hour or part thereof, per required inspector.

- Per Hour \$156.00

(C) Reinspection Fees:

Reinspection fees shall be based on the hours reserved to perform the test and will be charged per hour calculated on the quarter hour or part thereof, per required inspector. The following matrix is to serve as a guideline in determining when a reinspection fee is required for acceptance testing. A minimum notice of 24 hours (one full business day) for test cancellation is required. The fee is charged when an inspection is not canceled in time to save an unnecessary trip by inspectors.

- Per Hour \$156.00

**REINSPECTION FEES**

<b>CIRCUMSTANCE</b>	<b>CONDITION</b>	<b>INSPECTED</b>	<b>REINSPECTION FEE</b>
Cancelled or rescheduled off site more than 24 hours prior to appointment	N/A	No	No
Cancelled or rescheduled off site less than 24 hours prior to appointment	N/A	No	Yes
Contractor shows, others do not, or inspectors arrive, no one on site	Cannot test	No	Yes
Cancelled while inspectors on site; test not started	Not ready	No	Yes
Regular inspection, test started, test not completed	Not Ready or Failure due to fault of contractor	Yes	Yes
Regular inspection, test started, test not completed	Failed, but due to fault of contractor	Yes	No
Regular inspection, test completed	Substantially ready with minor deficiencies	Yes	No
Regular inspection, test completed	No punch list, inspection approved	Yes	No
Final inspection	Deficient	Yes	Yes

**I: AMUSEMENT DEVICE PERMIT FEES**

The permit fees for each amusement device or carnival ride shall be the maximum in accordance with the Virginia Amusement Device Regulations (VADR) (Ch. 61-1-3(d)6)

**J. BUILDING AND FIRE PREVENTION CODE MODIFICATIONS AND LOCAL BOARD OF BUILDING CODE APPEALS FEES:**

- Building and Fire Prevention Code Modification Fees \$~~208.00~~ 260.00
- Applications for appeals to local Board of Building Code Appeals based on the VUSBC, the VSFPC, the Virginia Amusement Device Regulations (VADR) and Chapters 61, 64, 65, and 66 of the Code of the County of Fairfax \$~~208.00~~ 260.00

**II. SITE DEVELOPMENT FEES**



**The following site development fees to cover the cost of reviewing site and subdivision plans and related documents; processing site and subdivision plan agreements; making inspections of required site improvements; permitting any work or construction on any land dedicated or proposed for dedication to public use; and other fees incidental to the administration of these activities pursuant to Chapters 2, 101, 104, 112.1, and 124 of the Code, and any fees paid to the County upon submission of any request for a waiver, exception, and modification of the County Ordinances, are hereby adopted:**

**A: PLAN AND DOCUMENT REVIEW FEES**

The following fees are due upon submission to the County of the following plans and documents. The Fire Prevention Division review fees are listed in Part D.

**(A) Pre-Submission Filing and Review Fees for Certain Plans:**

- Gateway Review Fee  
 Fee assessed at the initial plan submission for bonded plans and minor site plans, for a quality and content review of plan submissions by technical staff prior to the beginning of the comprehensive review. For minor site plans, a Minimum Submission Review may substitute for a Gateway Review, based on plan complexity. Fee will be charged for each Gateway Review regardless of pass or fail and comprehensive review will not begin until Gateway passes.
  - First Gateway Review Fee \$500.00 550.00
  - Subsequent Gateway Review Fee (each time plan fails, requiring Gateway resubmission) Previous Gateway Review Fee + 10%
  
- Minimum Submission Review Fee  
 Fee assessed at initial plan submission for non-bonded plans excluding minor site plans to ensure that the plan submission meets all necessary technical and formatting requirements. Fee will be charged for each Minimum Submission Review (MSR) regardless of pass or fail and comprehensive review will not begin until MSR passes.
  - Fee per MSR Submission \$108.00 120.00
  - Subsequent MSR Submission (each time plan fails, requiring MSR resubmission) Previous MSR Review Fee + 10%

**(B) Plats:**

- 1. Easement plat, per submission \$432.00 475.00
  
- 2. Preliminary subdivision plat: (101-2-3)
  - Initial Submission
    - Less than 10 lots \$4,193.00 4,612.00
      - Plus, fee per lot or division of land including outlots and parcels \$79.00 87.00
    - 10 lots or more \$6,826.00 7,509.00
      - Plus, fee per lot or division of land including outlots and parcels \$79.00 87.00
  
- Redate (reapproval/extension): fee for reapproval of a previously approved preliminary plat submitted to the County for approval during the validity period of the preliminary plat, each. \$851.00 936.00
  
- Resubmission, per submission – Percentage of the Original Fee 25.00%

• Revisions, per submission – Percentage of the Original Fee	25.00%
3. Record (final) subdivision plat: <u>(101-2-5)</u>	
• Initial Submission	<del>\$727.00</del> <u>800.00</u>
o Plus, fee per lot or division of land including outlots and parcels	<del>\$36.00</del> <u>40.00</u>
• Resubmission Fee, per submission	<del>\$370.00</del> <u>407.00</u>
• Redate ( <del>reapproval</del> <u>extension</u> ): fee for reapproval of a previously approved final plat that has expired, per submission	<del>\$635.00</del> <u>699.00</u>

(C) *Subdivision Plans, Site Plans, and Site Plans for Public Improvements Only: The following schedule shall be used to tabulate the fees for review of subdivision and site plans, and site plans for public improvements only.*

1. Base Fee:

• Subdivision Plans	
o 1 <sup>st</sup> Review Cycle	<del>\$7,336.00</del> <u>8,070.00</u>
• Site Plans	
o 1 <sup>st</sup> Review Cycle	<del>\$10,187.00</del> <u>11,206.00</u>
o Site Plans and Subdivision Plans Additional fee per disturbed acre or any fraction thereof	<del>\$1,061.00</del> <u>1,167.00</u>
• The maximum base fee (as part of the initial review cycle) is as follows:	
o For Subdivision Plans	<del>\$17,862.00</del> <u>19,648.00</u>
o For Site Plans	<del>\$59,526.00</del> <u>65,479.00</u>
• Site plans for public improvements only including sanitary sewer, trail, sidewalk, storm sewer, channel improvements, waterline, and/or road construction pursuant to Chapter 2 of the Code.	
o 1 <sup>st</sup> Review Cycle	<del>4,224.00</del> <u>\$4,646.00</u>

2. Fees in addition to base fees:

• Site Plans for the following public improvements only including sanitary sewer, trail, sidewalk, storm sewer, channel improvements, waterline, and/or road construction pursuant to Chapter 2 of the Code. Additional fee per linear foot or fraction thereof, of each improvement	<del>\$2.00</del> <u>2.20</u>
• Additional plan review, as a result of an approved zoning action associated with the proposed construction to include the following with a maximum cumulative fee of	<del>\$4,158.00</del> <u>4,574.00</u>
o Sites subject to rezoning	<del>\$2,442.00</del> <u>2,686.00</u>
o Sites subject to special exception	<del>\$1,713.60</del> <u>1,885.00</u>
o Sites subject to special permit	<del>\$1,713.60</del> <u>1,885.00</u>
o Sites subject to variance	<del>\$1,269.60</del> <u>1,397.00</u>
• Review resulting from site conditions and proposed improvements	
o SWM/BMP facility, for each proposed facility serving the site (on or off-site), except as noted, with a maximum cumulative fee of	<del>\$7,500.00</del> <u>8,250.00</u>
▪ Constructed Wetland or Ponds	<del>\$3,200.00</del> <u>3,520.00</u>

▪ Bioretention Basin or Filter, Infiltration Facility, Filtering Practice <sup>1</sup> , Innovative BMP <sup>2</sup> , or Detention-Only Facility <sup>3</sup>	\$1,900.00 <u>2,090.00</u>
▪ <del>Dry Swale, Wet Swale, or Grass Channel (per linear foot)</del>	<del>\$5.00</del>
with a minimum of	<del>\$1,500.00</del>
▪ Rainwater Harvesting System, per square foot of collection area, with a minimum of	\$0.12 <u>0.13</u> \$1,900.00 <u>2,090.00</u>
▪ Permeable Pavement, Vegetated Roof, per square foot of surface with a minimum of	\$0.12 <u>0.13</u> \$1,500.00 <u>1,650.00</u>
▪ Manufactured BMP <sup>4</sup> , Micro- or Urban Bioretention <sup>5</sup>	\$1,200.00 <u>1,320.00</u>
▪ <del>Rooftop Disconnection, for each building served</del>	<del>\$500.00</del>
▪ <del>Sheet Flow to Vegetated Filter Strip or Conserved Open Space, Soil Amendments, Reforestation, flat fee per plan</del>	<del>\$500.00</del>
○ Floodplain area (existing and proposed)	\$857.00 <u>943.00</u>
○ Natural drainage way (non-floodplain watersheds)	\$857.00 <u>943.00</u>
○ Problem soils (area with soil types A or B, per the official map adopted by the Board or as deemed by the Director)	\$1,270.00 <u>1,397.00</u>

3. Additional Review Cycles:

- ~~2<sup>nd</sup> Subsequent Review Cycle~~ Fee: fee tabulated at a percentage of all fees due at initial submission (Base Fee + all other associated fees assessed in accordance with (C1) and (C2) above).
 

Percentage of all fees	55.00%
○ Plus, additional fees charged in accordance with (C1) and (C2) above for changes in the amount of disturbed area, zoning action, site conditions, and/or proposed improvements from that indicated on the first submission.	Tabulated Fee
- Signature Set Review Cycle (formerly ~~3<sup>rd</sup> Submission~~): Site Plans, Subdivision Plans, and Site Plans with public improvements only, consisting of 5 or less modified plan sheets \$0.00
- Signature Set Review Cycle : Site Plans, Subdivision Plans, and Site Plans with public improvements only, consisting of 6-20 modified plan sheets \$135.00 + \$80.00 per modified sheet
- Additional review cycles if Signature Set Review Cycle is not approved; per review cycle (does not apply to site plans with public improvements only) \$6,568.00 7,225.00
- Additional review cycles for site plans with public improvements only, if Signature Set Review Cycle is not approved; per review cycle \$3,068.00 3,375.00

<sup>1</sup> Filtering practices include facilities such as sand filters.

<sup>2</sup> BMPs not on the Virginia Stormwater BMP Clearinghouse approved list or listed with a Pilot Use Designation or Conditional Use Designation.

<sup>3</sup> Vaults or other underground storage systems providing detention only. No ponds.

<sup>4</sup> Includes proprietary devices.

<sup>5</sup> Includes residential rain gardens, urban stormwater planters, expanded tree pits, and stormwater curb extensions.

4. Revisions to approved plans:	
• Fee, per submission	<del>\$1,346.00</del> <u>1,481.00</u>
○ Plus, additional fees charged in accordance with (C1) and (C2) above for changes in the disturbed area, zoning action, site conditions, and/or proposed improvements from that indicated on the approved plan.	Tabulated Fee
• <u>Minor Revisions</u>	<u>\$159.00</u>
5. Plan extensions (redate), per request	<del>\$ 1,713.60</del> <u>1,884.00</u>

(D) *Minor Site Plans and Grading Plans:*

1. Minor Site Plans,	
• 1 <sup>st</sup> Review Cycle	<del>\$ 4,282.00</del> <u>4710.00</u>
• 2 <sup>nd</sup> Subsequent Review Cycle	
Percentage of the 1 <sup>st</sup> Review Cycle Fee	55.00%
• <u>Signature Set Review Cycle (Formerly 3<sup>rd</sup> Submission), consisting of 5 or less modified plan sheets</u>	<u>\$0.00</u>
• <u>Signature Set Review Cycle : Minor Site Plans, and Grading Plans with public improvements only, consisting of 6-20 modified plan sheets</u>	<u>\$135.00 + \$80.00 per modified sheet</u>
• Additional review cycles if Signature Set Review Cycle is not approved; per review cycle	<del>\$4,318.00</del> <u>4,750.00</u>
• <u>Revisions; per submission</u>	<del>\$790.00</del> <u>869.00</u>
• <u>Minor Revisions</u>	<u>\$159.00</u>

## 2. Grading plans for building permits on existing lots within a subdivision currently bonded with the County (Subdivision Lot Grading Plans or Site Plan Lot Grading Plans):

• 1 <sup>st</sup> submission	<del>\$1,270.00</del> <u>1,397.00</u>
• <u>Resubmissions and revisions to approved plans</u>	<del>\$432.00</del> <u>475.00</u>
• <u>Minor Revisions</u>	<u>\$159.00</u>

## 3. Grading plans for building permits on existing lots that are not within a subdivision currently bonded within the County and parcels with lots of 5 acres or more, per infill lot (Infill Lot Grading Plans):

• 1 <sup>st</sup> Review Cycle	<del>\$1,924.00</del> <u>2,113.00</u>
• 2 <sup>nd</sup> Subsequent Review Cycle	
Percentage of the 1 <sup>st</sup> Review Cycle Fee	55.00%
• <u>Signature Set Review Cycle (Formerly 3<sup>rd</sup> Submission), consisting of 5 or less modified plan sheets</u>	<u>\$0.00</u>
• <u>Signature Set Review Cycle : Minor Site Plans, and Grading Plans with public improvements only, consisting of 6-20 modified plan sheets</u>	<u>\$135.00 + \$80.00 per modified sheet</u>
• Additional review cycles if Signature Set Review Cycle is not approved; per review cycle	<del>\$700.00</del> <u>770.00</u>
• <u>Revisions to approved plans, per submission</u>	<del>\$712.00</del> <u>783.00</u>
• <u>Minor Revisions</u>	<u>\$159.00</u>

4. Rough grading plan (RGP) and filling parcels:

• 1 <sup>st</sup> Review Cycle, per division of land or disturbed acre, or fraction thereof, whichever amount is greater	\$1,284.00 <u>1,412.00</u>
Not to Exceed	<u>\$16,671.00</u>
18,338.00	
• 2 <sup>nd</sup> - Subsequent Review Cycle	
Percentage of the 1 <sup>st</sup> Review Cycle Fee	55.00%
• Signature Set Review Cycle (Formerly 3 <sup>rd</sup> Submission), consisting of 5 or less modified plan sheets	<u>\$0.00</u>
• Signature Set Review Cycle : Minor Site Plans, and Grading Plans with public improvements only, consisting of 6-20 modified plan sheets	<u>\$135.00 + \$80.00 per modified sheet</u>
• Additional review cycles if Signature Set Review Cycle is not approved; per review cycle	<u>\$900.00 990.00</u>
• Revisions, per submission	<u>\$500.00 550.00</u>
• Minor Revisions	<u>\$135.00</u>

5. Conservation plan without a grading plan, per submission \$1,208.00 1,329.00

(E) Processing of Studies, Soils Reports and Other Plans:

1. Studies:

• Drainage study, per submission (non-floodplain watersheds)	\$1,961.00 <u>2,157.00</u>
• Floodplain study	
○ Per submission, per linear foot of baseline or fraction thereof	\$2.76 <u>3.04</u>
○ Plus, fee per road crossing and per dam,	<u>\$611.00 672.00</u>
Not to exceed total fee, per submission:	<u>\$11,226.00</u>
12,349.00	
• Floodplain Use Determination	<u>\$ 0</u>
• <del>Parking study</del>	
○ <del>Parking tabulation for change in use, per submission</del>	<del>\$980.00</del>
○ <del>Parking redesignation plan, per submission</del>	<del>\$980.00</del>
○ <del>Administrative parking reduction for churches, chapels, temples, synagogues and other such places of worship with child care center, nursery school or private school of general or special education, per submission</del>	<del>\$980.00</del>
• <del>Parking reduction based on the sum of the hourly parking demand or the sum of the hourly parking demand in combination with other factors when the required spaces are:</del>	
○ <del>Under 225 spaces</del>	<del>\$2,812.00</del>
○ <del>225 to 350 spaces</del>	<del>\$4,883.00</del>
○ <del>351 to 599 spaces</del>	<del>\$7,806.00</del>
○ <del>600 spaces or more</del>	<del>\$16,351.00</del>
• <del>Parking reduction based on proximity to a mass transit station, transportation facility, or bus service, or a parking reduction within a Transit Station Area</del>	<del>\$2,812.00</del>
• <del>Parking reduction based on the unique nature of the proposed use(s)</del>	<del>\$2,812.00</del>
• <del>Recycling study: When the plan or study is submitted to the County for the sole purpose of placing recycling containers on a commercial or industrial</del>	

site, as required by the Fairfax County Business Implementation Recycling Plan, per submission.	\$0.00
• <u>Parking study</u>	
○ <u>Parking tabulation for change in use, per submission</u>	<u>\$ 1,078.00</u>
○ <u>Parking redesignation plan, per submission</u>	<u>\$ 1,078.00</u>
• <u>Shared parking adjustment based on:</u>	
○ <u>Shared adjustment (Subsection 6100.6.B.(1) of the Zoning Ordinance)</u>	<u>\$ 3,093.00</u>
○ <u>Sum of the hourly parking demand or the sum of the hourly parking demand in combination with other factors (Subsection 6100.6.B.(2) of the Zoning Ordinance)</u>	
▪ <u>Under 225 spaces</u>	<u>\$ 3,093.00</u>
▪ <u>225 to 350 spaces</u>	<u>\$ 5,371.00</u>
▪ <u>351 to 599 spaces</u>	<u>\$ 8,587.00</u>
▪ <u>600 spaces or more</u>	<u>\$ 17,986.00</u>
○ <u>Offsite parking (Subsection 6100.6.B.(3) of the Zoning Ordinance)</u>	<u>\$ 2,812.00</u>
• <u>Parking adjustments, including:</u>	<u>\$ 2,812.00</u>
○ <u>Transit-related adjustment (Subsection 6100.6.C of the Zoning Ordinance)</u>	
○ <u>Parking adjustments based on affordable housing (Subsection 6100.6.D of the Zoning Ordinance)</u>	
○ <u>Parking adjustments based on publicly available parking (Subsection 6100.6.E of the Zoning Ordinance)</u>	
○ <u>Parking adjustments based on public benefit (Subsection 6100.6.F of the Zoning Ordinance)</u>	
○ <u>Parking adjustment based on the unique nature of the proposed site or use(s) (Subsection 6100.6.G of the Zoning Ordinance)</u>	
• <u>Water Quality Fees*</u>	
○ <u>Resource Protection Area (RPA) Boundary Delineations and Resource Management Area (RMA) Boundary Delineations</u>	
▪ <u>Non-bonded lots: existing lots and acreage, rough grading and filing parcels, and parcels with lots of 5 acres or more not within a subdivision or site plan development currently bonded with the County; and minor site plans; per submission</u>	<u><del>\$419.00</del> 461.00</u>
▪ <u>Bonded lots: lots in conjunction with multiple construction within a subdivision currently bonded with the County, per submission:</u>	
▪ <u>Projects with 150 linear feet or less of baseline</u>	<u><del>\$419.00</del> 461.00</u>
▪ <u>Projects with greater than 150 linear feet of baseline</u>	<u><del>\$419.00</del> 461.00</u>
○ <u>Plus, fee per linear foot of baseline or fraction thereof, in excess of 150 linear feet</u>	<u><del>\$1.00</del> 1.10</u>
• <u>Water Quality Impact Assessments (WQIA)</u>	
○ <u>Minor WQIA</u>	<u><del>\$324.00</del> 356.00</u>
○ <u>Major WQIA</u>	
▪ <u>Non-bonded lots: existing lots and acreage, rough grading and filling parcels, and parcels with lots of 5 acres or more not within a subdivision or site plan development currently bonded with the County; and minor site plans; per submission</u>	<u><del>\$432.00</del> 475.00</u>
▪ <u>Bonded lots: lots in conjunction with multiple construction sites within a subdivision or site plan currently bonded with the County, per submission</u>	<u><del>\$1,652.00</del> 1,817.00</u>

\*In the event that an RPA and RMA Boundary Delineation and a WQIA are submitted simultaneously, only one fee shall be required and such fee shall be the higher of the fees required for the individual studies.

## 2. Soils Reports:

- Commercial and multi-family development, bonded residential lots: lots in conjunction with multiple constructions in a newly bonded subdivision development, site plan or site plan for public improvements only
  - 1<sup>st</sup> submission \$~~3,422.00~~ 3,764.00
  - Resubmissions and revisions to approved reports, per submission \$~~1,122.00~~ 1,234.00
- Non-bonded residential lots: existing lots and acreage, rough grading and filling parcels, and parcels with lots of 5 acres or more, not within a subdivision or site plan development currently bonded with the County; and minor site plans; per submission
  - 1<sup>st</sup> submission \$~~2,201.00~~ 2,421.00
  - Resubmissions and revisions to approved reports, per submission \$~~1,122.00~~ 1,234.00

## 3. Other Plans:

- As-built plans
  - Sanitary Sewer, per submission \$~~635.00~~ 699.00
  - Site and subdivision, per submission \$~~432.00~~ 475.00
- Debris landfill design plan
  - Base fee, per submission \$~~1,344.00~~ 1,478.00
  - Plus, per acres \$~~89.00~~ 98.00
- Debris landfill permit, ~~semi-annual~~, each annual permit \$~~2,935.00~~ 6,457.00
- Environmental Site Assessment:
  - 1<sup>st</sup> submission \$~~3,181.00~~ 3,499.00
  - Resubmissions and revisions, per submission \$~~1,122.00~~ 1,234.00
- Photometric or Sports Illumination Plan, fee per submission when such plan is not submitted as part of a required site plan submission \$~~882.00~~ 970.00

### (F) Miscellaneous fees:

- Lot Validation Application \$~~444.00~~ 488.00
- Landscape Deferral Application \$~~108.00~~ 119.00

## B. BONDING AND AGREEMENT FEES

The following fees shall be paid upon submission to the County of agreement packages.

### (A) Agreement Package Processing Fee, per agreement package:

- Security value exceeding \$10,000 \$~~2,460.00~~ 2,706.00
- Security value of \$10,000 or less \$~~339.60~~ 374.00

### (B) Agreement Extensions, Replacements and Reductions:

- Agreement extensions \$~~986.40~~ 1,085.00
- Replacement agreement: There shall be no replacement agreement fee if the rating for the corporate surety has fallen to a "B" level according to the A.M. Best Key Rating Guide and the replacement request is submitted to and approved by the Director prior to the expiration date of the agreement \$~~1,756.80~~ 1,932.00

- Agreement security reductions in support of an agreement \$~~1,670.40~~ 1,837.00
- Agreement extension and reduction submitted simultaneously \$~~1,670.40~~ 1,837.00

Also see Part C, Site Inspection Fees, for inspection fee for agreement extensions

**C. SITE INSPECTION FEES**

Unless otherwise noted, the following fees shall be paid at the time of bonding, or prior to issuance of a construction permit for land disturbing activity, whichever occurs first. The Fire Prevention inspection fees are listed in Part D.

(A) *Base Fee for Projects with Bonded Improvements including agreement only plans:*  
*Fee is based on a percentage of the bonded amount*

- Major Site Plans 4.0 ~~4.4~~%
  - With a minimum of \$~~7,500~~ 8,250
  - With a maximum of \$~~230,000~~ 253,000
- Subdivision Plans 3.0 ~~3.3~~%
  - With a minimum of \$~~20,000~~ 22,000
  - With a maximum of \$~~150,000~~ 165,000
- Public Improvement Plans 4.0 ~~4.4~~%
  - With a minimum of \$~~5,500~~ 6,050
  - With a maximum of \$~~35,000~~ 38,500

(B) *Inspection Fee for Agreement Extensions* Per disturbed acre, per agreement month. A one-time fifty-percent reduction of the extension inspection fee may be permitted. \$~~46.26~~ 50.89

(C) *Inspection following a stop work order:* each, payable at next bonding action \$~~740.00~~ 814.00

(D) *Inspection following a violation:* each inspection, payable at next bonding action \$~~370.00~~ 407.00

**D. FIRE PREVENTION DIVISION (FIRE MARSHAL) FEES**

The following Fire Prevention Division fees shall be paid for the review and inspection of the following plans and plats. Plan review fees are due upon submission to the County of such plans and plats except that fees for plans submitted directly to the Fire Prevention Division shall be due upon completion of the plan review process or within 120 days of plan submission, whichever comes first. Inspection fees are due upon completion of the inspection.

- |                                     |   |
|-------------------------------------|---|
| Site plans                          | Subdivision plans                                 |
| Site plan revisions                 | Site plans for public improvements only           |
| Site plan extensions                | Revisions and reapprovals to subdivision          |
| Rough grading plans                 | plans and site plans for public improvements only |
| As-built site and subdivision plans |   |
| Plats                               |   |



(A) *Plan Review fees:* Fees are based on an hourly charge calculated on the hour or part thereof, per reviewer  
 Per Hour \$156.00

(B) *Testing and Inspection Fees:* Fees are based on an hourly charge calculated per hour on the quarter hour or part thereof, per inspector  
 Per Hour \$156.00

**E. SITE PERMIT FEES**

Before a permit is issued for any work or construction on any land dedicated or proposed for dedication to public use, the following fees shall be paid to the County. A separate utility permit is required for each of the following types of surface work, overhead installations or underground installations:

(A) *Surface work:*

- Private entrances by homeowner ~~\$369.60~~ 407.00
- Private property being developed for sale by subdivision (i.e., land developer) ~~\$369.60~~ 407.00
- Drainage structures ~~\$369.60~~ 407.00
- Steps, sidewalks, curb and gutter, etc. ~~\$369.60~~ 407.00

(B) *Overhead installations:*

- Crossings ~~\$369.60~~ 407.00
- Poles ~~\$369.60~~ 407.00
- Guys and anchors ~~\$369.60~~ 407.00
- Streetlights ~~\$369.60~~ 407.00
- Removal/demolition ~~\$407.00~~ 407.00

(C) *Underground installations:*

- Crossings ~~\$567.60~~ 624.00
- Parallel installations, any length on one permit ~~\$567.60~~ 624.00
- Emergency permits or permits for repairs of existing facilities ~~\$369.60~~ 407.00
- Valve boxes ~~\$369.60~~ 407.00
- Manholes (construction, reconstruction, adjust when on existing line) ~~\$369.60~~ 407.00
- Test holes ~~\$369.60~~ 407.00
- Fire hydrants, installed on existing line ~~\$369.60~~ 407.00
- Service connections ~~\$369.60~~ 407.00
- Removal/demolition ~~\$407.00~~ 407.00

## F. WAIVER, EXCEPTION, MODIFICATION AND EXEMPTION FEES

Fees in accordance with the table below shall be paid to the County upon submission of any request for a waiver, exception, and modification of the County Ordinances, including but not limited to the Chesapeake Bay Preservation Ordinance (Chapter 118), the Subdivision Ordinance (Chapter 101), the Zoning Ordinance (Chapter 112.1), Stormwater Management Ordinance (Chapter 124), and the Public Facilities Manual (PFM). The fee assessed shall be based on the Ordinance requirement and the type of plan submitted pursuant to Chapter 101, 112.1 or 104 of the Code.

### *Resource Projection Area (RPA) Applications*

#### County Ordinance

- |  |        |
|--|--------|
| 1. <i>Chapter 118-5-1(a): Exemption</i>  |        |
| <i>Pursuant to Chapter 101</i>   | No fee |
| <i>Pursuant to Chapter 104</i>   | No fee |
| <i>Pursuant to Chapter 112.1</i>   | No fee |
| 2. <i>Chapter 118-5-1(b): Exemption</i>  |        |
| Reconstruction of structures destroyed/damaged by casualty, if such reconstruction is otherwise permitted by law and as long as the structure is reconstructed in the same location and creates no more impervious area than existed with the prior structure. |        |
| <i>Pursuant to Chapter 101</i>   | No fee |
| <i>Pursuant to Chapter 104</i>   | No fee |
| <i>Pursuant to Chapter 112.1</i>   | No fee |
| 3. <i>Chapter 118-5-2: Exemption for public utilities</i>  |        |
| <i>Pursuant to Chapter 101</i>   | No fee |
| <i>Pursuant to Chapter 104</i>   | No fee |
| <i>Pursuant to Chapter 112.1</i>   | No fee |
| 4. <i>Chapter 118-5-3(a): Exemption</i>  |        |
| Water wells, site amenities for passive recreation, historic preservation, and archeological activities located within an RPA.   |        |
| <i>Pursuant to Chapter 101</i>   | No fee |
| <i>Pursuant to Chapter 104</i>   | No fee |
| <i>Pursuant to Chapter 112.1</i>   | No fee |
| 5. <i>Chapter 118-5-3(b): Exemption for less than 2500 sf. Disturbance in RMA.</i>   |        |
| <i>Pursuant to Chapter 101</i>   | No fee |
| <i>Pursuant to Chapter 104</i>   | No fee |
| <i>Pursuant to Chapter 112.1</i>   | No fee |
| 6. <i>Chapter 118-5-3(c): Exemption</i>  |        |
| <i>Pursuant to Chapter 101</i>   | No fee |
| <i>Pursuant to Chapter 104</i>   | No fee |
| <i>Pursuant to Chapter 112.1</i>   | No fee |

~~6-7.~~ Chapter 118-5-4(a): Waiver

Loss of buildable area in RPA for lots recorded prior to 10/01/89 with no encroachment into the seaward 50 feet of the RPA buffer area.

Pursuant to Chapter 101

Pursuant to Chapter 104

\$204.00 224.00

Pursuant to Chapter 112.1

\$876.00 964.00

~~7-8.~~ Chapter 118-5-4(b): Waiver

Loss of buildable area in RPA for lots recorded between 10/01/89 and 11/18/03 for houses located within the RPA, with no encroachment into the seaward 50 feet for the RPA buffer area.

Pursuant to Chapter 101

Pursuant to Chapter 104

\$204.00 224.00

Pursuant to Chapter 112.1

\$876.00 964.00

~~8-9.~~ Chapter 118-5-5(a): Exception

Waiver of the performance criteria for minor additions to principal structures established as of 7/01/93. No accessory structures or uses.

Pursuant to Chapter 101

Pursuant to Chapter 104

\$204.00 224.00

Pursuant to Chapter 112.1

\$876.00 964.00

~~9-10.~~ Chapter 118-5-5(b): Exception

Waiver of the performance criteria for minor additions to principal structures established between 7/01/93 and 11/18/03 and located within the RPA. No accessory structures or uses.

Pursuant to Chapter 101

Pursuant to Chapter 104

\$204.00 224.00

Pursuant to Chapter 112.1

\$876.00 964.00

~~10-11.~~ Chapter 118-6-7: Exception

Loss of buildable area in RPA for lots recorded prior to 1/18/03 that does not meet the requirements of 118-5-4. A Public Hearing is required. (see note 4)

Pursuant to Chapter 101

Pursuant to Chapter 104

\$204.00 224.00

Pursuant to Chapter 112.1

\$876.00 964.00

~~11-12.~~ Chapter 118-6-8: Exception

Construction of accessory structures and uses to principal structures that were established as of 7/1/93 and do not result in the creation of 1,000 sq. ft. of additional impervious area within RPA, or that exceeds 2 percent of the lot area up to maximum 2,500 sq. ft., whichever is greater. A Public Hearing is required. (see note 4)

Pursuant to Chapter 101

Pursuant to Chapter 104

\$204.00 224.00

Pursuant to Chapter 112.1

\$876.00 964.00

~~12-13.~~ Chapter 118-6-9: General Exception

General exception for construction in an RPA. A Public Hearing is required. (see note 4)

Pursuant to Chapter 101

\$876.00 964.00

Pursuant to Chapter 104

\$204.00 224.00

Pursuant to Chapter 112.1

\$876.00 964.00

**Best Management Practices (BMP) and Stormwater Management (SWM) Applications (see note 5)****County Ordinance**

- |   |  |
|---|--|
| 1. <i>PFM 6-0402.4: SWM/BMP Modification:<br/>to use an innovative water quality or detention facility<br/>Pursuant to Chapter 101<br/>Pursuant to Chapter 104<br/>Pursuant to Chapter 112.1</i>  | No fee<br>No fee<br>No fee   |
| 2. Chapter 124-6-1, Chapter 118-3-2(e):<br>Water Quality Exception for site and subdivision plans<br><i>Pursuant to Chapter 101<br/>Pursuant to Chapter 104<br/>Pursuant to Chapter 112.1</i>   | <del>\$876.00</del> <u>964.00</u><br><del>\$876.00</del> <u>964.00</u> |
| 3. Chapter 124-6-1, Chapter 112-7-808(1) <i>PFM 6-0401.2:</i><br>Water Quality Exception for sites located in the Water Supply Overlay District<br><i>Pursuant to Chapter 101<br/>Pursuant to Chapter 104<br/>Pursuant to Chapter 112.1</i> | <del>\$876.00</del> <u>964.00</u><br><del>\$876.00</del> <u>964.00</u> |
| 4. <i>PFM 6-0301.2 General Water Quantity Exception<br/>Pursuant to Chapter 101<br/>Pursuant to Chapter 104<br/>Pursuant to Chapter 112.1</i>   | <del>\$876.00</del> <u>964.00</u><br><del>\$876.00</del> <u>964.00</u> |
| 5. <i>PFM 6-0303.6 SWM Modification to construct an underground detention facility with non-standard materials.<br/>Pursuant to Chapter 101<br/>Pursuant to Chapter 104<br/>Pursuant to Chapter 112.1</i>                                   | <del>\$876.00</del> <u>964.00</u><br><del>\$876.00</del> <u>964.00</u> |
| 6. <i>PFM 6-1603.4: SWM Waiver of the dam breach analysis for dams &lt;70 acres, &lt;15 feet high and &lt;25 acre-feet of storage.<br/>Pursuant to Chapter 101<br/>Pursuant to Chapter 104<br/>Pursuant to Chapter 112.1</i>                | <del>\$876.00</del> <u>964.00</u><br><del>\$876.00</del> <u>964.00</u> |
| 7. <i>PFM 6-1600: SWM Waiver of the dam standards<br/>Pursuant to Chapter 101<br/>Pursuant to Chapter 104<br/>Pursuant to Chapter 112.1</i>   | <del>\$876.00</del> <u>964.00</u><br><del>\$876.00</del> <u>964.00</u> |
| 8. Chapter 124-6-1, Chapter 118-3-2(e), <i>PFM 6-0401.3: Water Quality Exception for a single lot grading plan.<br/>Pursuant to Chapter 101<br/>Pursuant to Chapter 104<br/>Pursuant to Chapter 112.1</i>                                   | <del>\$204.00</del> <u>224.00</u>                                      |

- 9. *Chapter 101-2-2(12), PFM 6-0303.7: SWM Modification to locate a detention facility on an individual residential lot.*  
*Pursuant to Chapter 101* \$~~876.00~~ 964.00  
*Pursuant to Chapter 104*  
*Pursuant to Chapter 112.1*

**General Applications  
County Ordinance**

- 1. General Waiver:  
 Except as noted otherwise in this section, the fee associated with a request for a waiver, exception, or modification of the requirements of the County's Ordinances, including but not limited to the Subdivision Ordinance, Zoning Ordinance, the Stormwater Management Ordinance, and the Public Facilities Manual. \$~~876.00~~ 964.00
- 2. *Chapter 101-2-2: Public Street Frontage Waiver*  
*Fee for a waiver of the public street frontage requirement.*  
*A Public Hearing is required (see note 4)* \$~~2,460.00~~ 2,706.00
- 3. *Minor Adjustment of Property Lines:* Fee for a waiver associated with the minor adjustment of property lines. \$~~312.00~~ 343.00

**Notes:**

- 1. CBPO waivers and exception requests submitted under §§ 118-5 and 118-6 require submission of a concurrent Water Quality Impact Assessment (WQIA) and application fee.
- 2. Water quality fees are not required for plans and permits reviewed under Chapter 104 for which fees have been paid in connection with the review and approval of WQIA's, RPA Boundary Delineations, RMA Boundary Delineations, and CBPO exceptions filed under Chapters 101 and 112.1 of the Code.
- 3. In no instance shall the total fee for all waivers, exceptions and modifications associated with a subdivision, site plan or minor site plan exceed: \$~~3,504.00~~ 3,854.00  
 CBPO waivers and exceptions associated with grading plans shall not exceed: \$~~876.00~~ 964.00
- 4. An additional fee shall be paid with the submission of an exception request when a public hearing is required under Article 6 of Chapter 118 of the Code, in the amount of: \$~~438.00~~ 482.00
- 5. A single fee shall be paid when combined stormwater and BMP waivers are submitted simultaneously, in the amount of: \$~~1,030.00~~ 1,133.00
- 6. The cumulative fee for any modifications or waivers requested for the portion of a development in which affordable dwelling units are located, and which relate to typical street sections, sidewalks, and/or curb and gutter, shall not exceed: \$~~876.00~~ 964.00
- 7. A single fee shall be paid when a combined WQIA and PFM Modification of RPA planting density requirements are submitted simultaneously, in the amount of WQIA Fee

Case Review of Fees: In the event that, prior to plan approval for review fees or prior to bond release for inspection fees, the payor disputes the fee charged, he may request in writing to the Director a case review of costs incurred by the County. In the case where the review reveals that the fees paid exceed 100% of the costs, then a refund of the difference shall be made. If the case review reveals that 100% of the costs incurred by the County exceed the fees paid, then the developer shall pay the difference to the County prior to plan approval for review fees, or prior to bond release for inspection fees.

**G. PERMITS FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITY FEES**

The following fees shall be paid for permits for Chesapeake Bay Preservation Act land-disturbing activities, General Permits for Discharges of Stormwater from Construction Activities, modification or transfer of coverage under a permit, and permit maintenance.

*(A) General / Stormwater Management – Base Fee*

The state’s portion of the fees for initial coverage under the General Permit for Discharges of Stormwater from Construction Activities shall be paid directly to the state in accordance with § 124-3-3.

- 1. Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage; Sites with land-disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre.) Fee not required for land-disturbing activities exempt from the Stormwater Management Ordinance under § 124-1-7. \$~~308.00~~ 339.00
- 2. All land disturbing activities requiring General Permit coverage for Discharges of Stormwater from Construction Activities. \$~~308.00~~ 339.00

*(B) General / Stormwater Management – Modifications*

Fees for the modification or transfer of registration statements for the General Permit for Discharges of Stormwater from Construction Activities. If the permit modifications result in changes to stormwater management plans that require additional review by the County, such reviews shall be subject to the fees set out in this part. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the permit modification fee paid to the County, modifications resulting in an increase of total disturbed acreage shall pay to the state the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage.

- 1. Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than one acre) \$0.00
- 2. Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres for construction of single-family detached residential structures) \$0.00
- 3. Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one

acre and less than five acres except for construction of single-family detached residential structures)	<del>\$200.00</del> <u>220.00</u>
4. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than five acres and less than 10 acres)	<del>\$250.00</del> <u>275.00</u>
5. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 10 acres and less than 50 acres)	<del>\$300.00</del> <u>330.00</u>
6. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 50 acres and less than 100 acres)	<del>\$450.00</del> <u>495.00</u>
7. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 100 acres)	<del>\$700.00</del> <u>770.00</u>

*(C) General / Stormwater Management – Permit Maintenance*

Fees for annual permit maintenance including expired state permits that have been administratively continued. With respect to the General Permit for Discharges of Stormwater from Construction Activities, these fees shall apply until the state permit coverage is terminated. Fees for annual permit maintenance will be collected on a schedule consistent with the bond acceptance, approval, extension, reduction, and release process for bonded projects and as part of the process for acceptance and release of conservation deposits for non-bonded projects.

1. Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage; Sites with land-disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre)	\$0.00
2. Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than one acre)	\$0.00
3. Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres for construction of single-family detached residential structures)	\$0.00
4. Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres except for construction of single-family detached residential structures)	<del>\$400.00</del> <u>440.00</u>
5. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than five acres and less than 10 acres)	<del>\$500.00</del> <u>550.00</u>

6. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$ <del>650.00</del> <u>715.00</u>
7. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$ <del>900.00</del> <u>990.00</u>
8. Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land-disturbance acreage equal to or greater than 100 acres)	\$ <del>1,400.00</del> <u>1,540.00</u>

**III. MISCELLANEOUS FEES**

**The following fees must be paid to the County incidental to the Building and Site Development Fees identified in Parts I and II above. Fees must be paid in conjunction with the submission of the related plan, permit or application for processing.**

- ~~Digitization Fee per square foot of paper plan for each paper submission for an ePlan designated plan type~~ ~~\$0.75~~
- Technology Surcharge – Percentage of each transaction 4.00 10.00%
- ~~Sheet substitution (insert): fee paid before plan approval of any insert sheet to a study, report, plan, or waiver.~~ ~~\$108.00~~



Board Agenda Item  
March 5, 2024

ADMINISTRATIVE - 11

Authorization to Advertise a Public Hearing on Recovering Costs from Sign Violations

ISSUE:

Board approval of a portion of the County's costs related to the removal and abatement of illegal signs placed within the limits of the highway be assessed against each violator and be collected by the Department of Code Compliance (DCC).

RECOMMENDATION:

The County Executive recommends the Board authorize advertisement of a public hearing on March 5, 2024, to increase the DCC administrative fee from \$10 dollars to \$50 dollars for each sign illegally placed within the limits of a highway to recoup a portion of the County costs. The public meeting will be held on April 16, 2024, at 3:00p.m.

TIMING:

DCC requests that the Board take action on April 16, 2024, at 3:00p.m. to approve the recommended increase to the administrative fee. The Virginia Code and the County's Agreement with the Virginia Department of Transportation (VDOT) permit collection of these costs, in addition to the \$100 civil penalty per sign. DCC would like to make this increase effective July 1, 2024.

BACKGROUND:

On March 11, 2013, following a public hearing before the Board of Supervisors on February 26, 2013, the Board of Supervisors entered into an agreement with the Commissioner to act as the Commissioner's agent to remove signs from the limits of the highways within Fairfax County.

The Agreement authorized the Board to act as the agent for the Commissioner of Highways for the purposes of removing any signs or advertising located within the limits of the highway and collecting the penalties and costs provided for in *Virginia Code § 33.2-1224 (formerly § 33.1-373)*.

After the Board signed this Agreement, the Sheriff's Community Labor Force (CLF) began collecting signs. CLF collected signs in eight-hour shifts on Tuesdays, Wednesdays, and Thursdays. Over the years, the Sheriff's Office spent approximately

Board Agenda Item  
March 5, 2024

\$32,000 annually on vehicle costs—fuel, mileage, maintenance, and replacement costs of two trucks—to collect these signs. In addition, the Sheriff's Office employed one deputy per truck for the three collection shifts at a cost of approximately \$149,760 annually.

In the spring of 2016, the DCC began its illegal sign enforcement efforts. DCC hired two non-merit employees dedicated solely to the illegal sign enforcement program. Collectively, these employees' salaries average \$65,520 annually. DCC also has two vehicles dedicated to its illegal sign enforcement efforts. DCC's costs average \$4,800 per vehicle annually. Additionally, DCC incurs administrative costs for this illegal sign enforcement program including, but not limited to, invoicing, overseeing the program, and preparing the non-compliant cases for litigation. On January 24, 2017, the Board authorized DCC to impose and collect an administrative fee of \$10 per sign for each sign illegally placed within the limits of a highway.

To date, DCC has invoiced sign violators \$309,320.00 and has collected \$252,710.00 in invoiced fines. This is a collection rate of 82%. That collection rate also includes payments received from enforcement efforts by the Office of the County Attorney, which has been taking legal actions against sign violators since 2016 to collect civil penalties and costs as permitted by *Virginia Code §§ 33.2-1224 and -1225*.

In August of 2022, the CLF informed the Board that it no longer had capacity for the sign removal program. So, during the 2023 legislative session, the Board of Supervisors sought an amendment to *Virginia Code § 33.2-1225* that would allow the Board to engage contractors to remove signs from the rights of way. That amendment was adopted on March 23, 2023, and took effect on July 1, 2023.

On June 27, 2023, the Board permitted the County to authorize contractors to act as the Commissioner's agent in fulfilling the purpose of the agreement. As part of FY2023 Third Quarter and Carryover Review, funding of approximately \$440,000 was approved for payment of the Sign removal contractor.

To date, the \$10 administrative fee adopted in 2017 has never been increased. The request for this increase is to recover a portion of costs associated with carrying out the program, such as vehicle usage and depreciation; fuel; invoice and payment processing; and contract administration. The Virginia Code does not define administrative costs or set an exact amount that can be charged for such costs. The activities and associated costs stated above are necessary for the removal and abatement of these illegal signs, therefore, DCC requests the Board authorize an increase from \$10 to \$50 per sign of *Virginia Code § 33.2-1224 (formerly § 33.1-373)*.

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EQUITY IMPACT:

None.

FISCAL IMPACT:

Staff estimates that the imposition of the cost recovery fee increase from \$10 to \$50 per sign could generate approximately \$12,000 in revenue annually. Recognition of this revenue, along with the associated \$100 per sign civil penalty, will be included as part of the FY 2025 budget.

ENCLOSED DOCUMENTS:

Attachment 1 – Agreement

STAFF:

Rachel Flynn, Deputy County Executive

Gabriel M. Zakkak, Director, Department of Code Compliance

Albena Assenova, Division Director, Department of Management and Budget

ASSIGNED COUNSEL:

Patrick Foltz, Assistant County Attorney

**AGREEMENT BETWEEN  
THE VIRGINIA DEPARTMENT OF  
TRANSPORTATION AND  
THE BOARD OF  
SUPERVISORS OF  
FAIRFAX COUNTY, VIRGINIA  
FOR ENFORCEMENT OF LAWS REGARDING ILLEGAL SIGNS AND ADVERTISING  
WITHIN THE LIMITS OF THE HIGHWAY**

THIS AGREEMENT is made this 27 day of July, 20 23, between the Commissioner of Highways of the Commonwealth of Virginia (Commissioner), and the County of Fairfax, Virginia, acting by and through its Board of Supervisors (Board).

**WITNESSETH:**

WHEREAS, pursuant to Title 33.2, Chapter 12, Article 1 of the *Code of Virginia* (1950), as amended (*Code*), the Commissioner, as the chief executive officer of the Virginia Department of Transportation (VDOT), enforces the prohibition on the placement of signs and advertising within the limits of highways in the Commonwealth; and

WHEREAS, the Board, as the governing body of Fairfax County, has an interest in protecting the public health, safety, and welfare, and in protecting the appearance of the County, in general; and

WHEREAS, the Board has found that the proliferation of signs and advertising in the rights-of-way of highways in Fairfax County threatens the public safety and the welfare of the County, and has a negative effect on the appearance of highways; and

WHEREAS, after a public hearing on the matter and as documented by the summary of the Board's meeting on June 27, 2023, attached hereto as Exhibit A, the Board expressed its desire and agreement to enter into this Agreement with the Commissioner to enforce the provisions of § 33.2-1224 of the *Code*, and to collect the penalties and costs provided therein pursuant to § 33.2-1225 and

WHEREAS, the Commissioner desires the Board's assistance in removing signs and advertising from the highways in Fairfax County.

**NOW, THEREFORE**, for and in consideration of the mutual benefits to be derived from this Agreement, the parties hereto agree as follows:


1. Pursuant to § 33.2-1225 of the *Code*, the Commissioner hereby authorizes the Board to act as the Commissioner's agent for the purpose of removing any signs or advertising located within the rights-of-way, in violation of § 33.2-1224 of the *Code*.
2. The Commissioner further authorizes the Board to act as the Commissioner's agent, pursuant to § 33.2-1225 of the *Code*, for the purpose of collecting the penalties and costs provided for in § 33.2-1224 of the *Code*.
3. The Board may authorize local law-enforcement agencies, including, without limitation, the Fairfax County Sheriff's Office, other local governmental entities, or contractors to act as agents of the Commissioner for the purpose of fulfilling the terms of this Agreement.
4. Any penalties and costs collected under this Agreement shall be paid to Fairfax County.
5. Any signs or advertising promoting and/or providing directions to a special event erected from Saturday through the following Monday shall not be subject to this Agreement.

6. The Board shall require each of its employees, contractors, and any volunteers who are authorized to act on its behalf to comply with the provisions of this Agreement and all applicable laws.
7. If a lawfully placed sign is confiscated by an employee, contractor, or volunteer authorized to act for the Board in violation of the authority granted under this Agreement, the sign owner shall have the right to reclaim the sign within five business days of the date of such confiscation.
8. The Parties agree that the following procedures shall apply to the collection of penalties and costs referenced in Paragraph 2, above, and any appeals thereto:
  - a. The Board, or its designee, when collecting the penalties and costs referenced in Paragraph 2, above, shall issue an invoice to the person, firm, or corporation that erected, painted, printed, placed, put, or affixed such sign, or advertisement, or the person, firm or corporation being advertised, for collection of any and all penalties and costs, as provided in §33.2-1224, which shall provide that within 30 days, 33 days if the invoice is sent by mail, the person, firm, or corporation who receives the invoice shall either (a) remit payment of the invoice to the Board, or its designee, or (b) notify the Board or its designee in writing that matter and/or the penalties and costs are disputed.
  - b. In the event that a person, firm, or corporation disputes the matter and/or penalties and costs as noted in subdivision a. the Board shall be responsible for resolving the dispute in accord with all applicable laws.
9. This Agreement may be terminated upon 30 days' written notice by either party to the other party.
10. This Agreement may be amended at any time by the written agreement of the parties.
11. This Agreement supersedes the March 11, 2013, agreement between the Board of Supervisors and the Commissioner of Highways.

IN WITNESS WHEREOF the Parties have caused this Agreement to be executed by their duly authorized representatives:

VIRGINIA  
DEPARTMENT OF TRANSPORTATION

FAIRFAX COUNTY, VIRGINIA

  
Commissioner of Highways  
County Commonwealth of Virginia  
Department of Transportation  
**DIRECTOR, OFFICE OF LAND USE**

DocuSigned by:  
  
3CF069274C2440E...  
County Executive of Fairfax

60. **4 P.M. - PUBLIC HEARING ON AN AGREEMENT BETWEEN THE COMMISSIONER OF HIGHWAYS AND THE BOARD OF SUPERVISORS REGARDING REMOVING SIGNS LOCATED WITHIN THE LIMITS OF ANY HIGHWAY IN FAIRFAX COUNTY** (6:16 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 9 and June 16, 2023.

David Stoner, Deputy County Attorney, presented the staff report.

Discussion ensued, with input from Gabriel Zakkak, Director, Department of Code Compliance, and Mr. Stoner, regarding:

- Administrative fees
- Sign removal expenses
- Timeline to begin enforcement
- The amount of time signs are allowed to be put on the roadway
- Providing the appropriate County staff with the correct timeframe for signs
- The location of signs included in the agreement

Following the public hearing, Mr. Stoner presented the staff recommendation.

Discussion ensued, with input from Mr. Stoner and Mr. Zakkak, regarding:

- Whether the agreement includes medians and right-of ways
- The roads identified for enforcement
- Increasing the number of roads eligible for enforcement

Bryan Hill, County Executive, asked staff to send the Board the current list of the 99 roads identified for enforcement.

Supervisor Alcorn moved that the Board:

- Enter into the agreement with the Commissioner of Highways regarding removing signs located within the limits of any highway in Fairfax County in substantially the same form as set forth in Attachment 1 of the Board Agenda Item

- Authorize the County Executive to sign the agreement

The motion was multiply seconded and it carried by unanimous vote.

61. **4 P.M. – PROPOSED PLAN AMENDMENT 2021-IV-S2, VILLA PARK ROAD, LOCATED SOUTH OF VILLA PARK ROAD AND WEST OF THE RAMP BETWEEN BACKLICK ROAD AND WESTBOUND FRANCONIA-SPRINGFIELD PARKWAY (FRANCONIA DISTRICT)** (6:35 p.m.)

Sophia Fisher, Planner II, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD), presented the staff report.

Discussion ensued, with input from Ms. Fisher, and Thomas Burke, Planner, Transportation Planning Division, Department of Transportation, regarding:

- Tree preservation requirements
- Parking along Wesley Road and whether “No Parking” signs could be a mitigation if the need arises
- Language in the proposed Plan Amendment
- Access to the property, whether there are any alternatives, and what the limitations would be
- Sidewalks

Discussion continued, with input from Graham Owen, Branch Chief, Policy and Plan Development Branch, DPD, and Leanna O’Donnell, Director, Planning Division, DPD, regarding changing and/or adding language to address vehicular and pedestrian safety issues.

Discussion continued, regarding the plan amendment language, with input from Elizabeth Teare, County Attorney, regarding deferring the public hearing.

Supervisor Lusk moved to defer the public hearing on Plan Amendment 2021-IV-S2, Villa Park Road, until **July 25, 2023, at 3 p.m.** The motion was multiply seconded and it carried by unanimous vote.

62. **4 P.M. – PUBLIC COMMENT ON ISSUES OF CONCERN** (7:07 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public comment was duly advertised in that newspaper in the issues of June 9 and June 16, 2023.

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ADMINISTRATIVE - 12

Authorization to Advertise Publication of the FY 2025 Budget and Required Tax Rates, the FY 2025 Effective Tax Rate Increase, the Advertised Capital Improvement Program for Fiscal Years 2025-2029 (with Future Fiscal Years to 2034), and Notice of Associated Public Hearings

ISSUE:

Board authorization to advertise the FY 2025 County budget, the tax rates that are proposed to support the FY 2025 budget, the Capital Improvement Program for Fiscal Years 2025-2029, the FY 2025 Effective Tax Rate Increase, and give notice of associated public hearings. Advertising these rates will not prevent the Board from lowering any advertised tax rate, but higher tax rates could not be imposed without advertising such rates.

RECOMMENDATION:

The revenue projections included in the FY 2025 Advertised Budget Plan are based on a Real Estate Tax rate of \$1.135 per \$100 of assessed value, which is a 4-cent increase over the FY 2024 Adopted Budget Plan. A balance of \$3,826,826 remains unallocated and is available for the Board's consideration. However, staff continue to monitor state budget action particularly as it relates to Schools and Metro funding, as well as Metro's action on its own budget.

The County Executive recommends that the Board authorize advertisement of (1) a public hearing on the FY 2025 Budget; (2) of a brief synopsis of the FY 2025 Budget; and (3) a real estate tax rate for FY 2025 at a rate between \$1.155 and \$1.175, an increase of between 6 and 8 cents over the current tax rate of \$1.095, to allow for and encourage engagement of residents in the discussion on the County's budget challenges. Advertising a rate above what is included in the FY 2025 Advertised Budget Plan does not prevent the Board from lowering any advertised tax rate, but a higher tax rate cannot be imposed without having advertised the higher rate.

The total increase in assessed value of existing property is expected to be 1.91 percent. In FY 2025, the assessed value of residential real property is expected to increase by 2.86 percent and non-residential property is expected to decrease by 1.24 percent. *Virginia Code § 58.1-3321* requires that a separate public hearing be held on the effective tax rate if the reassessment of real property results in an increase of one percent or more in the total real property tax levied. Therefore, the County Executive also recommends that the Board authorize advertisement of a public hearing on the effective tax rate.



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In addition, the County Executive recommends that the Board authorize advertisement of a public hearing on the FY 2025 – FY 2029 Advertised Capital Improvement Program (with Future Fiscal Years to 2034).

Please note that the draft tax resolution to be advertised includes the following recommendations regarding rates for FY 2025.

The following rates are recommended to increase:

- Refuse Collection Services assessment from \$490 per household unit to \$555 per household unit.
- Refuse Disposal Services assessment from \$72 per ton to \$79 per ton.
- Leaf Collection Districts from \$0.012 to \$0.019 per \$100 assessed value.

The following rates are recommended to be advertised with no change:

- Reston Community Center at \$0.047 per \$100 assessed value.
- McLean Community Center at \$0.023 per \$100 assessed value.
- Burgundy Village Community Center at \$0.020 per \$100 assessed value.
- Commercial and Industrial Tax for Transportation at \$0.125 per \$100 assessed value.
- Special service district for pest infestations at \$0.0010 per \$100 assessed value.
- Rail to Dulles Phase I Transportation Improvement District Levy at \$0.09 per \$100 assessed value.
- Rail to Dulles Phase II Transportation Improvement District Levy at \$0.18 per \$100 assessed value.
- Reston Transportation Service District at \$0.021 per \$100 of assessed value.
- Route 28 Highway Transportation Improvement District Levy at \$0.16 per \$100 assessed value.
- Tysons Transportation Service District at \$0.05 per \$100 assessed value.

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- Stormwater Service District Levy at \$0.0325 per \$100 assessed value.

Also included in the brief synopsis of the FY 2025 budget advertisement is information as it relates to the Personal Property Tax Relief Act (PPTRA) and the percentage of state “Car Tax” subsidy on qualifying personal property tax levy. On November 21, 2005, as part of Action Item 3, the Board of Supervisors adopted a resolution to implement the state “Car Tax” changes found in the Executive Amendments to the 2004-2006 Biennial Budget, specifically state Budget Item 503(E) of the Central Appropriations Act, in accordance with the requirements set forth in *Virginia Code Sections 58.1-3524(C)(2) and 58.1-3912(E)*, as amended by Chapter 1 of the Acts of Assembly (2004 Special Session 1) and as set forth in Item 503(E)(Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly.

Beginning in tax year 2006, the state “Car Tax” subsidy on qualifying vehicles was “capped” to a statewide total of \$950 million. Based on the final report from the state Auditor of Public Accounts, dated February 2006, Fairfax County’s share of this \$950 million was fixed at 22.2436 percent, or \$211,313,944.16. The annual subsidy is frozen at this amount and is factored into the FY 2025 Advertised Budget Plan.

Consistent with the November 21, 2005, Board resolution, the state “Car Tax” funding will provide a 100 percent subsidy of the tax year 2024 levy for qualifying vehicles valued at \$1,000 or less and a 100 percent subsidy of the tax year 2024 levy on the value up to \$20,000 for vehicles leased by a qualified military service member and/or spouse. Furthermore, the state “Car Tax” funding is estimated to provide a 50.0 percent subsidy of the tax year 2024 levy for all other qualifying vehicles on the value up to \$20,000.

Please note that a separate item recommending Board authorization to advertise public hearings for sewer rate revision notices is included in the March 5, 2024, Board package. The sewer rate revision notices authorize the increase in the Base Charge from \$44.81 per quarter, totaling \$179.24 per year, to \$49.73 per quarter, totaling \$198.92 per year. The Sewer Service Charge will increase from \$8.46 per 1,000 gallons of water consumption to \$8.81 per 1,000 gallons of water consumption. The Sewer Availability Fee will increase from \$8,860 to \$9,038 per new home being constructed. A separate public hearing on sewer rate revisions will be held on Tuesday, April 16, 2024.

TIMING:

Action is requested to be taken on March 5, 2024, to meet the various legal requirements associated with the FY 2025 Budget and Required Tax Rates, the FY 2025 Effective Tax Rate Increase, and the Advertised Capital Improvement Program for Fiscal Years 2025-2029 (With Future Fiscal Years to 2034).

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BACKGROUND:

*Virginia Code Section 15.2-2506* requires the publication of a brief synopsis of the budget at least seven days prior to the date set for public hearing.

*Virginia Code Section 58.1-* requires a public hearing be held when an increase in the real estate tax levy for existing property based on an equalization is greater than one percent. The assessed value of existing real estate is projected to increase 1.91 percent due to equalization, which exceeds the one-percent threshold for that statute. That section requires the publication of a statutory notice prior to the date set for the public hearing.

Therefore, this item requests Board authorization to advertise the following items in accordance with the notification requirements listed above.

- A brief synopsis of the FY 2025 Budget, including information as it relates to the impact of the Personal Property Tax Relief Act (PPTRA) on the percentage of state “Car Tax” subsidy on qualifying personal property tax levy
- Proposed Tax Rates for tax year 2024
- The effective tax rate notice required by Virginia Code Section 58.1-3321
- Notice of public hearings on the FY 2025 Budget, the Effective Tax Rate, and FY 2025 – FY 2029 Advertised Capital Improvement Program (With Future Fiscal Years to 2034)

In order to meet these legal requirements and hold to the scheduled public hearing dates, the advertisements must be approved no later than March 5, 2024. This will permit the County to adhere to the following budget schedule:

- Public Hearing on the FY 2025 Effective Tax Rate – April 16, 2024. Please note the Public Hearing on the Effective Tax Rate is separate from the Public Hearings on the Budget. However, citizens may speak on the Effective Tax Rate during the Public Hearings on the FY 2025 Budget.
- Public Hearings on the FY 2025 Budget, the FY 2025 – FY 2029 Advertised Capital Improvement Program (With Future Fiscal Years to 2034) and proposed FY 2025 Tax Rates – April 16-18, 2024.
- Public Hearings on the *FY 2024 Third Quarter Review* – April 16-18, 2024.

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- FY 2025 Budget Mark-up and Board Adoption of the *FY 2024 Third Quarter Review* – April 30, 2024.
- Board Adoption of Fiscal Plan, Tax Levies, and Appropriation Resolution – May 7, 2024.
- School transfer set (required by May 15 or 30 days after the State approves aid to schools).

In addition, it should be noted that for FY 2025 the allowable asset limits associated with the Real Estate Tax Relief Program for the Elderly and Disabled are maintained at the FY 2024 level. In FY 2025, the income limits of the Tax Relief program provide 100 percent exemption for elderly and disabled taxpayers with incomes up to \$60,000; 75 percent exemption for eligible applicants with income between \$60,001 and \$70,000; 50 percent exemption for eligible applicants with income between \$70,001 and \$80,000; and 25 percent exemption if income is between \$80,001 and \$90,000. The allowable asset limit in FY 2025 is \$400,000 for all ranges of tax relief and that limit does not include the value of the residence of the applicant and five acres of land on which the residence is located and that cannot be subdivided under approved zoning. Relief is granted to a maximum limit of 125 percent of the mean assessed value of all residential properties in Fairfax County as of January 1, 2024. In addition, veterans who have a 100 percent permanent and total disability related to military service, or their surviving spouse, are eligible for full Real Estate Tax relief regardless of income and assets.

The Board of Supervisors approved a Real Estate Tax Deferral program for eligible seniors and people with disabilities beginning in FY 2024. To qualify for the program, total combined gross household income from the immediately preceding year may not exceed \$100,000. Additionally, the total net worth of applicants and owners may not exceed \$500,000, not including the value of the home, its furnishings and the home site, up to five acres of land. The deferred real estate taxes are subject to an annual compounding interest at the rate of the prime rate set by the Wall Street Journal plus 1.00 percent per year (not to exceed 8.00 percent in total). The total deferred taxes and accumulated interest may not in aggregate exceed 10 percent of the assessed value of the property and are due to the County upon the sale or transfer of the property and within one year of the date of passing of the eligible applicant.

**FISCAL IMPACT:**

The FY 2025 Real Estate Tax rate of \$1.135 per \$100 of assessed value results in the revenue projections outlined in the FY 2025 Advertised Budget Plan. Each penny on the Real Estate Tax rate equates to \$32,318,822 in General Fund revenue.

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ENCLOSED DOCUMENTS:

Attachment I - Brief Synopsis of the FY 2025 Budget

Attachment II - Draft Resolution Adopting Fairfax County Tax Rates for FY 2025

Attachment III - Notice of a Proposed Tax Increase for FY 2025

STAFF:

Bryan J. Hill, County Executive

Christina Jackson, Deputy County Executive/Chief Financial Officer

Philip Hagen, Director, Department of Management and Budget

Katie Horstman, Deputy Director, Department of Management and Budget

Joe LaHait, Deputy Director, Department of Management and Budget

Jaydeep Doshi, Director, Department of Tax Administration

ASSIGNED COUNSEL:

Patricia McCay, Senior Assistant County Attorney

**COMMONWEALTH OF VIRGINIA  
COUNTY OF FAIRFAX**

In accordance with Virginia law, notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will meet in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia on April 16 at 4:00 P.M. and April 17 and April 18 at 3:00 P.M. The purpose of these meetings is to consider the adoption of an FY 2025 County Budget and to consider such tax rate changes as described therein. A brief synopsis of the FY 2025 Advertised Budget Plan is shown below. Citizens may appear and be heard for and against the following estimates of revenues, expenditures, transfers and surpluses as contained in the FY 2025 Advertised Budget Plan and proposed tax rate changes. Fiscal Year 2025 begins on July 1, 2024, and ends on June 30, 2025.

At the same time, the Board of Supervisors will hear public testimony regarding proposed adoption of the FY 2025– FY 2029 Advertised Capital Improvement Program (With Future Fiscal Years to 2034).

All persons wishing to present their views on these subjects may sign up to be placed on the Speakers List at [www.fairfaxcounty.gov/bosclerk/speakers-form](http://www.fairfaxcounty.gov/bosclerk/speakers-form), call the Office of the Clerk to the Board at 703-324-3151, or appear and be heard. Copies of the full text of proposed ordinances, plans and amendments, as applicable, as well as other documents relating to the aforementioned subjects, are on file and may be examined at the Office of the Clerk to the Board of Supervisors, Suite 552 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia.

Fairfax County supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities. Open captioning will be provided in the Board Auditorium. For sign language interpreters or other accommodations, please call the Clerk's Office, 703-324-3151, TTY 711 (Virginia Relay Center) no later than 48 hours before the public hearing. Assistive listening devices will be available at the meeting.

Copies of the FY 2025 Advertised Budget Plan and the FY 2025 – FY 2029 Advertised Capital Improvement Program (With Future Fiscal Years to 2034) are available on the Internet at [www.fairfaxcounty.gov/budget](http://www.fairfaxcounty.gov/budget).

Fund	EXPENDITURES	TRANSFERS OUT	TOTAL EXPENDITURES & TRANSFERS OUT	TAX REQUIRED			OTHER RESOURCES					
				AMOUNT	FY 2025 RATE	FY 2024 RATE	FY 2023 RATE	STATE AID	FEDERAL AID	OTHER RECEIPTS	TRANSFERS IN	APPROPRIATED FROM/ADDED TO SURPLUS
<b>GOVERNMENTAL FUNDS</b>												
<b>General Fund Group</b>												
10001 General Fund <sup>1</sup>	\$2,045,765,355	\$3,414,941,272	\$5,460,706,627	\$4,207,521,726	1.135 a 4.57 b	1.095 a 4.57 b	1.110 a 4.57 b	\$325,617,385 c	\$41,150,532	\$886,204,182	\$10,344,474	(\$10,131,672)
10010 Revenue Stabilization	0	0	0	0				0	0	9,000,000	0	(9,000,000)
10015 Economic Opportunity Reserve	0	0	0	0				0	0	1,000,000	576,211	(1,576,211) d
10020 Consolidated Community Funding Pool	13,542,806	0	13,542,806	0				0	0	0	13,542,806	0
10030 Contributory Fund	19,693,041	0	19,693,041	0				0	0	0	19,667,330	25,711
10040 Information Technology	0	0	0	0				0	0	0	0	0
<b>Total General Fund Group</b>	<b>\$2,079,001,202</b>	<b>\$3,414,941,272</b>	<b>\$5,493,942,474</b>	<b>\$4,207,521,726</b>				<b>\$325,617,385</b>	<b>\$41,150,532</b>	<b>\$896,204,182</b>	<b>\$44,130,821</b>	<b>(\$20,682,172)</b>
<b>Debt Service Funds</b>												
20000 Consolidated Debt Service	\$364,903,981	\$0	\$364,903,981	\$0				\$0	\$1,800,000	\$593,600	\$362,510,381	\$0
<b>Capital Project Funds</b>												
30000 Metro Operations and Construction	\$103,357,196	\$3,689,074	\$107,046,270	\$0				\$0	\$0	\$44,000,000	\$63,046,270	\$0
30010 General Construction and Contributions	31,861,769	0	31,861,769	0				0	0	3,202,836	28,658,933	0
30015 Environmental and Energy Program	1,298,767	0	1,298,767	0				0	0	0	1,298,767	0
30020 Infrastructure Replacement and Upgrades	2,500,000	0	2,500,000	0				0	0	0	2,500,000	0
30030 Library Construction	0	0	0	0				0	0	0	0	0
30040 Contributed Roadway Improvement	0	186,350	186,350	0				0	0	186,350	0	0
30050 Transportation Improvements	0	0	0	0				0	0	0	0	0
30060 Pedestrian Walkway Improvements	0	0	0	0				0	0	0	0	0
30070 Public Safety Construction	0	0	0	0				0	0	0	0	0
30080 Commercial Revitalization Program	0	0	0	0				0	0	0	0	0
30090 Pro Rata Share Drainage Construction	0	0	0	0				0	0	0	0	0
30300 Affordable Housing Development and Investment	38,118,750	0	38,118,750	32,318,750 e				0	0	5,800,000	0	0
30310 Housing Assistance Program	0	0	0	0				0	0	0	0	0
30400 Park Authority Bond Construction	0	0	0	0				0	0	0	0	0
S31000 Public School Construction	259,570,043	0	259,570,043	0				0	0	231,451,000	28,147,127	(28,084)
<b>Total Capital Project Funds</b>	<b>\$436,706,525</b>	<b>\$3,875,424</b>	<b>\$440,581,949</b>	<b>\$32,318,750</b>				<b>\$0</b>	<b>\$0</b>	<b>\$284,640,186</b>	<b>\$123,651,097</b>	<b>(\$28,084)</b>
<b>Special Revenue Funds</b>												
40000 County Transit Systems	\$177,358,888	\$0	\$177,358,888	\$0				\$78,839,026	\$0	\$5,529,351	\$91,139,461	\$1,851,050
40010 County and Regional Transportation Projects	76,065,128	43,222,857	119,287,985	62,634,265	0.125 f	0.125 f	0.125 f	56,653,720	0	0	0	0
40030 Cable Communications	11,996,234	8,165,036	20,161,270	0				0	0	17,771,228	0	2,390,042
40040 Fairfax-Falls Church Community Services Board	220,442,785	0	220,442,785	0				8,451,543	4,208,641	26,335,450	181,447,151	0
40045 Early Childhood Birth to 5	35,001,831	0	35,001,831	0				0	44,689	171,271	34,785,871	0
40050 Reston Community Center	13,395,774	0	13,395,774	10,063,655	0.047 g	0.047 g	0.047 g	0	0	1,505,623	0	1,826,496
40060 McLean Community Center	8,244,216	0	8,244,216	6,246,181	0.023 g	0.023 g	0.023 g	0	0	1,297,221	0	700,814
40070 Burgundy Village Community Center	49,321	0	49,321	43,551	0.020 h	0.020 h	0.020 h	0	0	63,156	0	(57,386)
40080 Integrated Pest Management Program	3,658,922	159,824	3,818,746	3,227,550	0.001 i	0.001 i	0.001 i	0	0	7,691	0	583,505
40090 E-911	63,942,782	0	63,942,782	0				3,396,251	0	40,728,880	16,751,841	3,065,810
40100 Stormwater Services	102,268,020	1,609,462	103,877,482	103,877,482	0.0325 j	0.0325 j	0.0325 j	0	0	0	0	0
40110 Dulles Rail Phase I Transportation Improvement District	13,826,300	0	13,826,300	15,590,343	0.09 k	0.09 k	0.09 k	0	0	0	0	(1,764,043)
40120 Dulles Rail Phase II Transportation Improvement District	10,661,564	0	10,661,564	19,372,827	0.18 l	0.18 l	0.20 l	0	0	0	0	(8,711,263)
40125 Metrorail Parking System Pledged Revenues	13,509,830	0	13,509,830	0				0	0	5,850,660	2,354,867	5,304,303
40130 Leaf Collection	4,810,464	44,193	4,854,657	0	0.019 m	0.012 m	0.012 m	0	0	4,303,056	0	551,601
40140 Refuse Collection and Recycling Operations	26,584,987	539,815	27,124,802	0	555 n	490 n	475 n	189,668	0	25,056,498	0	1,878,636
40150 Refuse Disposal	70,561,654	802,437	71,364,091	0	79 o	72 o	70 o	0	0	64,830,654 p	0	6,533,437
40170 I-95 Refuse Disposal	13,680,541	249,596	13,930,137	0	31.40 q	29.70 q	28.44 q	0	0	12,533,617	0	1,396,520
40180 Tysons Service District	0	0	0	8,913,369	0.05 r	0.05 r	0.05 r	0	0	0	0	(8,913,369)
40190 Reston Service District	0	0	0	2,557,505	0.021 s	0.021 s	0.021 s	0	0	0	0	(2,557,505)
40200 Land Development Services	55,246,862	433,852	55,680,714	0				0	0	58,597,477	0	(2,916,763)
40300 Housing Trust	4,211,206	0	4,211,206	0				0	0	4,211,206	0	0
40330 Elderly Housing Programs	0	0	0	0				0	0	0	0	0
40360 Homeowner and Business Loan Programs	0	0	0	0				0	0	0	0	0
50000 Federal/State Grants	146,205,056	0	146,205,056	0				65,688,324	65,713,707	9,718,105	5,084,920	0

Fund	EXPENDITURES	TRANSFERS OUT	TOTAL EXPENDITURES & TRANSFERS OUT	TAX REQUIRED			OTHER RESOURCES				APPROPRIATED FROM/ADDED TO SURPLUS	
				AMOUNT	FY 2025 RATE	FY 2024 RATE	FY 2023 RATE	STATE AID	FEDERAL AID	OTHER RECEIPTS		TRANSFERS IN
<b>Special Revenue Funds (Cont.)</b>												
50800 Community Development Block Grant	5,682,469	0	5,682,469	0				0	5,682,469	0	0	0
50810 HOME Investment Partnerships Program	2,385,371	0	2,385,371	0				0	2,385,371	0	0	0
S10000 Public School Operating <sup>2</sup>	3,684,556,210	40,062,780	3,724,618,990	0				977,458,302	51,091,748	82,677,848	2,585,284,875	28,106,217
S40000 Public School Food and Nutrition Services	148,784,280	0	148,784,280	0				3,009,687	58,178,668	36,736,649	0	50,859,276 t
S43000 Public School Adult and Community Education	9,566,371	0	9,566,371	0				1,144,465	2,253,526	4,772,130	1,396,250	0
S50000 Public School Grants & Self Supporting Programs	95,733,544	0	95,733,544	0				8,988,146	51,001,131	8,233,400	24,578,680	2,932,187 u
<b>Total Special Revenue Funds</b>	<b>\$5,018,430,610</b>	<b>\$95,289,852</b>	<b>\$5,113,720,462</b>	<b>\$232,526,728</b>				<b>\$1,203,819,132</b>	<b>\$240,559,950</b>	<b>\$410,931,171</b>	<b>\$2,942,823,916</b>	<b>\$83,059,565</b>
<b>TOTAL GOVERNMENTAL FUNDS</b>	<b>\$7,899,042,318</b>	<b>\$3,514,106,548</b>	<b>\$11,413,148,866</b>	<b>\$4,472,367,204</b>				<b>\$1,529,436,517</b>	<b>\$283,510,482</b>	<b>\$1,592,369,139</b>	<b>\$3,473,116,215</b>	<b>\$62,349,309</b>
<b>PROPRIETARY FUNDS</b>												
<b>Internal Service Funds</b>												
60000 County Insurance	\$35,165,012	\$0	\$35,165,012	\$0				\$0	\$0	\$685,000	\$24,439,550	\$10,040,462
60010 Department of Vehicle Services	97,220,954	0	97,220,954	0				0	0	91,311,912	0	5,909,042
60020 Document Services Division	9,621,880	0	9,621,880	0				0	0	5,044,426	4,591,361	(13,907)
60030 Technology Infrastructure Services	62,482,945	0	62,482,945	0				0	0	45,493,122	14,982,597	2,007,226
60040 Health Benefits	199,481,539	0	199,481,539	0				0	0	203,815,656	0	(4,334,117)
S60000 Public School Insurance	23,782,643	0	23,782,643	0				0	0	20,390,210	0	3,392,433 v
S62000 Public School Health and Flexible Benefits	627,036,637	0	627,036,637	0				0	0	551,740,362	0	75,296,275 w
<b>Total Internal Service Funds</b>	<b>\$1,054,791,610</b>	<b>\$0</b>	<b>\$1,054,791,610</b>	<b>\$0</b>				<b>\$0</b>	<b>\$0</b>	<b>\$918,480,688</b>	<b>\$44,013,508</b>	<b>\$92,297,414</b>
<b>Enterprise Funds</b>												
69000 Sewer Revenue	\$0	\$304,000,000	\$304,000,000	\$0	8.81 x 9,038 y 49.73 z	8.46 x 8,860 y 44.81 z	8.09 x 8,592 y 40.14 z	\$0	\$0	\$304,034,500	\$0	(\$34,500)
69010 Sewer Operation and Maintenance	134,866,304	3,434,828	138,301,132	0				0	0	0	141,500,000	(3,198,868)
69020 Sewer Bond Parity Debt Service	45,708,354	0	45,708,354	0				0	0	0	45,500,000	208,354
69030 Sewer Bond Debt Reserve	0	0	0	0				0	0	0	0	0
69040 Sewer Bond Subordinate Debt Service	23,458,744	0	23,458,744	0				0	0	0	22,000,000	1,458,744
69300 Sewer Construction Improvements	95,000,000	0	95,000,000	0				0	0	0	95,000,000	0
69310 Sewer Bond Construction	0	0	0	0				0	0	0	0	0
<b>Total Enterprise Funds</b>	<b>\$299,033,402</b>	<b>\$307,434,828</b>	<b>\$606,468,230</b>	<b>\$0</b>				<b>\$0</b>	<b>\$0</b>	<b>\$304,034,500</b>	<b>\$304,000,000</b>	<b>(\$1,566,270)</b>
<b>TOTAL PROPRIETARY FUNDS</b>	<b>\$1,353,825,012</b>	<b>\$307,434,828</b>	<b>\$1,661,259,840</b>	<b>\$0</b>				<b>\$0</b>	<b>\$0</b>	<b>\$1,222,515,188</b>	<b>\$348,013,508</b>	<b>\$90,731,144</b>
<b>FIDUCIARY FUNDS</b>												
<b>Custodial Funds</b>												
70000 Route 28 Tax District	\$12,702,072	\$0	\$12,702,072	\$11,702,072	0.16 aa	0.16 aa	0.17 aa	\$0	\$0	\$1,000,000	\$0	\$0
70040 Mosaic District Community Development Authority	4,878,700	0	4,878,700	4,878,700				0	0	0	0	0
<b>Total Custodial Funds</b>	<b>\$17,580,772</b>	<b>\$0</b>	<b>\$17,580,772</b>	<b>\$16,580,772</b>				<b>\$0</b>	<b>\$0</b>	<b>\$1,000,000</b>	<b>\$0</b>	<b>\$0</b>
<b>Trust Funds</b>												
73000 Employees' Retirement Trust	\$494,970,850	\$0	\$494,970,850	\$0				\$0	\$0	\$716,808,494	\$0	(\$221,837,644)
73010 Uniformed Employees Retirement Trust	171,411,921	0	171,411,921	0				0	0	274,503,762	0	(103,091,841)
73020 Police Retirement Trust	144,653,225	0	144,653,225	0				0	0	217,456,893	0	(72,803,668)
73030 OPEB Trust	15,752,812	0	15,752,812	0				0	2,471,895	2,672,934	1,000,000	9,607,983
S71000 Educational Employees' Retirement	244,042,736	0	244,042,736	0				0	0	494,552,276	0	(250,509,540)
S71100 Public School OPEB Trust	18,563,500	0	18,563,500	0				0	0	28,438,000	0	(9,874,500)
<b>Total Trust Funds</b>	<b>\$1,089,395,044</b>	<b>\$0</b>	<b>\$1,089,395,044</b>	<b>\$0</b>				<b>\$0</b>	<b>\$2,471,895</b>	<b>\$1,734,432,359</b>	<b>\$1,000,000</b>	<b>(\$648,509,210)</b>
<b>TOTAL FIDUCIARY FUNDS</b>	<b>\$1,106,975,816</b>	<b>\$0</b>	<b>\$1,106,975,816</b>	<b>\$16,580,772</b>				<b>\$0</b>	<b>\$2,471,895</b>	<b>\$1,735,432,359</b>	<b>\$1,000,000</b>	<b>(\$648,509,210)</b>
<b>TOTAL ALL FUNDS</b>	<b>\$10,359,843,146</b>	<b>\$3,821,541,376</b>	<b>\$14,181,384,522</b>	<b>\$4,488,947,976</b>				<b>\$1,529,436,517</b>	<b>\$285,982,377</b>	<b>\$4,550,316,686</b>	<b>\$3,822,129,723</b>	<b>(\$495,428,577)</b>

<sup>1</sup> Personal Property taxes of \$211,313,944 that are reimbursed by the Commonwealth as a result of the Personal Property Tax Reli ef Act of 1998 are included in the Revenue from the Commonwealth category in accordance with guidelines from the State Auditor of Public Accounts.

<sup>2</sup> The proposed County General Fund transfer for school operations in FY 2025 totals \$2,584,409,875, an increase of \$165,000,000 , or 6.8 percent, over the FY 2024 Adopted Budget Plan. This amount does not fully fund the recurring portion of the transfer request approved by the School Board on February 8, 2024. The Fairfax County Public Schools Superintendent's Proposed Budget reflected a General Fund transfer increase of \$254,028,183, or 10.5 percent, over the FY 2024 Adopted Budget Plan.



## FOOTNOTES

	Revenue Amount	Tax Required		
		2025 Rate	2024 Rate	2023 Rate
<b>OTHER REAL ESTATE &amp; PERSONAL PROPERTY TAX RATES</b>				
<u>PUBLIC SERVICE CORPORATIONS</u>				
Equalized <b>a</b>	\$40,285,196	1.135	1.095	1.110
Vehicles <b>b</b>	404,477	4.57	4.57	4.57
<u>OTHER</u>				
Mining and Manufacturing Machinery and Tools (General Fund Revenue) <b>b</b>	235,885	2.00	2.00	2.00
Research and Development (General Fund Revenue) <b>b</b>	2,907	4.57	4.57	4.57
Antique Automobiles <b>b</b>	-	0.01	0.01	0.01
Mobile Homes <b>a</b>	171,726	1.135	1.095	1.110
Van Pools-Privately Owned Vans <b>b</b>	-	0.01	0.01	0.01
Motor Vehicles Owned by Members of a Volunteer Rescue Squad or Volunteer Fire Department <b>b</b>	-	0.01	0.01	0.01
Motor Vehicles Owned by Members of the Auxiliary Police <b>b</b>	-	0.01	0.01	0.01
Motor Vehicles Owned by Members of the Auxiliary Deputy Sheriff <b>b</b>	-	0.01	0.01	0.01
Homeowners Associations Furniture, office equipment and maintenance equipment <b>b</b>	-	0.01	0.01	0.01
Aircraft and Flight Simulators <b>b</b>	-	0.01	0.01	0.01
Motor Vehicles Specially Equipped to Provide Transportation to Physically Handicapped Individuals <b>b</b>	-	0.01	0.01	0.01
Boats <b>b</b>	-	0.01	0.01	0.01
Motor Vehicles Owned by Disabled Veterans <b>b</b>	-	0.01	0.01	0.01
Motor Vehicles Owned by Certain Qualifying Elderly and Disabled Individuals <b>b</b>	-	0.01	0.01	0.01
Special Service District for Pest Infestations <b>i</b>	3,227,550	0.001	0.001	0.001

ATTACHMENT I

- a. Real Estate Tax Rate per \$100 of assessed value. **The FY 2025 Advertised Budget Plan proposes a tax rate of \$1.135 per \$100 of assessed value. The real estate tax bill for the typical residential homeowner would increase by \$524 in FY 2025 with a real estate tax rate of \$1.135 per \$100 of assessed value. Advertising an increase in the rate does not prevent the Board from lowering any advertised tax rate, but a higher tax rate cannot be imposed without advertising the higher rate.**
- b. Personal Property Tax Rate per \$100 of assessed value (excluding household furnishings). Tax collections, as a percentage of total taxes levied, are estimated as follows:
  - 10001 General Fund - Real Estate, 99.50 percent; Personal Property, 97.6 percent
  - Sanitary District - Refuse Assessments, 100 percent.
- c. Percentage of state "Car Tax" subsidy on qualifying personal property tax levy. On November 21, 2005, as part of Action Item 3, the Board of Supervisors adopted a resolution to implement the state "Car Tax" changes found in the Executive Amendments to the 2004-2006 Biennial Budget, specifically state Budget Item 503(E) of the Central Appropriations Act, in accordance with the requirements set forth in Virginia Code §§ 58.1-3524(C)(2) and 58.1-3912(E), as amended by Chapter 1 of the Acts of Assembly (2004 Special Session 1) and as set forth in Item 503(E)(Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly.

Beginning in tax year 2006, the state "Car Tax" subsidy on qualifying vehicles was "capped" to a statewide total of \$950 million. Based on the final report from the state Auditor of Public Accounts, dated February 2006, Fairfax County's share of this \$950 million was fixed at 22.2436%, or \$211,313,944.16. The annual subsidy is frozen at this amount and is factored into the FY 2025 Advertised Budget Plan.

Consistent with the November 21, 2005, Board resolution, the state "Car Tax" funding will provide a 100% subsidy of the tax year 2024 levy for qualifying vehicles valued at \$1,000 or less and a 100% subsidy of the tax year 2024 levy on the value up to \$20,000 for vehicles leased by a qualified military service member and/or spouse. Furthermore, the state "Car Tax" funding is estimated to provide a 50.0% subsidy of the tax year 2024 levy for all other qualifying vehicles on the value up to \$20,000.

- d. Fund 10015, Economic Opportunity Reserve, assumes carryover of the Total Available funding of \$53,030,855 from FY 2024 to FY 2025.
- e. Real Estate revenue reflected in Fund 30300, Affordable Housing Development and Investment, reflects the allocation of the value of one penny on the real estate tax rate.
- f. Additional tax assessment per \$100 of assessed value for commercial and industrial property in the County to support transportation.
- g. Operating costs and debt service - Community Center. Tax Rate per \$100 of assessed value.
- h. Utilities and other operating costs - Community Center. Tax Rate per \$100 of assessed value.
- i. Additional special tax levy of real estate within Fairfax County, but exclusive of the Lake Barcroft Water Improvement District to control infestations of pests. Tax Rate per \$100 of assessed value.
- j. Additional special tax levy of real estate to support operating and construction requirements for the stormwater management program. Tax Rate per \$100 of assessed value.
- k. Additional tax assessment per \$100 of assessed value for commercial and industrial property for the Phase I Dulles Rail Transportation Improvement District.
- l. Additional tax assessment per \$100 of assessed value for commercial and industrial property for the Phase II Dulles Rail Transportation Improvement District.
- m. Leaf Collection rate per \$100 of assessed value. (See districts listed below)

Leaf Collection:  
Small District 2 Braddock  
Local District 1A11 Dranesville

Local District 1A21 Dranesville  
Local District 1A22 Dranesville  
Local District 1A61 Dranesville

ATTACHMENT I

Leaf Collection (continued):

Local District 1B1 Dranesville  
Local District 1E Dranesville  
Small District 3 Dranesville  
Small District 7 Dranesville  
Small District 8 Dranesville  
Small District 10 Dranesville  
Small District 12 Dranesville  
Small District 15 Dranesville  
Local District 1B Franconia  
Local District 1C Franconia  
Local District 1D Franconia  
Local District 1E Franconia  
Small District 1 Mason  
Local District 1A Mason  
Small District 2 Mason

Small District 4 Mason  
Local District 7A Mason  
Small District 9 Mason  
Small District 10 Mason  
Local District 1A Mount Vernon  
Local District 1B Mount Vernon  
Local District 1C Mount Vernon  
Local District 1D Mount Vernon  
Local District 1E Mount Vernon  
Small District 1 Providence  
Small District 2 Providence  
Small District 4 Providence  
Small District 6 Providence  
Small District 7 Providence  
Small District 8 Providence

- n. Refuse Collection assessment - the base annual charge for refuse collection service to be added to the regular real estate tax bill. (See districts listed below)

Refuse Service:

Small District 2 Braddock  
Small District 3 Braddock  
Small District 2 Hunter Mill  
Small District 3 Hunter Mill  
Local District 5A Hunter Mill  
Local District 1A1 Dranesville  
Local District 1A2 Dranesville  
Local District 1A3 Dranesville  
Local District 1A4 Dranesville  
Local District 1A5 Dranesville  
Local District 1A6 Dranesville  
Local District 1A8 Dranesville  
Local District 1A9 Dranesville  
Local District 1A11 Dranesville  
Local District 1A12 Dranesville  
Local District 1A21 Dranesville  
Local District 1A22 Dranesville  
Local District 1A61 Dranesville  
Local District 1B Dranesville  
Local District 1B1 Dranesville  
Local District 1B2 Dranesville  
Local District 1E Dranesville  
Small District 3 Dranesville  
Small District 4 Dranesville  
Small District 6 Dranesville  
Small District 7 Dranesville  
Small District 8 Dranesville  
Small District 9 Dranesville  
Small District 10 Dranesville  
Small District 11 Dranesville  
Small District 12 Dranesville  
Small District 13 Dranesville  
Small District 14 Dranesville  
Small District 15 Dranesville  
Small District 1 Franconia  
Local District 1A Franconia  
Local District 1B Franconia

Local District 1C Franconia  
Local District 1D Franconia  
Local District 1E Franconia  
Small District 2 Franconia  
Small District 3 Franconia  
Small District 4 Franconia  
Small District 1 Mason  
Local District 1A Mason  
Local District 1B Mason  
Local District 1C Mason  
Local District 1D Mason  
Local District 1F Mason  
Small District 2 Mason  
Small District 3 Mason  
Small District 4 Mason  
Small District 5 Mason  
Small District 6 Mason  
Small District 7 Mason  
Local District 7A Mason  
Small District 8 Mason  
Small District 9 Mason  
Small District 10 Mason  
Small District 11 Mason  
Small District 1 Mount Vernon  
Local District 1A Mount Vernon  
Local District 1B Mount Vernon  
Local District 1C Mount Vernon  
Local District 1D Mount Vernon  
Local District 1E Mount Vernon  
Small District 2 Mount Vernon  
Local District 2A Mount Vernon  
Local District 2B Mount Vernon  
Small District 1 Providence  
Local District 1A Providence  
Local District 1B Providence  
Small District 3 Providence  
Small District 4 Providence  
Small District 6 Providence

**ATTACHMENT I**

Refuse Service (continued):  
Small District 7 Providence  
Small District 8 Providence  
Small District 9 Providence  
Small District 11 Providence

Small District 12 Providence  
Small District 13 Providence  
Small District 4 Springfield  
Small District 6 Springfield

- o. Per ton refuse disposal fee charged to County refuse collectors, other jurisdictions, and private haulers.
- p. Includes revenues from user fees charged at the Recycling and Disposal Center. Information regarding the schedule of fees is available from the Department of Public Works and Environmental Services (DPWES) Solid Waste Management Program at 12000 Government Center Parkway, Suite 458, Fairfax, Virginia, 22035 or online at [www.fairfaxcounty.gov/dpwes](http://www.fairfaxcounty.gov/dpwes). Residents who use the Recycling and Disposal Center are charged for disposal of waste based on weight and category of waste. There are different fees for disposal of brush, yard waste, white goods, tires, and other materials.
- q. Per ton ash disposal fee charged to the County and participating jurisdictions.
- r. Additional tax assessment per \$100 of assessed value for the Tysons Service District.
- s. Additional tax assessment per \$100 of assessed value for the Reston Service District.
- t. Fund S40000, Public School Food and Nutrition Services, assumes carryover of General Reserve of \$46,807,301.
- u. Fund S50000, Public School Grants and Self-Supporting Programs, assumes carryover of Summer School Reserve of \$2,932,187 from FY 2024 to FY 2025.
- v. Fund S60000, Public School Insurance, assumes carryover of Allocated Reserve of \$3,392,433 from FY 2024 to FY 2025.
- w. Fund S62000, Public School Health and Flexible Benefits, assumes carryover of Premium Stabilization Reserve of \$75,296,275 from FY 2024 to FY 2025.
- x. Sewer service rate per 1,000 gallons of water.
- y. Sewer availability fee for single family homes.
- z. Sewer service per bill base charge.
- aa. Additional tax assessment per \$100 of assessed value for road improvements to State Route 28.

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room in the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, May 7, 2024, at which meeting a quorum was present and voting, the following resolution was adopted:

**RESOLUTION ADOPTING TAX RATES  
FOR FAIRFAX COUNTY**

**FISCAL YEAR 2025**

**BE IT RESOLVED** that, pursuant to the provisions of Virginia Code § 58.1-3001, and after having first complied with the provisions of the Virginia Code §§ 15.2-2506 and 58.1-3321, the Board does hereby establish the tax levies for the fiscal budget year beginning July 1, 2024, and ending June 30, 2025, and calendar tax year beginning January 1, 2024 and ending December 31, 2024, as follows to wit:

**COUNTY LEVIES**

General provisions. The County property taxes are levied on each \$100.00 of assessed valuation of real estate and tangible personal property, excluding household furnishings, and including machinery and tools of mining, manufacturing, radio or television broadcasting, dairy, dry cleaning or laundry firms, and all personal property of research and development firms, in the County, including such property within the incorporated towns that are within the County. Except as otherwise stated herein, all such taxes are imposed generally pursuant with Virginia law on all taxable property throughout the County, including the incorporated towns therein, and the revenues derived from such levies shall be appropriated by the Board of Supervisors in accordance with Virginia law.

Real Estate\*

On each \$100.00 of the assessed valuation of real estate and improvements on real estate in the County the tax rate shall be ..... \$1.135

\*Tax will be levied and collected in two semi-annual tax billings.

Commercial and Industrial Real Estate Tax for Transportation\*

On each \$100.00 of assessed valuation of the taxable commercial and industrial real estate in the County the tax rate in support of transportation shall be an additional..... \$0.125

\*Tax will be levied and collected in two semi-annual tax billings.

Personal Property

On each \$100.00 of assessed valuation of tangible personal property, including all property separately classified by Virginia Code § 58.1-3503, the tax rate shall be ..... \$4.57

Except for the following:

Mobile Homes

On each \$100.00 of assessed valuation of mobile homes, as separately classified by Virginia Code § 58.1-3506(A)(10), the tax rate shall be ..... \$1.135

Machinery and Tools

On each \$100.00 of assessed valuation of machinery and tools, as separately classified by Virginia Code § 58.1-3507, the tax rate shall be ..... \$2.00

Research and Development

On each \$100.00 of assessed valuation of tangible personal property used or employed in a research and development business, as separately classified by Virginia Code § 58.1-3506(A)(7), the tax rate shall be ..... \$4.57

Certain Personal Property of Planned Residential Subdivisions

On each \$100.00 of assessed valuation of furniture, office, and maintenance equipment, exclusive of motor vehicles, which are owned and used by an organization whose real property is assessed in accordance with Virginia Code § 58.1-3284.1 and which is used by that organization for the purpose of maintaining or using the open or common space within a residential development as classified by Virginia Code § 58.1-3506(A)(24), the tax rate shall be ..... \$0.01

Van Pools - Privately Owned Vans

On each \$100.00 of assessed valuation of privately owned vans, as separately classified by Virginia Code § 58.1-3506(A)(13), the tax rate shall be ..... \$0.01

Privately owned vans means vans with a seating capacity of seven to fifteen persons used exclusively pursuant to a ridesharing agreement as defined in Virginia Code § 46.2-1400, and which have been certified as such by the Director of the Department of Tax Administration.

Motor Vehicles Owned by Members of a  
Volunteer Rescue Squad or Volunteer Fire Department

On each \$100.00 of assessed valuation of motor vehicles as separately classified by Virginia Code § 58.1-3506(A)(15), the tax rate shall be ..... \$0.01

Motor vehicles as classified by Virginia Code § 58.1-3506 (A) (15), shall be defined to mean one motor vehicle owned or leased by each member of a volunteer rescue squad or volunteer fire department which is regularly used by such members to respond to emergency calls and certified as such by the Chief or Head of the Volunteer Organization and the Department of Tax Administration.

Motor Vehicles Specially Equipped to Provide  
Transportation for Physically Handicapped Individuals

On each \$100.00 of assessed valuation of motor vehicles as separately classified by Virginia Code § 58.1-3506(A)(14), the tax rate shall be ..... \$0.01

Specially equipped means any vehicle which has been modified specifically for the purpose of transporting physically handicapped individuals and the vehicle is certified as such by the Director of the Department of Tax Administration.

Motor Vehicles Owned  
By Certain Qualifying Elderly and Disabled Individuals

On each \$100.00 of assessed valuation of certain motor vehicles as classified by Virginia Code § 58.1-3506.1, the tax rate shall be ..... \$0.01

Applies to one motor vehicle owned and used by certain elderly and disabled persons who qualify on the basis of income and net worth.

Motor Vehicles Owned  
By Persons Who Have Been Appointed to Serve as Auxiliary Police Officers

On each \$100.00 of assessed valuation of motor vehicles as classified by Virginia Code § 58.1-3506(A)(20), the tax rate shall be ..... \$0.01

Motor vehicles as classified by Virginia Code § 58.1-3506 (A) (20), shall be defined to mean one motor vehicle owned or leased by an Auxiliary Police Officer to respond to auxiliary police duties, subject to certification as required by the provisions of the authorizing statute.

Motor Vehicles Owned  
By Persons Who Have Been Appointed to Serve as Auxiliary Deputy Sheriffs

On each \$100.00 of assessed valuation of motor vehicles as classified by Virginia Code § 58.1-3506 (A)(32), the tax rate shall be ..... \$0.01

Motor vehicles as classified by Virginia Code § 58.1-3506 (A)(32), shall be defined to mean one motor vehicle owned or leased by an Auxiliary Deputy Sheriff to respond to auxiliary deputy sheriff duties, subject to certification as required by the provisions of the authorizing statute.

Aircraft and Flight Simulators

On each \$100.00 of assessed valuation of aircraft and flight simulators, as classified by Virginia Code § 58.1-3506(A)(2), (3), (4) and (5) the tax rate shall be ..... \$0.01

Antique Motor Vehicles

On each \$100.00 of assessed valuation of antique motor vehicles, as separately classified by Virginia Code § 58.1-3506(A)(6), the tax rate shall be ..... \$0.01

Antique motor vehicles or antique automobiles means every motor vehicle which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than twenty-five years ago and is owned solely as a collector's item.

Boats

On each \$100.00 of assessed valuation of boats and watercraft, as classified by Virginia Code § 58.1-3506(A)(1), (12), (28), (29), (35) and (36) the tax rate shall be ..... \$0.01

Motor Vehicles Owned By Qualified Disabled Veterans

On each \$100.00 of assessed valuation of motor vehicles, as classified by Virginia Code § 58.1-3506(A)(19), the tax rate shall be ..... \$0.01

Motor vehicles as classified by Virginia Code § 58.1-3506(A)(19) shall be defined to mean one motor vehicle owned and regularly used by qualified disabled veterans, subject to certification as required by the provisions of the authorizing statute. Qualified disabled veteran shall be defined to mean a veteran who meets the disability definition in Virginia Code § 58.1-3506(A)(19) and is not eligible for a motor vehicle tax exemption authorized by state law.

**SANITARY DISTRICT LEVIES\***

Local District 1A Franconia  
(Burgundy Village Community Center)

On each \$100.00 of assessed valuation of real estate within the boundary of Local District 1A Franconia in the County, the tax rate shall be ..... \$0.020

Small District 1 Dranesville  
(McLean Community Center)

On each \$100.00 of assessed valuation of real estate within the boundary of Small District 1 Dranesville in the County, the tax rate shall be ..... \$0.023

Small District 5 Hunter Mill  
(Reston Community Center)

On each \$100.00 of assessed valuation of real estate within the boundary of Small District 5 Hunter Mill in the County, the tax rate shall be ..... \$0.047

\*Tax will be levied and collected in two semi-annual tax billings.

Leaf Collection:

- |                                 |                                |
|---------------------------------|--------------------------------|
| Small District 2 Braddock       | Local District 1B Franconia    |
| Local District 1A11 Dranesville | Local District 1C Franconia    |
| Local District 1A21 Dranesville | Local District 1D Franconia    |
| Local District 1A22 Dranesville | Local District 1E Franconia    |
| Local District 1A61 Dranesville | Small District 1 Mason         |
| Local District 1B1 Dranesville  | Local District 1A Mason        |
| Local District 1E Dranesville   | Small District 2 Mason         |
| Small District 3 Dranesville    | Small District 4 Mason         |
| Small District 7 Dranesville    | Local District 7A Mason        |
| Small District 8 Dranesville    | Small District 9 Mason         |
| Small District 10 Dranesville   | Small District 10 Mason        |
| Small District 12 Dranesville   | Local District 1A Mount Vernon |
| Small District 15 Dranesville   | Local District 1B Mount Vernon |



**DRAFT**  
**Resolution Adopting Tax Rates for Fairfax County**  
**Fiscal Year 2025**

**ATTACHMENT II**

Leaf Collection (continued):

Local District 1C Mount Vernon  
Local District 1D Mount Vernon  
Local District 1E Mount Vernon  
Small District 1 Providence

Small District 2 Providence  
Small District 4 Providence  
Small District 6 Providence  
Small District 7 Providence  
Small District 8 Providence

On each \$100.00 of assessed valuation of real estate within the boundaries of the above-  
enumerated Districts in the County, the tax rate shall be ..... \$0.019

On any real estate which is deleted from a sanitary district effective July 1, 2024, as a result of the  
contraction of such sanitary district, such real estate will be entitled to pro rata abatement from the amount  
of the annual charge hereby established for leaf collection.

On any real estate, which is added to a sanitary district effective July 1, 2024, as a result of either  
the creation or the enlargement of a sanitary district, such real estate will be charged a pro rata fee for the  
annual charge hereby established for leaf collection.

Refuse Service:

Small District 2 Braddock  
Small District 3 Braddock  
Small District 2 Hunter Mill  
Small District 3 Hunter Mill  
Local District 5A Hunter Mill  
Local District 1A1 Dranesville  
Local District 1A2 Dranesville  
Local District 1A3 Dranesville  
Local District 1A4 Dranesville  
Local District 1A5 Dranesville  
Local District 1A6 Dranesville  
Local District 1A8 Dranesville  
Local District 1A9 Dranesville  
Local District 1A11 Dranesville  
Local District 1A12 Dranesville  
Local District 1A21 Dranesville  
Local District 1A22 Dranesville  
Local District 1A61 Dranesville  
Local District 1B Dranesville  
Local District 1B1 Dranesville  
Local District 1B2 Dranesville  
Local District 1E Dranesville  
Small District 3 Dranesville  
Small District 4 Dranesville  
Small District 6 Dranesville  
Small District 7 Dranesville  
Small District 8 Dranesville  
Small District 9 Dranesville  
Small District 10 Dranesville  
Small District 11 Dranesville  
Small District 12 Dranesville  
Small District 13 Dranesville  
Small District 14 Dranesville  
Small District 15 Dranesville  
Small District 1 Franconia  
Local District 1A Franconia

Local District 1B Franconia  
Local District 1C Franconia  
Local District 1D Franconia  
Local District 1E Franconia  
Small District 2 Franconia  
Small District 3 Franconia  
Small District 4 Franconia  
Small District 1 Mason  
Local District 1A Mason  
Local District 1B Mason  
Local District 1C Mason  
Local District 1D Mason  
Local District 1F Mason  
Small District 2 Mason  
Small District 3 Mason  
Small District 4 Mason  
Small District 5 Mason  
Small District 6 Mason  
Small District 7 Mason  
Local District 7A Mason  
Small District 8 Mason  
Small District 9 Mason  
Small District 10 Mason  
Small District 11 Mason  
Small District 1 Mount Vernon  
Local District 1A Mount Vernon  
Local District 1B Mount Vernon  
Local District 1C Mount Vernon  
Local District 1D Mount Vernon  
Local District 1E Mount Vernon  
Small District 2 Mount Vernon  
Local District 2A Mount Vernon  
Local District 2B Mount Vernon  
Small District 1 Providence  
Local District 1A Providence  
Local District 1B Providence

**DRAFT**  
**Resolution Adopting Tax Rates for Fairfax County**  
**Fiscal Year 2025**

**ATTACHMENT II**

Refuse Service (continued):

Small District 3 Providence  
Small District 4 Providence  
Small District 6 Providence  
Small District 7 Providence  
Small District 8 Providence

Small District 9 Providence  
Small District 11 Providence  
Small District 12 Providence  
Small District 13 Providence  
Small District 4 Springfield  
Small District 6 Springfield

On each single-family dwelling and on each unit of two-family dwellings, excluding apartments (garden through high-rise), multi-family condominiums (garden through high-rise), and/or other multi-unit dwelling type buildings, existing or under construction January 1, 2024, within the boundaries of the above enumerated Districts, a base annual charge of \$555.00 for refuse collection service to be added to the regular real estate tax bill, and that annual charge shall be subject to penalty and interest charges and becoming a lien against the property if not paid, in the same manner as any other real estate tax.

On any dwelling that is neither completed nor occupied by June 30, 2024, the owner thereof shall, upon application to the Director of the Department of Tax Administration or the Director DPWES, Solid Waste Collection and Recycling, made prior to December 5, 2024, be entitled to relief in the amount of the pro-rata portion based on the service period of the base annual charge hereby established. The claimant must provide acceptable evidence that the dwelling was not occupied, nor generating waste to the Director of the Department of Tax Administration or the Director DPWES, Solid Waste Collection and Recycling.

On any dwelling that is neither completed nor occupied by December 31, 2024, the owner thereof shall, upon application to the Director of the Department of Tax Administration or the Director DPWES, Solid Waste Collection and Recycling, made prior to March 31, 2025, be entitled to relief in the amount of the pro-rata portion based on the service period of the base annual charge hereby established. The claimant must provide acceptable evidence that the dwelling was not occupied, nor generating waste to the Director of the Department of Tax Administration or the Director DPWES, Solid Waste Collection and Recycling.

On any dwelling that is deleted from a sanitary district, as a result of the contraction of such sanitary district, the owner thereof will be entitled to relief in the amount of a pro rata portion of the base annual charge hereby established when service for refuse and recycling collection service is eliminated based on the service period.

On any dwelling that is added to a sanitary district, as a result of either the creation or the enlargement of a sanitary district or construction within the sanitary district, the owner thereof will be charged a pro rata portion of the base annual charge hereby established when service begins for refuse and recycling collection service based on the service period.

Water Service:

Small District Three within Springfield District

On any lot within the district, an annual assessment of \$959 commencing January 1, 2003 and ending December 31, 2032. This annual assessment is for the purpose of providing water service to Colchester Road-Lewis Park, a group of 141 homes located within the Lincoln-Lewis-Vannoy Conservation District.

**TRANSPORTATION IMPROVEMENT DISTRICT LEVIES\***

State Route 28 Highway Transportation Improvement District

On each \$100.00 of assessed valuation of the taxable commercial and industrial real estate within the boundary of State Route 28 Transportation Improvement District, as specified by Virginia Code § 15.2-4607 and as set out in Chapter 587 of the 1997 Acts of the General Assembly, the tax rate shall be ..... \$0.16

Phase I Dulles Rail Transportation Improvement District

On each \$100.00 of assessed valuation of the taxable commercial and industrial real estate within the boundary of Phase I Dulles Rail Transportation Improvement District, as specified by Virginia Code § 33.2-2105, the tax rate shall be ..... \$0.09

Phase II Dulles Rail Transportation Improvement District

On each \$100.00 of assessed valuation of the taxable commercial and industrial real estate within the boundary of Phase II Dulles Rail Transportation Improvement District, as specified by Virginia Code § 33.2-2105, the tax rate shall be ..... \$0.18

\*Tax will be levied and collected in two semi-annual tax billings.

**SPECIAL SERVICE DISTRICT FOR THE CONTROL OF PEST INFESTATIONS\***

On each \$100.00 of assessed valuation of real estate within Fairfax County, but exclusive of the Lake Barcroft Water Improvement District, within the service district established by Appendix I of the Fairfax County Code, the tax rate shall be..... \$0.0010

\*Tax will be levied and collected in two semi-annual tax billings.

**SPECIAL SERVICE DISTRICT FOR STORMWATER MANAGEMENT\***

On each \$100.00 of assessed valuation of real estate within Fairfax County, within the service district, the tax rate shall be ..... \$0.0325

\*Tax will be levied and collected in two semi-annual tax billings.

**TYSONS TRANSPORTATION SERVICE DISTRICT NO. 1\***

On each \$100.00 of assessed valuation of real estate within Fairfax County, within the service district, the tax rate shall be ..... \$0.05

\*Tax will be levied and collected in two semi-annual tax billings.

**DRAFT**  
**Resolution Adopting Tax Rates for Fairfax County**  
**Fiscal Year 2025**

**ATTACHMENT II**

**RESTON TRANSPORTATION SERVICE DISTRICT NO. 1\***

On each \$100.00 of assessed valuation of real estate within Fairfax County, within the service district, the tax rate shall be ..... \$0.021

\*Tax will be levied and collected in two semi-annual tax billings.

**SERVICE CHARGES FOR AMBULANCE TRANSPORT SERVICE**

Pursuant to Fairfax County Code § 4-26-1, each person being transported by any emergency medical services vehicle that is operated or maintained by the County or for which a permit has been issued to the County by the Virginia Office of Emergency Medical Services will be charged (1) a service fee of \$500 for Basic Life Support transport (BLS), (2) \$650 for Advanced Life Support, level 1 transport (ALS1), (3) \$800 for Advanced Life Support, level 2 transport (ALS2), and (4) \$12.00 per mile for ground transport mileage. The term "emergency medical services vehicle" has the definition specified in Virginia Code § 32.1-111.1.

GIVEN under my hand this \_\_\_\_\_ day of May, 2024

By: \_\_\_\_\_  
Jill G. Cooper  
Clerk for the Board of Supervisors

## FAIRFAX COUNTY NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

In accordance with Virginia Code Section 58.1-3321, notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will meet in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on April 16, 2024, at 3:00 P.M. At that meeting, the Board of Supervisors shall consider the matters described below.

The Fairfax County Executive has proposed the advertisement of a real estate tax rate of \$1.135 per \$100.00 of assessed value. The tax rate being proposed represents an increase of \$0.040; however, the total assessed value of existing property has increased. It should be noted that the total increase in assessed value of existing properties is expected to be 1.91 percent, including an increase of 2.86 percent for residential real property and a decrease of 1.24 percent for non-residential real property. As a result, most property owners will experience an increase in their real estate tax bill. Nevertheless, because the average value of real property in Fairfax County has appreciated by at least one percent, Virginia Code Section 58.1-3321 requires Fairfax County to publish the following notice.

Fairfax County, Virginia proposes to increase property tax levies.

1. **Assessment Increase:** Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 1.91 percent.
2. **Lowered Rate Necessary to Offset Increased Assessment:** The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$1.0745 per \$100.00 of assessed value. This rate will be known as the "lowered tax rate."
3. **Effective Rate Increase:** Fairfax County, Virginia, proposes to adopt a tax rate of \$1.135 per \$100.00 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$0.605 per \$100.00, or 5.63 percent. This difference will be known as the "effective tax rate increase."

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. **Proposed Total Budget Increase:** Based on the proposed real property tax rate and changes in other revenues, the total budget of Fairfax County, Virginia, will exceed last year's by 6.00 percent<sup>1</sup>.

A public hearing on this issue will be held at 3:00 P.M. on April 16, 2024, in the Fairfax County Government Center at 12000 Government Center Parkway.

All persons wishing to present their views on these subjects may sign up to be placed on the Speakers List at [www.fairfaxcounty.gov/bosclerk/speakers-form](http://www.fairfaxcounty.gov/bosclerk/speakers-form), call the Office of the Clerk to the Board at 703-324-3151, or appear and be heard. Copies of the full text of proposed ordinances, plans and amendments, as applicable, as well as other documents relating to the aforementioned subjects, are on file and may be examined at the Office of the Clerk to the Board of Supervisors, Suite 552 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia.

Fairfax County supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities. Open captioning will be provided in the Board Auditorium. For sign language interpreters or other accommodations, please call the Clerk's Office, 703-324-3151, TTY 711 (Virginia Relay Center) no later than 48 hours before the public hearing. Assistive listening devices will be

available at the meeting.

The Board will conduct a separate public hearing on the FY 2025 Advertised Budget Plan which will commence on April 16, 2024, at 4:00 PM and on April 17 and April 18 at 3:00 PM.

Copies of the FY 2025 Advertised Budget Plan and the Advertised Capital Improvement Program for Fiscal Years 2025-2029 (With Future Fiscal Years to 2034) are available on the Internet at <https://www.fairfaxcounty.gov/budget/>.

A Copy - Teste:

Jill G. Cooper, Clerk  
Board of Supervisors

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<sup>1</sup> The total budget increase is based on all revenues received by the General Fund of Fairfax County. Projected FY 2025 disbursements reflect a decrease of 0.72 percent from the FY 2024 level.

ACTION – 1

Approval of Calendar Year 2024 Forest Pest Management Program

ISSUE:

Board of Supervisors (Board) approval of the Calendar Year 2024 Forest Pest Management Program.

RECOMMENDATION:

The County Executive recommends that the Board direct staff to take the following actions concerning Fairfax County's (County) Calendar Year 2024 Forest Pest Management Program per *Appendix I of the Code of the County of Fairfax, Fairfax County Special Service District for the Control of Infestations of Insects that May Carry a Disease that is Dangerous to Humans, Gypsy Moths, Cankerworms and Certain Identified Pests*.

[Asian Longhorned Beetle \(ALB\)](#)

- a. Update the long-term management plan for ALB.
- b. Continue visual surveys for ALB in areas surrounding industrial activity.
- c. Continue to investigate new methods to monitor areas that have been identified as being at high risk for ALB introduction.

[Beech Leaf Disease \(BLD\)](#)

- a. Initiate a monitoring program for BLD in beech forest stands in at-risk areas in 2024.
- b. Identify and map beech forest stands and significant trees in the County.
- c. Identify, diagnose, and map BLD infestations and their spread throughout the County.
- d. Participate in the U.S. Department of Agriculture (USDA) Forest Service's research project to understand the biology and the underlying dynamics of the spread of BLD and beech bark disease (BBD).
- e. Continue to monitor the latest scientific research for BLD.
- f. Finalize a management plan for BLD.

Cooperative Agriculture Pest Survey (CAPS)

- a. Conduct a monitoring program for oak ambrosia beetle (OAB), sudden oak death (SOD), and thousand cankers disease (TCD) of black walnut in support of CAPS monitoring efforts.

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- b. Investigate potential control methods for OAB, SOD, and TCD including the use of biological control.
- c. Continue to monitor the latest scientific research for OAB, SOD, and TCD.
- d. Initiate monitoring program for redbay ambrosia beetle (RAB) following existing CAPS monitoring efforts, including field monitoring, investigating potential control methods including the use of biological control, and monitoring for new scientific research.

[Emerald Ash Borer \(EAB\)](#)

- a. Continue to inventory the County for ash resources as well as investigate new control methods for EAB, including the use of biological control.
- b. Continue a control program for this pest on high value ash trees on County owned properties. Staff plans to use the trunk injected pesticide Mectinite® and basal bark trunk spray Safari® 20 SG.
- c. Monitor treated ash trees from the previous year's program to evaluate control success.
- d. Continue monitoring in existing parasitoid release sites to assess their establishment and expand release efforts to suitable new areas.
- e. Coordinate the remediation of tree damage caused by EAB, including the removal of dead ash trees from the County property.
- f. Expand ash seedling planting efforts to a total of three (3) County properties.

[Fall Cankerworm](#)

- a. Continue a monitoring program for all life stages of the fall cankerworm in the County.
- b. Continue fall cankerworm defoliation surveys in the spring.

[Forest Health Initiative](#)

- a. Review i-Tree ECO™ report results of the ecosystem services and characteristics of the urban forest.

[Hemlock Woolly Adelgid \(HWA\)](#)

- a. Continue to inventory hemlock resources in the County and investigate new control methods for HWA, including the use of biological control.
- b. Continue a control program in naturally occurring forest stands of eastern hemlock on the County and NOVA Parks property. Staff have selected sites in the Dranesville and Springfield districts and provided control at each site. Staff plans to use the soil injected pesticide Xytect 75 WSP® and Xytect 2F®, bark applied pesticide Transect®, and trunk injected



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- pesticide IMA-jet®.
- c. Continue to evaluate hemlock trees to determine treatment efficacy and resulting health.
- d. Continue to pursue opportunities to release predatory beetles at new sites.

Spongy Moth (SM)

- a. Continue a monitoring program for SM life stages in all areas of the County.
- b. Continue to monitor SM population dynamics in the eastern United States.

Spotted Lanternfly (SLF)

- a. Continue to monitor the latest scientific research for SLF to determine its potential impact on forest resources now that the County is considered infested.
- b. Continue to survey all life stages of SLF to determine the extent of infestations and monitor the success of treatment methods.
- c. Continue to inventory tree-of-heaven (*Ailanthus altissima*) on the County property (Attachment 1). Continue to treat these trees with an herbicidal treatment of JLB Oil Plus®, Garlon® 3A, Garlon® 4 Ultra, and Rodeo®. Monitor treatment sites and reforest with native trees where appropriate.
- d. Initiate a control program with Merit® 2F and Safari® 20 SG, that deliver systemic insecticides into host trees, or Botanigard®, a contact insecticide. Continue to implement mechanical methods of control such as vacuum removal of SLF infestations.

TIMING:

Board action is requested on March 5, 2024. The timing of this item corresponds with the beginning of program monitoring activities.

BACKGROUND:

*The Appendix I of the Code of the County of Fairfax, Fairfax County Special Service District for the Control of Infestations of Insects that May Carry a Disease that is Dangerous to Humans, Gypsy Moths, Cankerworms and Certain Identified Pests,* requires the submission of the annual Integrated Pest Management Program proposal for the Board's approval. The Department of Public Works and Environmental Services (DPWES), Urban Forest Management Division (UFMD) works in cooperation with state and federal agencies for the monitoring, treatment, and public education for listed forest pests. Information on the monitoring, inventories, treatment, and public education of the Forest Pest Branch can be found in the 2023 annual report (Attachment 1). Pesticide

trade names change frequently, and those mentioned below are current at the time of this writing. Treatments will only be performed using pesticides containing active ingredients listed in this document. Specific trade names may differ if safer pesticide formulations are released prior to treatment following approval of this document.

#### [Asian Longhorned Beetle \(ALB\)](#)

ALB (*Anoplophora glabripennis*) is an invasive insect that is thought to have been brought to the United States via wood packing material used in commercial shipping. Since the mid 1990's, ALB infestations have been discovered in Illinois, New York, New Jersey, Massachusetts, Ohio, and South Carolina. ALB will infest many hardwood species. According to an analysis conducted by the UFMD, approximately 4.2 million maples and other hardwoods in the County are susceptible to this pest. ALB larvae kill trees by boring into the heartwood of the tree and disrupting its nutrient flow causing eventual tree death.

ALB infestations are difficult to detect. Most ALB infestations in the United States have been established for several years before detection. Eradication can be particularly difficult since they have had time to spread well beyond the initial site of introduction. Even so, the USDA and its cooperators have eradicated infestations in Illinois, New Jersey; Brooklyn, Queens, Manhattan, Staten Island, and Islip, New York; Boston, Massachusetts; and two townships in Ohio. Eradication efforts continue in four other locations in New York, Massachusetts, Ohio, and South Carolina. ALB could have drastic economic and social impacts if it is introduced in the County. It is critical that private and public tree care experts remain vigilant in monitoring this pest. According to the USDA Forest Service, most of the infestations found in the United States have been detected by tree care professionals or informed homeowners.

Staff have used monitoring traps in industrial areas where pest introductions are a higher risk. Unfortunately, researchers found the monitoring traps to be ineffective for early detection. In the absence of effective monitoring traps, staff perform visual surveys for ALB damage in forests surrounding industrial areas. In 2023, teams of staff conducted a one-day survey of all major industrial areas in the County. Visual surveys at over 60 sites and inspection of over 200 trees showed no signs of ALB damage. Surveys will continue in the fall of 2024 using the same methodology. Staff have focused on [outreach](#) to increase awareness and reporting of the pest (Attachment 1). Staff continue to explore new methods to monitor areas that have been identified as a high risk for introduction.

#### [Beech Leaf Disease \(BLD\)](#)

BLD is a relatively new disease in the United States that affects native American beech (*Fagus grandifolia*) as well as the commonly planted European beech (*Fagus sylvatica*), and Asian beech (*Engleriana subspecies*). First identified in Ohio in 2012, BLD has since been found in several Northeastern and Mid-Atlantic states, as well as Ontario, Canada. It was discovered and confirmed in the County in 2022 (Attachment 1).

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The disease is caused by a microscopic foliar-feeding nematode (*Litylenchus crenatae* ssp. *mcannii* (Lcm)). Researchers are trying to find out how these pests spread. Recent research shows that it is possibly spread by birds, insects, rain and wind, and other microscopic organisms. This new nematode is native to Japan. Feeding damage can initially be seen in the leaves as dark striping between the veins, curling, and/or leathery texture. The nematodes enter and overwinter in the leaf buds, rapidly multiplying from year to year until the buds are too damaged to produce leaves. As live foliage decreases, the tree eventually dies. BLD is nearly one hundred percent fatal. Seedlings and saplings die in one to three years; more mature trees in four to ten years. Research is ongoing to fully understand this disease. Currently there is no treatment for BLD in a forested environment. Staff continue to research methods to monitor and manage BLD in a safe manner.

There is good reason to be concerned about BLD. Not only are American beech very beautiful trees, but they are also tied with red maple for the County's most common tree species. According to an analysis conducted by the UFMD, approximately 4.3 million beech trees in the County are susceptible to this pest. Beech trees are critical to the native forest ecosystem.

Staff are monitoring BLD in the County using geospatial technologies. This summer, the County staff mapped and surveyed beech stands known to be at risk for BLD. Six (6) infestations totaling 60 acres were identified and mapped within regional and the County parks. The severity of each infestation was assessed and recorded. Two (2) previously discovered areas from 2022 have shown both size and severity increase. Additionally, four (4) separate sightings of BLD affecting only a single branch or tree were mapped on both public and private property. All known infestations, including any new ones discovered in the future, will be closely monitored throughout next year.

Staff proactively sought research opportunities to understand BLD, its spread, and potential IPM solutions. They contributed samples for a University of Connecticut nematode DNA study and plan to use a new eDNA device developed by Grand Valley State University (Michigan) for early detection in 2024.

Additionally, staff are participating in a comprehensive USDA Forest Service study spanning the geographic reach of both BLD and BBD. Within the County, four permanent monitoring plots were established in beech stands confirmed to have, or at high risk of developing, BLD. These plots will be assessed annually, collecting detailed data on location, forest composition, and BLD signs and symptoms, to contribute valuable insights to this long-term study (Attachment 1). [Outreach](#) efforts will inform decisionmakers and the public about BLD.

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Cooperative Agricultural Pest Survey (CAPS)

CAPS is a USDA Animal and Plant Health Inspection Service program. The mission of this domestic program is to utilize a network of cooperators and stakeholders to detect non-native, invasive pests of concern. Using various traps and visual surveys, the UFMD monitors pests of concern to the forest resources of the County in collaboration with the Virginia Department of Agriculture (VDA) and Consumer Services. The pests of concern that are monitored in the County are generally not known to be present in the Eastern United States, however, their potential impacts to agriculture and natural resources warrants monitoring efforts to find them quickly should they arrive here. Specific pests monitored in the County are oak ambrosia beetle, sudden oak death, red bay ambrosia beetle, and thousand cankers disease.

OAB - OAB (*Platypus quercivorus*) is a small woodboring pest of concern globally because it has the potential to spread a serious fungal disease, Japanese oak wilt (*Raffaelea quercivora*), to willow oak and other oak species found in the County. The native range of this insect includes Japan and several places in Southeast Asia, but it has not yet been found in the United States. The County has a high density of potential hosts, according to the USDA Animal and Plant Health Inspection Service and could see significant financial and environmental impacts if OAB were to become established.

If OAB is found in the County, staff will work with the VDA and Consumer Services and other partners in hopes of managing the threat and reducing the spread of this pest. Staff will monitor for OAB and implement an outreach component that will educate private and public groups on this pest and its control (Attachment 1).

RAB - RAB (*Xyleborus glabratis*) is a small woodboring pest of global concern because it has the potential to spread a serious fungal disease, laurel wilt (*Raffaelea lauricola*), to sassafras and spice bush, both species found in the County. The native range of this insect includes India, Japan, Myanmar, and Taiwan, and was first found in the United States in 2002. The potential hosts of this pest are valuable understory species, providing food and habitat to many local insects and animals. USDA Animal and Plant Health Inspection Service could see significant financial and environmental impacts if OAB were to become established.

If RAB is found in the County, staff will work with the VDA and Consumer Services and other partners in hopes of managing the threat and reducing the spread of this pest. Staff will monitor for RAB and implement an outreach component that will educate private and public groups on this pest and its control (Attachment 1).

SOD - In 1995, a disease was found to be killing oak trees in California. Scientists determined that SOD was caused by a water-borne algae-fungus called *Phytophthora ramorum*. This pathogen has caused wide scale oak mortality in California and Oregon. *P. ramorum* has only been found and intercepted in a few plant nurseries in the eastern United States and officials feel that it has been contained.

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Diligent monitoring to identify and respond is critical in slowing the spread of the SOD pathogen. Testing methods have been developed that are simple and cost effective. Staff will continue to monitor for this disease following VDA and Consumer Services recommended monitoring techniques (Attachment 1). Staff will continue to implement an [outreach](#) program that will educate private and public groups on SOD and its control.

[TCD](#) - Black walnut (*Juglans nigra*) is a native tree to the County. Scientists have observed a disease called thousand cankers disease that affects black walnut trees in the western United States and have identified a beetle that spreads the disease. Scientists have confirmed that the beetle and disease were unintentionally introduced to the eastern United States.

TCD was found in the vicinity of Richmond, Virginia, in the summer of 2011 and in Fairfax and Prince William Counties in 2012. VDA and Consumer Services established a quarantine to curtail the movement of walnut material in hopes of reducing the spread of this disease. Staff will continue to monitor walnut trees for the disease and implement an [outreach](#) program that will educate private and public groups on this disease and its control (Attachment 1).

#### [Emerald Ash Borer \(EAB\)](#)

EAB was first identified in the County in 2003 at a school site in the Wolf Trap area. Due to the extremely destructive nature of this pest, the VDA and Consumer Services and the USDA Animal and Plant Health Inspection Service ordered that all ash trees within a one-half mile radius of the introduction site be removed and destroyed. Staff carried out this project during the spring of 2004 and implemented a monitoring program for EAB.

Most ash trees have died since the pests initial introduction. Forest Pest funds have been used to remove tree hazards to help reduce negative economic impacts for homeowners, parks, and private businesses. Staff is implementing a research based EAB control program for individual ash trees on public lands within the County. Staff have coordinated with those responsible for the maintenance of the trees, advising them of ongoing control activities. An annual health assessment is made for each of the treated trees to evaluate its overall health and crown condition based on parameters set in the EAB Management Plan. To date, there are 158 ash trees in this control program (Attachment 1). Staff will continue to implement an [outreach](#) and education program to educate County residents about the current status of EAB infestation and management options.

EAB control is currently accomplished through tree injections that deliver an insecticide directly into the tree. The insecticide is then transported throughout the tree by its vascular tissues. The insecticide is a material containing emamectin benzoate that is sold by the trade name Mectinite®. Research indicates that the treatment used is effective, providing control for up to three years. Injections are performed by a

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combination of staff and contracted services. In 2023, 15 trees were treated for the first time or retreated. Most live ash trees are too small for tree injections (Attachment 1). Basal bark trunk sprays are more suitable for treating small trees. The preferred insecticide for this technique contains dinotefuran and is sold by the trade name Safari® 20 SG. The material is sprayed on a segment of the trunk and absorbed through the bark into the vascular tissues of the wood.

Research has shown that the introduction of EAB parasitoids is an effective control option. Since 2017, staff has released EAB parasitoids at Fairfax County Park Authority properties. Parasitoids are produced and supplied by the USDA EAB Parasitoid Rearing Facility in Brighton, Michigan. Staff will continue to monitor the release sites to determine if the parasitoids have successfully established (Attachment 1). Staff also continues to research additional locations that qualify for parasitoid release. In 2021, staff planted 108 ash seedlings at a parasitoid release site, Flatlick Stream Valley Park. This is an effort to support the growth and establishment of the released parasitoids. Staff propose planting additional ash seedlings at other parasitoid release sites, including Bren Mar Park and Pimmit Run Stream Valley Park. If necessary, staff will arrange for invasive plant management to increase the probability of the seedlings' establishment and survival (Attachment 1).

According to an analysis conducted by the UFMD, over 1.6 million trees are susceptible to this pest. EAB has caused widespread damage and mortality to ash trees in the County. The dead and dying trees require remediation as structural integrity deteriorates rapidly after death and they may pose a safety risk to people and property. In July 2019, amendments in Appendix I of *The Code of the County of Fairfax, Virginia* enabled the use of service district funds for the remediation of damage caused by forest pests, including pruning or removal of trees directly killed or damaged by forest pests. In FY 2024, \$100,000 was allotted in service district funds to remove hazardously infested ash trees. Fairfax County Park Authority will be using service district funds for the removal of hazardously infested ash trees in 2024.

The federal domestic EAB quarantine rule that included regulations restricting the movement of firewood ended on January 14, 2021. The movement of firewood for EAB is also not regulated in Virginia. However, VDA and Consumer Services and the UFMD actively discourage the movement of firewood due to the ever-present risk of transporting many invasive species and diseases.

#### Fall Cankerworm

Fall cankerworm (*Alsophila pometaria*) populations were monitored this winter in those areas of the County that have experienced outbreaks in the past. In 2023, low population levels are indicated from monitoring adult fall cankerworm moths in the Mount Vernon, Mason, and Franconia magisterial districts. Staff has identified no areas that will require treatment in 2024 (Attachment 1).



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The method used for monitoring fall cankerworm is a USDA Forest Service recommended technique that involves trapping female moths as they emerge in the winter. Staff will implement this monitoring method if there is an indication of population levels that pose a threat of defoliation (Attachment 1). Staff will continue to conduct an [outreach program](#) to the public on the insect's role in the environment and its potential impact on trees.

Parasite Study - Fall cankerworms have natural predators and parasites that can influence their population levels. One explanation for outbreak populations in these areas is a lack of these, like *Telenomus alsophilae*, an egg parasitoid. Staff have been monitoring *T. alsophilae* to determine its presence in the County.

Staff collect fall cankerworm egg masses from survey sticky bands and from small branches of trees located near the bands. Cankerworm eggs are reared indoors, and the viable eggs are counted to determine the level of parasitism in the mass. The data acquired from this survey increases understanding of overall cankerworm population dynamics in the County.

Defoliation Survey – In 2023, staff conducted an extensive defoliation survey to locate and assess any damage caused by fall cankerworm (Attachment 1). The data acquired from this survey provides an understanding of overall cankerworm activity in the County, as well as flagging areas of rising populations to be targeted in the ensuing year's fall cankerworm banding survey. No significant defoliation was observed from the survey.

Staff plan to continue these monitoring activities in 2024.

#### Forest Health Initiative

In 2022, the County contracted with Conservation Management Institute to conduct a tree survey and incorporate the data into the i-Tree ECO™ model. This model estimates ecosystem services and characteristics of the urban forest (Attachment 1). Conservation Management Institute completed all field data collection in 2023. In 2017, staff conducted a Countywide survey and incorporated the data collected into the [i-Tree ECO™ model](#). The survey involved evaluating forest conditions in 204 randomly selected sites throughout the County. Data from i-Tree is used to communicate forest health impacts on ecosystem services such as stormwater runoff reduction, energy savings, carbon sequestration, and pollution removal. The survey can also be used to forecast potential impacts from invasive insects and diseases.

Conservation Management Institute will process and analyze the data recently collected and compare it to the 2017 results. Additionally, the Conservation Management Institute will produce a report with an assessment of the potential resilience of the urban forests in the County and stand level carbon stocks. The report will also include

suggested management actions, where appropriate, to increase stand level resilience and/or carbon stocks (Attachment 1).

#### Hemlock Woolly Adelgid (HWA)

Staff continues to explore various control options and management strategies for HWA (*Adelges tsugae*). HWA is an insect that attacks and kills eastern hemlock (*Tsuga canadensis*) trees. Native eastern hemlock is relatively rare in the County. The rarity of this species, the multiple benefits to wildlife, and the natural beauty that they impart make them worthy of protection. Prior to HWA infestation the species was an important landscape tree in the County. Staff will continue to inventory the County's natural stands of eastern hemlock. Staff has identified native stands in Dranesville and Springfield districts for HWA control (Attachment 1).

Staff will utilize the County's HWA Management Plan to help guide management practices. The HWA Management Plan integrates chemical and biological control to protect hemlock trees and improve their health in the long-term.

Chemical Control - HWA control can be accomplished through trunk injection, soil injection, soil drench, or bark spray. Soil injection and soil drench are effective methods for providing control to a target tree. Once injected into the soil or poured around the base of the tree, an insecticide is absorbed by the tree roots. The insecticides that will be used for soil injection and soil drench are materials containing imidacloprid that are sold by the trade name Xytect™ 75WSP and Xytect™ 2F. Another viable soil injection treatment option is a soil pellet containing imidacloprid that is sold by the trade name CoreTect®. Control by soil injection or tablet can last five to seven years. Trunk injection is another effective method for providing control to a target tree. Once injected, the insecticide is transported throughout the tree's vascular tissues. The insecticide that will be used for trunk injection is another imidacloprid that is sold by the trade name IMA-jet®. Control by trunk injection can last up to eight years. Rapid control of HWA can be achieved with a bark spray or soil drench containing dinotefuran which is sold by the trade name Transtect®. This treatment is well suited for heavy infestations that require immediate control, but it is only effective for one to two years. Treatment selections are made based on the site location and conditions. Staff can conduct this control activity, therefore treatment will be cost effective, as well as biologically effective. Staff continues to investigate other insecticide options that may provide better control for HWA while minimizing environmental impacts.

Biological Control - In addition to chemical control, staff released beetle predators of HWA at Scotts Run Nature Preserve in 2022. Follow up monitoring will be completed to assess the establishment of beetles at the release site. A self-sustaining beetle population will hopefully establish a more balanced environment for the trees (Attachment 1). These efforts are conducted in cooperation with Virginia Department of Forestry and Virginia Tech. The possibility of releasing additional predators in the future



is being investigated. Staff will continue to conduct [outreach](#) to the public about the role of hemlocks in the ecosystem and the methods used to control HWA.

#### [Spongy Moth \(SM\)](#)

SM, formerly known as gypsy moth, (*Lymantria dispar*) populations have remained low. Staff conducted 151 egg mass surveys Countywide during the fall of 2023 and found no egg masses (Attachment 1). Staff have identified no areas that will require treatment in 2024.

SM populations are monitored using egg mass surveys. Staff survey 1/40-acre plots and visually inspect oak trees and other objects near survey points to look for SM egg masses. According to VDA and Consumer Services guidelines, infestations eligible for treatment must meet a minimum of 250 egg masses per acre.

The leading edge of the SM's southward spread through the eastern United States hit the County hard in the late 1980s and early 1990s. Residents were alarmed by the intensity of the repeated defoliations, home and yard mess, and very real risk of extensive tree losses. The County drafted an Integrated Pest Management Plan and participated in VDA and Consumer Services Cooperative Suppression Program with the USDA Forest Service. Teamed with Virginia Cooperative Extension, the County staff mobilized residents to kill SM caterpillars manually while discouraging the use of broad-spectrum insecticides. Thousands of acres of forested public and private land were treated from the ground and from the air with the safest, most selective products available. These combined actions prevented wide-spread tree mortality, provided residents some relief from caterpillar nuisance, and reduced the unnecessary and improper use of broad-spectrum pesticides. From the mid-1990s SM populations began to fall.

SM populations, like many insect populations, can be cyclical in nature. There can be many factors which influence outbreaks and declines. Staff believes that the recurrent low SM levels are the result of effective treatment programs in the past and a fungus, *Entomophaga maimaiga*, to which SM caterpillars are very susceptible. This fungus became well established in the County and has had a dramatic stabilizing effect on SM populations. SM outbreaks continue to be observed and treated in western Virginia and other locations in the eastern United States. Staff will continue to monitor the SM population in 2024. Staff will continue to conduct an [outreach](#) program targeting the tree care industry and County residents for help monitoring SM populations.

#### [Spotted Lanternfly \(SLF\)](#)

SLF (*Lycorma delicatula*) is an insect native to Asia that was found in suburban Philadelphia, Pennsylvania, in 2014. Since January of 2018, this insect has spread throughout Northern Virginia. In 2021, SLF was found in Prince William County. SLF was found in the County for the first time on August 8, 2022, at Frying Pan Park. SLF were also found in Arlington County, City of Alexandria, and Washington D.C. in 2023.

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While SLF were found only in the north and western parts of the County in 2022, 61 traps were positive in 2023. SLF are now found in every magisterial district (Attachment 1). The increasing numbers of insects caught in traps indicate that new infestations are developing, and infestations found in previous years are producing more SLF. Increased numbers of insects and impacts should be anticipated for the next few years. Staff are considering trapping for SLF during the growing season to determine the extent of infestations or to monitor treatment success. Additionally, trapping may occur in areas where SLF has not yet been found, including east of I-95. Due to the destructive nature of this pest, VDA and Consumer Services have implemented a quarantine to reduce its spread to surrounding uninfested areas. To date, the County has not been placed under quarantine. Staff are working in partnership with the VDA and Consumer Services to treat any infestation found in the County. On the County property, staff will implement treatment through contracted services and mechanical removal methods. All other infestations are anticipated to be treated by VDA and Consumer Services. The goal of treatment efforts is to reduce population sizes to minimize impacts to the County residents and slow the spread of SLF. Staff will utilize the County's [SLF Management Plan](#) to help guide management practices as the County's SLF population eventually disperses across the area.

As SLF infestations become established throughout the County, they have potential to cause significant impact. SLF can become a nuisance to residents because they will swarm in high numbers on certain trees and plants to suck sap from stems and branches. Like aphids, they will excrete honeydew that attracts flies, ants, bees, wasps, and other insects. Black mold can quickly grow on the honeydew, which can make an unpleasant mess on and under the host tree or plant. This insect feeds on a broad range of trees and has a strong preference for the invasive species tree of heaven (*Ailanthus altissima*), its native host tree from Asia. Staff has undertaken a Countywide SLF monitoring program to find it early before high population has established. Special attention is being paid to locations that are most likely to become infested first. These are light industrial sites, transportation corridors (rail and highways), orchards, vineyards, and anywhere tree of heaven is found. Monitoring involves searching for SLF egg masses, trapping for all SLF life stages, and inventorying tree of heaven throughout the County (Attachment 1).

In 2022, staff created a mailbox, [ReportSLF@fairfaxcounty.gov](mailto:ReportSLF@fairfaxcounty.gov), as a call to action for County residents to report SLF in their community. In 2023, staff investigated 92 reports from County residents and searched surrounding properties for signs of SLF. Monitoring results for 2023 show that SLF is now established in the County, so early detection reports by residents are no longer needed. Staff will no longer conduct site visits for all reports by residents. An automatic reply will be initiated alerting residents to the establishment of SLF and links to our web resources for self-education and self-help measures.

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Since 2020, Lake Fairfax, Cub Run Rec Center, Great Falls Fire Station, Great Falls Library, Island Creek Elementary, and Westfield High School have had tree of heaven removed. The removal of trees of heaven will continue County properties in 2024. Removal of tree of heaven includes an herbicidal application of JLB Oil Plus®, Garlon® 3A, Garlon® 4 Ultra, or Rodeo® to the tree stumps. Herbicides are essential for successful removal since cutting alone would result in vigorous resprouting. Staff monitors all treatment sites for post-treatment effectiveness. Remediation at sites where the tree of heaven is removed may be necessary to ensure the success of the effort.

Targeted insecticidal treatments will become necessary to minimize the negative impact caused by SLF. A variety of effective options are available, including systemic insecticides Merit® 2F and Safari® 20 SG, that will deliver the insecticide into host trees, or contact insecticides such as Botanigard® 22 WP. In coordination with staff, Fairfax County Park Authority will continue using service district funds for the removal and remediation of tree of heaven in 2024 at Laurel Hill Park and Blake Lane Park. Riverbend Park tree of heaven populations will be managed beginning in 2024 as well.

Staff are collaborating with a doctoral student from Virginia Tech who is studying site restoration techniques in areas treated with a bioherbicide for trees of heaven. The bioherbicide was developed by a team from Virginia Tech, Rutgers University, Bioprodex, and USDA Forest Service using *Verticillium nonalfalae*. The bioherbicide is currently undergoing Environmental Protection Agency registration overview. In 2023, a stand of tree of heaven was inoculated with *Verticillium nonalfalae* at Laurel Hill Park. That same year, the doctoral student planted 25 native tree seedlings and herbaceous plants in the research site. The doctoral student will continue to monitor the site until 2028 for the effectiveness of the *Verticillium* treatment as well as the vegetation restoration of the site. Staff is in communication with Fairfax County Park Authority for all coordination and permitting requirements.

EQUITY IMPACT:

There is no adverse equity impact. The Forest Pest Branch is tasked by the Board to provide monitoring, treatment, and outreach on listed forest insect pests and diseases. The Service District includes the entire area of the County, excluding the area within the Lake Barcroft Watershed Improvement District. Monitoring, treatment, and outreach of listed forest pests have been identified as an important measure to protect the urban forest and environmental resources of the County.

Staff strive to be a useful resource for the County residents and partner with many organizations to provide information and services. Staff engage with the community through a variety of outreach and education programs that target the residents of the County. Staff printed 3,350 [Fairfax County Tree Basics booklets](#) for distribution to all the County libraries. The booklets are printed in [English](#), [Arabic](#), [Korean](#), [Mandarin](#),

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[Spanish](#), and [Vietnamese](#). The booklets contain information on the benefits of trees, how to select, plant, and maintain trees, and additional information. The booklets can be downloaded from the County website. Additionally, information about tree identification, forest health, and forest pests is made available on the County website. The County website offers a translation service through “machine translation” powered by Google™ Translate. The translation service makes the content of the County website accessible to the County residents who are not proficient in English.

In 2023, staff added equitable community engagement activities, following the County Equitable Stormwater Management Engagement Framework. Following this framework, staff will identify and engage in planting and education opportunities for vulnerable communities. To date, staff have joined Culmore environmental and community partners. Staff will continue to implement the Department of Public Works and Environmental Service Inclusive Community Involvement framework in all outreach programming.

FISCAL IMPACT:

Currently, the Forest Pest Program is funded through the Special Service District for the Control of Infestations that May Carry a Disease that is Dangerous to Humans, Gypsy Moth, Fall Cankerworm, and Certain Identified Pests. The total amount budgeted for FY 2024 is sufficient for this program.

CREATION OF POSITIONS:

No positions will be created.

ENCLOSED DOCUMENTS:

Attachment 1: 2023 Forest Pest Annual Report

STAFF:

Rachel Flynn, Deputy County Executive  
Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)  
Eleanor Ku Coddling, Deputy Director, DPWES, Stormwater and Wastewater Management Programs  
Brian Keightley, Division Director, DPWES, Urban Forest Management Division

ASSIGNED COUNSEL:

John W. Burton, Assistant County Attorney



# 2023 Forest Pest Annual Report

Department of Public Works and Environmental Services

Fairfax, Virginia 22035

703-324-1770, TTY 711

[www.fairfaxcounty.gov/publicworks/trees](http://www.fairfaxcounty.gov/publicworks/trees)

January 31, 2024

To request this information in an alternate format call 703-324-5500, TTY 711.

**Fairfax County is committed to nondiscrimination on the basis of disability in all county programs, services and activities. Reasonable accommodations will be provided upon request. For information, call 703-324-5500, TTY 711.**



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## Introduction

The Forest Pest Branch of the Urban Forest Management Division (UFMD) is tasked by the Fairfax County Board of Supervisors to monitor for, provide necessary and effective control of, and offer outreach and education about several forest insect pests and diseases. This report describes work completed by staff in 2023 including monitoring, inventories, treatment, and education/outreach. Of the eleven (11) insects, diseases and animals monitored by UFMD, seven (7) of them are found in Fairfax County (County). Four (4) of those are the subject of more complex monitoring and management efforts. Spotted lanternfly (SLF) became established over most of the County in 2023. Work continues to deal with the aftermath of emerald ash borer (EAB). Hemlock woolly adelgid (HWA) management resulted in the 1000<sup>th</sup> tree treated, as well as successful recovery of a predatory beetle released in 2022. Staff continue diligently scouting for symptoms of beech leaf disease (BLD) and were able to document significant spread of infestations first found in 2022.

## Asian Longhorn Beetle

### Background Information

The [Asian longhorned beetle](#) (ALB) (*Anoplophora glabripennis*) is an invasive, wood-boring beetle with the potential to have drastic economic and social impacts should it be introduced in the County, much like the EAB. These pests infest many hardwood tree species but prefer maple species, one of the predominant trees in the County's urban forest ecosystem. If ALB is found in the County, staff would work with state and federal partners to eradicate the infestation.



*Kenneth R. Law, USDA APHIS PPQ, Bugwood.org*

### Description of work completed

Staff conducted field surveys at sites that are the most likely pathways for the introduction and spread of ALB in the County (Figure 1). All industrial areas where there is commercial shipping or movement of wood related products were targeted. Since traps are ineffective at capturing ALB, staff relied on visual inspection of trees. At each survey site staff inspected all maple trees within a 1/40-acre plot for signs of ALB such as exit holes and frass. Over 60 sites and 200 trees were visually inspected in this manner. Additional data was gathered on the type of business activities in the vicinity of the survey site for planning future surveys.

Staff continued to investigate new methods to monitor high risk areas for ALB introduction. The ALB Management Plan and County website were updated to reflect new information.



## Results of monitoring

No signs of ALB were found in 2023.

## Beech Leaf Disease

### Background Information

[BLD](#) is a new disease caused by the microscopic roundworm, or nematode (*Litylenchus crenatae*). The nearly 100% fatal disease to one of the most common and ecologically important tree species in the County is spreading quickly, and at the time of this report there is no known safe treatment option for forested environments. BLD will become more noticeable to the public and media attention is expected to increase in 2024.



### Signs of BLD

#### Description of work completed

Staff is monitoring BLD in the County using GPS and GIS technologies. This summer, beech stands known to UFMD staff and the Fairfax County Park Authority (FPCA) were mapped and surveyed for signs of BLD (Figure 2).

Staff is participating in a long-term U.S. Department of Agriculture (USDA) Forest Service beech health study that includes both BLD and beech bark disease assessments over the full geographic range of those two diseases. Four permanent monitoring plots in the County were established in beech stands where BLD has already been found or where it is likely to be found (Figure 2). Detailed data on the plot locations, forest composition, and incidence of BLD signs and symptoms were collected and will continue to be collected annually for this study.

Staff actively sought to participate in research projects to gain knowledge about the disease, how it spreads, and what safe management measures may work in a future integrated pest management (IPM) plan. Staff contributed BLD samples for a regional nematode DNA study out of the University of Connecticut.



Staff establishing a BLD monitoring plot

### Results of monitoring

Six (6) infestations totaling 60 acres were mapped in regional and County parks. Their severity was assessed and recorded. Areas found in 2022 have grown in size and severity. For example, the BLD infestation at Burke Lake Park grew from 4.3 acres in 2022 to 13.2 acres in 2023. Four (4) new sightings of BLD found on only one branch or on one tree were mapped on public and private properties (Figure 2).

## Cooperative Agricultural Pest Survey

The federal Cooperative Agricultural Pest Survey (CAPS) Program's mission is to conduct exotic plant pest surveys through a national network of cooperators and stakeholders to protect American agriculture and natural resources. The goal is to provide a survey profile of potential invasive plant pests in the United States deemed to be of regulatory significance through early detection and surveillance activities. Using various traps and visual surveys, Forest Pest staff monitors pests of concern that are generally not yet known to be present in the Eastern United States. Specific pests monitored in the County are detailed below.

### Oak Ambrosia Beetle

#### Background information

Oak ambrosia beetle (OAB) (*Platypus quercivorus*) is a small woodboring beetle of concern globally because of its potential to spread a serious fungal disease, Japanese oak wilt, (*Raffaelea quercivora*) to various oak species. The County has a high density of potential hosts, according to USDA-Animal Plant Health Inspection Service (APHIS) and could see significant financial and environmental impacts if OAB were to become established.

If OAB is found in the County, staff will work with the Virginia Department of Agriculture and Consumer Services (VDACS) and other partners to attempt to manage the threat and reduce the spread of this pest and disease. Staff will monitor OAB and implement an outreach component to educate private and public groups about OAB and the potential spread of disease.



OAB, Joseph Benzel, Screening Aids, USDA APHIS PPQ, Bugwood.org

#### Description of work completed

Staff continued to conduct a monitoring program for OAB. Ten (10) traps using a pest specific lure (querciverol) were deployed and checked weekly (Figure 3). Each trap was checked approximately 18 times throughout the field season, and all samples were sorted for possible OAB. Any possible OAB were sent for identification by Virginia Tech.

Staff provided outreach for residents on causes of oak decline including OAB and methods for protecting oak trees on their properties.

Staff investigated new control methods for OAB, including the use of biological controls.

#### Results of monitoring

OAB was not detected in trap samples collected in the County in 2023.

#### Redbay Ambrosia Beetle

##### Background information

Redbay ambrosia beetle (RAB) (*Xyleborus glabratus*) is a small woodboring pest that can transmit the laurel wilt fungus (*Raffaelea lauricola*) to sassafras and spice bush, both commonly found in the County. These potential hosts are important deer resistant understory trees and shrubs.

If RAB is found in the County, staff will work with VDACS and other partners to attempt to manage the spread of this pest and disease. Staff will monitor for RAB and implement an outreach component to educate private and public groups about RAB and the potential spread of disease.



Lateral view of an adult female RAB, *Xyleborus glabratus* Eichhoff. Photograph by Lyle J. Buss, University of Florida.

### Description of work completed

Staff initiated a monitoring program for RAB. Five (5) traps using a pest specific lure (alpha-copaene) were deployed and checked weekly (Figure 3). Each trap was checked approximately 18 times throughout the field season, and all samples were sorted for possible RAB. Any possible RAB were sent for identification by Virginia Tech.

Staff investigated new control methods for RAB, including the use of biological controls.

### Results of monitoring

No RAB were detected in trap samples collected in the County in 2023.

## Sudden Oak Death

### Background information

[Sudden oak death \(SOD\)](#), caused by the water-borne pathogen *Phytophthora ramorum* could pose a threat to oak trees in the County if it were to become established. If *P. ramorum* or SOD is found in the County, staff will work with VDACS and other partners to attempt to manage its spread.

### Description of work completed

Staff continued to monitor 15 stream sites once in the spring, and again in the fall (Figure 3). A total of 30 water samples were collected, incubated in-house, and shipped to the VDACS laboratory in Richmond for disease testing.

Staff continued to stay up to date on current research and maintained a management plan for SOD.



Collection bottle and rhododendron leaf sample for sudden oak death monitoring

### Results of monitoring

No samples tested positive for *P. ramorum* (SOD).

## Thousand Cankers Disease

### Background information

Thousand cankers disease (TCD) is caused by a fungus (*Geosmithia morbida*) carried by the walnut twig beetle (WTB) (*Pityophthorus juglandis*) native to the southwestern United States. This disease complex causes only minor damage to western walnut species; however, eastern black walnut trees are more susceptible. Mortality is possible although timing is unclear.



Small branch cankers caused by *G. morbida*, Whitney Cranshaw, Colorado State University

#### Description of work completed

Staff continued to conduct a monitoring program for WTB and the causal agent of TCD, *Geosmithia morbida*. Three new trap locations were added west of previously confirmed WTB infestations in the Franconia and Mount Vernon districts to track potential spread. Insect samples were collected from July through the end of October on 30 traps throughout the County (Figure 4). Insect samples were sorted in-house and sent to Virginia Tech's Insect ID Lab for confirmation.

#### Results of monitoring

There were 199 positive WTB specimens confirmed in 2023. 186 of them were collected at a single trap site in Lorton. Five (5) other traps in the County each had a single confirmed WTB. TCD caused by *Geosmithia morbida* was not identified in the County.

## Emerald Ash Borer

#### Background information

EAB (*Agrilus planipennis*) is an exotic beetle that has caused widespread mortality of native ash species since its discovery in the County in 2002. Since 2015, approximately 200 ash trees have been treated and monitored for EAB, with 186 trees currently included in the treatment program.

Since 2016, staff has conducted a release program for EAB parasitoid wasps: *Oobius agrili*, *Spathius agrili*, and *Tetrastichus planipennisi*. Staff have released EAB parasitoid wasps on several County properties. The wasps were produced and supplied from the USDA APHIS Plant Protection and Quarantine (PPQ) EAB Parasitoid Rearing Facility in Brighton, Michigan.



Adult EAB, Davis Cappaert, Michigan State University

### Description of work completed

Staff completed evaluations of the 186 trees in the county-wide ash treatment program (Figure 6). Annual tree evaluations are used to prescribe future treatments as well as to assess the overall success of the treatment program for high-value ash trees on County owned properties. Fifteen (15) trees were treated by staff with emamectin benzoate injections as part of the treatment program (Figure 6). Staff continued to scout the County for surviving ash trees to add to the treatment program. Those numbers are dwindling. Very few of the trees found were good candidates for treatment. Staff agreed that a shift to scouting for surviving seed-producing ash trees would be beneficial, as those could be useful seed sources for propagating seedlings that may potentially be EAB-resistant.

Staff continued to monitor locations where EAB parasitoids were released within the last two (2) years using yellow-pan traps to determine if the parasitoids have become established. Four (4) yellow-pan-traps were set and monitored weekly at Burke Station Park from May through September (Figure 5).

The parasitoid release sites were assessed for possible long-term ash restoration efforts, including chemical treatment of any surviving ash trees, invasive plant management, and planting ash seedlings. The goals of the restoration project are to provide a food source for the parasitic wasps that were released, and to preserve ash trees in some forested areas of the County indefinitely. Three (3) sites have been identified as suitable for the ash restoration project. Staff maintained 108 seedlings that were planted at one of the sites in Flatlick Stream Valley Park two (2) years earlier.



*EAB Parasitoid Release Site*





*Staff checking yellow-pan-traps*

Staff continued to investigate new control methods for EAB, including the use of new biological controls.

Staff continued to coordinate the remediation of damage caused by EAB, including the removal of dead ash trees from County property.



*Pesticide injection for treatment of EAB*

#### Results of monitoring/treatment

186 ash trees that were evaluated in the County-wide ash treatment remain in the program. Six (6) ash trees were added for a new total of 192 trees. Fifteen (15) trees were treated for EAB.

EAB parasitoids were not recovered from the yellow pan traps.

One new site was added to the long-term ash restoration project for a total of three (3) sites. They are located at Flatlick Stream Valley Park, Bren Mar Park, and Pimmit Run Stream Valley Park.

## Fall Cankerworm

### Background information

Fall cankerworm (FCW) (*Alsophila pometaria*) is a native insect whose larval stage feeds on the leaves of hardwood tree species throughout much of North America. FCW life stages are important food for native birds, however sometimes a local population of FCW can grow large enough to defoliate trees. It is therefore important to carefully monitor FCW populations in order to make good management decisions.



*Female Adult FCW, Matt Bertone*

### Description of work completed

Staff completed a FCW adult moth trapping survey in the Franconia, Mason, and Mount Vernon districts where outbreaks of FCW had occurred in the past. Staff set a total of 52 sticky-band traps in late November of 2022, and visited each weekly through the end of January of 2023 to count the number of male and female moths captured (Figure 8). The cumulative counts were used to track the current FCW population levels and predict the associated risk of defoliation by larvae that hatch the following spring.

Any FCW eggs found on or near the traps would be placed in special containers that allow parasitic predation while protecting them from larger predators. They would be left on site to develop naturally until March when they would be gathered and evaluated in the lab for parasitic predation and hatch rate.

Staff also conducted a FCW defoliation survey throughout the same districts the following spring. 107 trees were assessed for signs of feeding and defoliation (Figure 7).



*Caterpillar, photo by Joseph Berger, Bugwood.org*



### Results of monitoring/treatment

89 female moths were collected in the FCW adult moth survey during the 2022-2023 monitoring season. The counts did not exceed thresholds that would indicate a large larval hatch that could warrant treatment. In addition, no egg masses were found during the survey period.

107 different trees were evaluated for defoliation. None exceeded 30%, with the majority at the lower end of light range category. No significant defoliation was observed in spring 2023.

## Hemlock Woolly Adelgid

### Background information

HWA (*Adelges tsugae*) is an exotic, invasive insect that infests and often kills eastern hemlock (*Tsuga canadensis*) trees within four (4) to ten (10) years. The remaining natural stands of eastern hemlock within the County are few and isolated to several parks. Without protection the multiple benefits they provide to wildlife and their scenic beauty along our rivers will be lost and cannot be easily replaced.



*HWA hidden underneath their woolly ovisacs on a heavily infested twig*



*HWA adults crawling to the base of a hemlock needle to feed.*



*Staff conducting a bark spray treatment at Fountainhead Regional Park.*



*Staff beat-sheeting for predatory beetles at Scotts Run Nature Preserve.*

#### Description of work completed

Staff investigated and implemented more efficient alternatives to trunk injection treatments. New application methods used in 2023 include bark sprays, soil drench, and soil injections. Bark sprays use a fast-acting insecticide containing dinotefuran that is best suited for heavy infestations that need immediate control. Soil drench and injections containing the insecticide imidacloprid take more time to be effective but provide five (5) to seven (7) years of protection. These methods can efficiently treat large numbers of hemlocks.

Staff continued to refine the hemlock inventory in Bull Run Marina, Fountainhead Regional Park, and Sandy Run Regional Park, all located along Bull Run/Occoquan River. Staff field-surveyed hundreds of acres of park property to find new areas to include in the hemlock inventory.

Staff collaborated with GIS Services to pilot a project that uses deep learning to identify evergreen trees from aerial photography. The results of the project have helped field staff identify possibly unmapped concentrations of hemlock trees and estimate relative abundance of hemlock trees for planning purposes.

Staff scouted and assessed hemlock stands for their eligibility to receive predatory beetles. Hemlock stands were assessed according to selection criteria set forth by Virginia Department of Forestry (VDOF) to identify hemlock stands with the best chance of establishing predatory beetles. Hemlock stands that meet the criteria could be selected for predatory beetle releases.

Staff evaluated hemlock tree health and the HWA infestation levels to gather information about the effectiveness of treatments. Methods used to collect field data were developed by the USDA Forest Service for accessing tree condition and estimating HWA infestation levels.

In a continued collaboration with VDOF, staff evaluated the initial effectiveness of the 2022 release of predatory beetles at Scotts Run. Sampling was conducted using the beat-sheet method in which beetles are knocked off branches onto a white sheet held beneath the branch, which helps determine establishment of the predatory beetle population. Once established, the beetles will reduce the stress on hemlocks by helping control the population of HWA adults.

Staff continue to research treatment methods and management strategies, as well as new methods for evaluating and measuring tree health and HWA infestation levels.

#### Results of monitoring/treatment

Staff treated a total of 926 hemlock trees (Figure 10). This is a significant increase over previous years as the staff's priority shifted to protecting as many hemlocks as possible and trying new methods of pesticide application. The use of bark spray and soil drench application methods were responsible for all treatments this year, which could be performed faster and required less specialized equipment. Staff also focused on treating in areas with the highest concentrations of hemlock trees.

Staff evaluated 15 hemlock trees. Evaluations were performed on a sample of previously treated hemlock trees. The evaluations show some level of protection on hemlock trees treated with imidacloprid, whereas hemlock trees that were treated with dinotefuran appear to have lost most of their protection. These data provide valuable information about the duration of pesticide protection and whether retreatment is necessary.

Staff inventoried approximately 42 acres of hemlock trees (Figure 9). Most of the inventoried areas were in Fountainhead Regional Park, which contains many hemlock trees. Staff have completed approximately 70% of their surveys for hemlock trees on park property.

Staff collected 6 predatory beetles from hemlock trees at Scotts Run Nature Preserve (Figure 11). The collection was made only 12 months after releasing 700 beetles at Scotts Run. This means that beetles have successfully completed an entire life cycle and is a promising sign that predatory beetles are on their way to establishing at Scotts Run.

Staff identified two potential HWA predator release sites at Fountainhead Regional Park. A preliminary review of the two sites showed that the hemlock trees were in fair to good health with accessible lower branches. Further evaluation and VDOF review are necessary to determine their eligibility for beetle releases.

## i-Tree Eco

### Background Information

In 2022, the County entered into a contract with Conservation Management Institute (CMI) to conduct a tree survey and incorporate the data into the i-Tree Eco™ model. The model estimates ecosystem services and characteristics of the urban forest. In 2017, staff conducted a countywide survey and incorporated the data collected into the [i-Tree Eco](#) model. The survey involved evaluating forest conditions in 204 randomly selected sites throughout the County (Figure 12).

### Description of work completed

CMI completed all tree surveys. In 2024, CMI will analyze the data collected and compare it to the 2017 results. Additionally, CMI will produce a report with an assessment of the potential resilience of the urban forests in the County and stand level carbon stocks. The report will also include suggested management actions, where appropriate, to increase stand level resilience and/or carbon stocks.

## Spongy Moth

### Background Information

The [spongy moth caterpillar](#) (SM) (*Lymantria dispar*), formerly called gypsy moth, is a leaf feeding insect of primarily hardwood trees. SM remain in very low population numbers in the County.



*Oak trees refoliating after a defoliation*



*SM caterpillars chewing oak leaves, Tim Tigner, Virginia Department of Forestry, Bugwood.org*

### Description of work completed

No measurable defoliation was observed by staff or reported to staff in the spring of 2023. Staff completed 151 egg mass surveys in SM preferred habitat across the County in the fall of 2023 (Figure 13).

### Results of monitoring/treatment

No control treatments were needed in 2023. No measurable defoliation was observed or reported. No egg masses were found in the County (Figure 13). Staff does not anticipate any defoliation in 2024.

## Spotted Lanternfly

### Background information

SLF (*Lycorma delicatula*) is an insect native to Asia which was first found in 2018 in Frederick County, Virginia, and has since spread throughout Virginia. Staff has monitored this insect and inventoried tree

of heaven (TOH) in high-risk introduction areas since 2019, first finding SLF in the County in 2022. Due to the large nuisance caused by this pest, VDACS, in cooperation with USDA-APHIS, employ control measures in areas with known infestations. UFMD anticipates most residents in the County will be impacted to some degree as SLF continues to spread.



*SLF nymph photo credit Eric Day, Virginia Tech Insect ID Lab, Virginia Tech Department of Entomology*



*SLF adult and nymph photo credit Stephen Ausmus USDA*



*SLF egg mass*

## Description of work completed

Surveys for all life stages in all areas of the County were conducted using various methods. A total of 111 circle traps (without lure or pesticide strips) were deployed across the County July through October. Visual surveys in prime locations were conducted by staff. Outreach to encourage residents to report SLF sightings to staff were employed. Concentrated “blitz” efforts were undertaken. During the blitzes, colleagues from external agencies participated with staff in one day efforts to search as much of the County as possible.

Staff continue to implement the [management plan](#) completed in 2022, on County properties. Mechanical removal of SLF life stages using backpack vacuums was tested. Staff continued to monitor the latest scientific research for SLF to determine the best possible management strategies for managing infestations on County properties and to provide information to enable citizen self-help efforts.

The inventory of TOH that was begun in 2020 was used to find locations suitable for TOH removal on County owned properties. Approximately 10% of sites inventoried were found to contain TOH, and TOH removals to reduce the prevalence of SLF’s preferred host across the County were begun (Figure 16). Treatments with horticultural oils or herbicides containing triclopyr or glyphosate to remove ideal SLF habitat from County properties, may be used.

## Results of monitoring/treatment

61 traps were found to be positive, with a total of 1,289 adults trapped in 2023 (Figure 14). These results indicate significant population growth and spread of SLF across the County. UFMD anticipates this to continue for the next several years.

Mechanical removal of SLF life stages using backpack vacuums proved successful and will continue to be used in 2024.

SLF egg masses were found at five (5) sites during the blitz event in January. These were destroyed where they could be reached.

Postcard mailings and other outreach efforts resulted in 92 reports of sightings by County residents (Figure 15). 76 of these reports were confirmed to be positive via pictures or on-site visits. Treatment of TOH found on County properties resumed in 2023, but the arrival of SLF, staff shortage, and communication delays hindered the ability of staff to treat as much TOH as had been anticipated. Pilot treatment efforts on seventeen (17) sites have been completed since the start of this project. Nine (9) new sites, approximately 8.7 acres, were treated in 2023, and eight (8) other sites are being monitored for resprouting and potential retreatment (Figure 18). All treatments and retreatments were accomplished by a contractor. Staff conducted quality control checks on all treated sites.

## Outreach

### Background Information

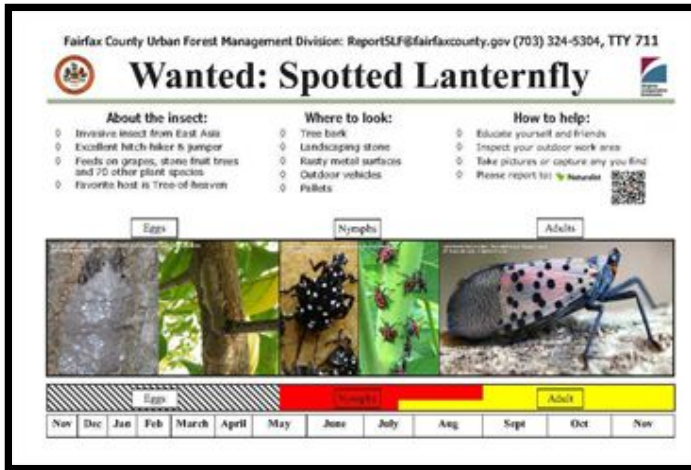
Staff administered and participated in outreach and education efforts to foster an appreciation for trees and the benefits of the urban forest and to inspire others to protect, plant, and manage greenspace resources. Targeted audiences for education and training include Fairfax County Public Schools (FCPS), County staff, community scientists, homeowner’s associations, and natural resource professionals.



### Description of work completed

Most of the Forest Pest messaging to the public was delivered through virtual platforms (social media posts, NewsWire, internal blog posts, webinars, and website updates). Additionally, staff presented in the classroom, partnering with organizations like FCPS, [Nature Forward](#), and Northern Virginia Community College. Staff participated in the Flood Risk Engagement and Culmore Environmental Program Planning Groups. Staff leveraged the partnership with FCPA Public Information Office to submit social media posts to expand reach to over 35,000 followers.

Staff continued to implement an outreach program explaining the impacts and threats of the various pests listed in this report to help inform the general public, landowners and decision makers.



SLF Informational Postcard



Staff at Bluebell at the Riverbend park talking to event participants.



UFMD Staff at Burke Lake Park pointing out BLD to Architect of the Capital staff.

Table 1 - Outreach efforts and outcomes

Outreach Effort	Outcome
Media Posts	Staff created 30 posts for the Department of Public Works and Environmental Services (DPWES) social media accounts (Facebook and X -formerly Twitter).
Press Interviews or Events	Staff spoke with several news stations about the removal of TOH at Blake Lane Park as a strategy for managing SLF populations. Staff were interviewed by the press, including the Washington Post about SLF. Staff participated in a radio interview and provided information for a published news article with WAMU about the spread of BLD.
County Podcasts and Videos	None completed this year.
School Programs	Staff participated in five (5) <a href="#">school programs</a> , including Trees Please at Stratford Landing and a full day at Ft. Belvoir Elementary School. Staff conducted a science camp career day at Braddock Secondary School. Staff presented to 9 <sup>th</sup> grade students at Robinson Secondary School.
Internal County Blog Posts	24 blog posts were created providing information on pests of concern such as SLF, public events that staff participated in such as Arbor Day and highlighting innovative UFMD projects like managing SLF and monitoring of the parasitic release for HWA.
Webinars and Cross Trainings	Staff provided seven (7) cross trainings for County and non-County agencies on various forest pest issues. Internally, staff spoke with the Health Department, DPWES, and FCPA. Staff provided in-person training in partnership with Nat-Cap PRISM. Staff provided an in-person training in Spanish in partnership with Nature Forward and Northern Virginia Soil and Water Conservation District (NVSWCD). Staff conducted field events with District Department of Transportation Urban Forestry staff, D.C. Architect of the Capital and Botanic Garden staff to inform them about symptom identification and latest information on BLD. Staff participated in the <a href="#">Employing Youth through Employment Program</a> and provided job training to a young adult for two weeks.



<b>Outreach Effort</b>	<b>Outcome</b>
NewsWire/Press Releases	<p>Staff worked with DPWES Communication and Media Group to compile and post four (4) news press releases:</p> <ul style="list-style-type: none"> <li>-County Watching and Monitoring for Spotted Lanternfly</li> <li>-Spotted Lanternfly Seen in More areas of Fairfax County</li> <li>-Beech Leaf Disease Spreads in Fairfax County</li> <li>-County Warning Residents about a New Vegetation Disease Called Vascular Streak Dieback</li> </ul>
In-Person Community Events	<p>Staff participated in five (5) community events: Bluebell Festival at Riverbend Park, the Mount Vernon Environmental Expo, Arts in the Park at Mason District Park, and Earth Day at Sully Historic Site. Staff partnered with NVSWCD tree seedling distribution. Staff supported the Arbor Day celebration at Mantua Elementary School.</p>
Print Media	<p>Almost 21,000 SLF postcards were mailed to residents and businesses. Almost 21,000 informational SLF postcards were mailed to residents and businesses within a half a mile of sites where staff located positive SLF traps (Figure 17). The postcard included information on SLF identification and how to report it. By request, 3,350 of Tree Basics booklets were printed in English, Arabic, Mandarin, Vietnamese, and Korean for the Fairfax County Library system.</p>
Website	<p>Staff updated <a href="#">Forest Pest webpages</a> with new information about SLF and BLD, updated resources links and how to report information for pest issues.</p>

# Maps

Figure 1- ALB Survey Locations

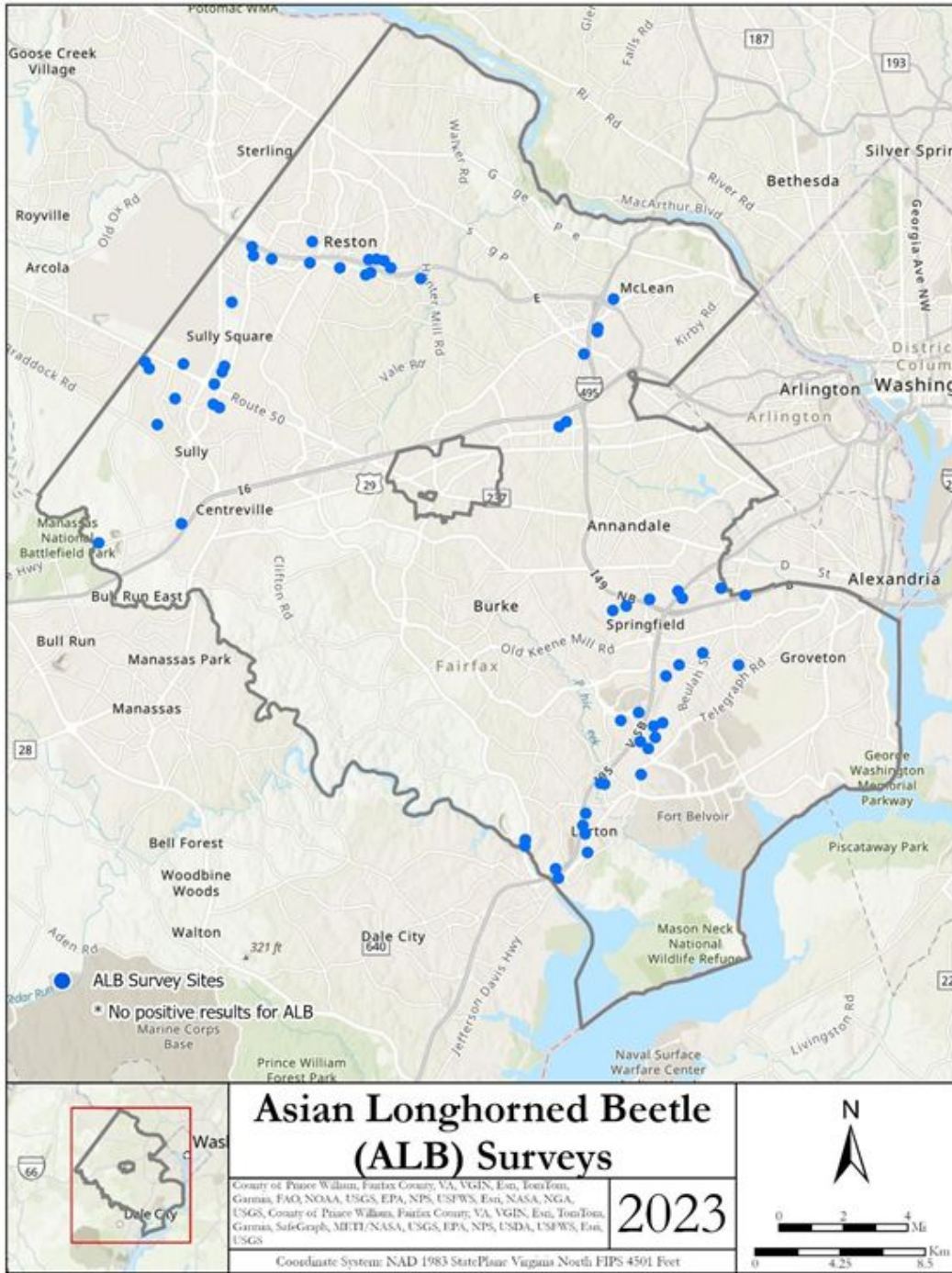


Figure 2- BLD Surveys and Positive Sites

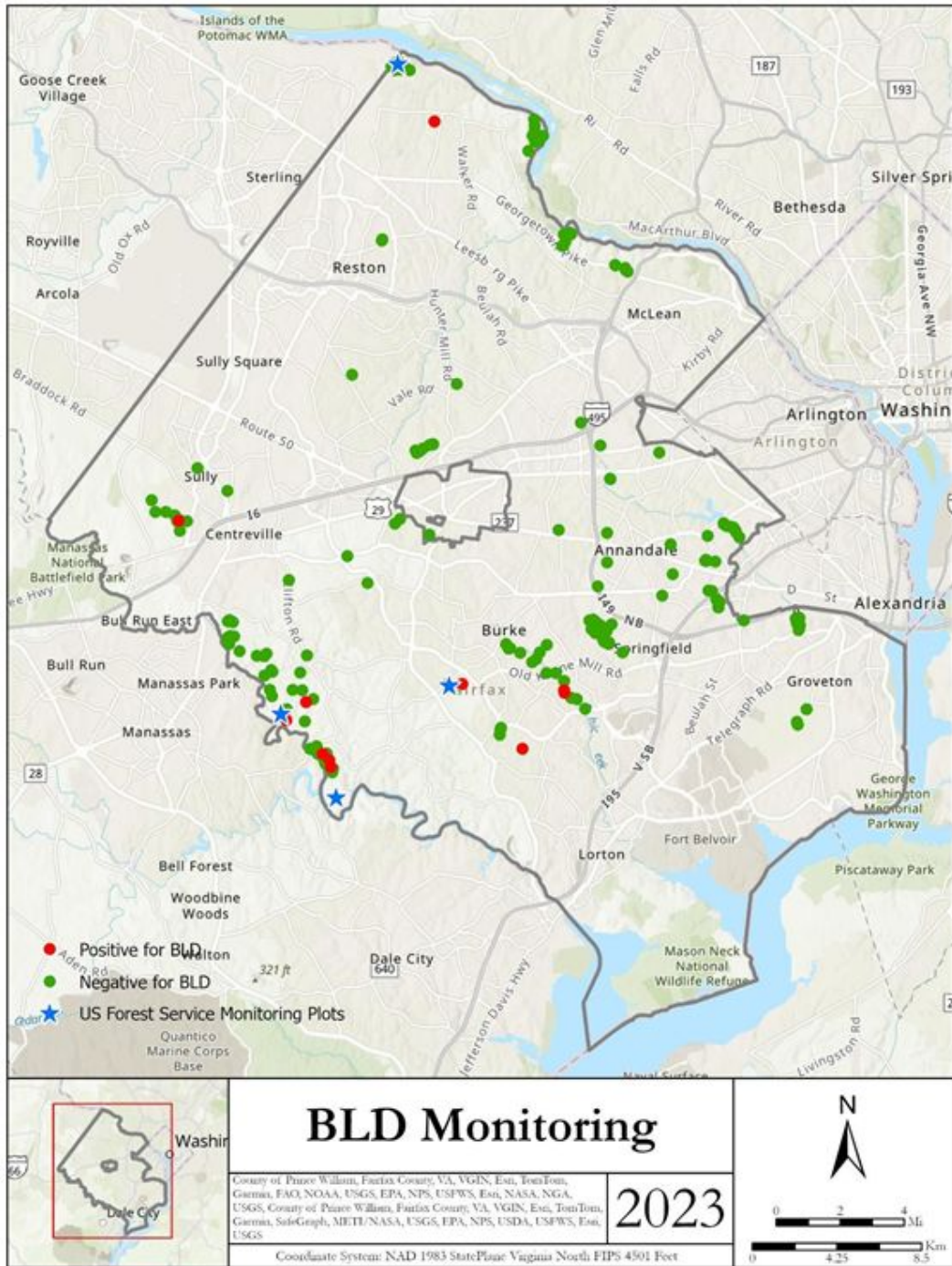




Figure 3- SOD Testing Locations, OAB and RAB Trap locations

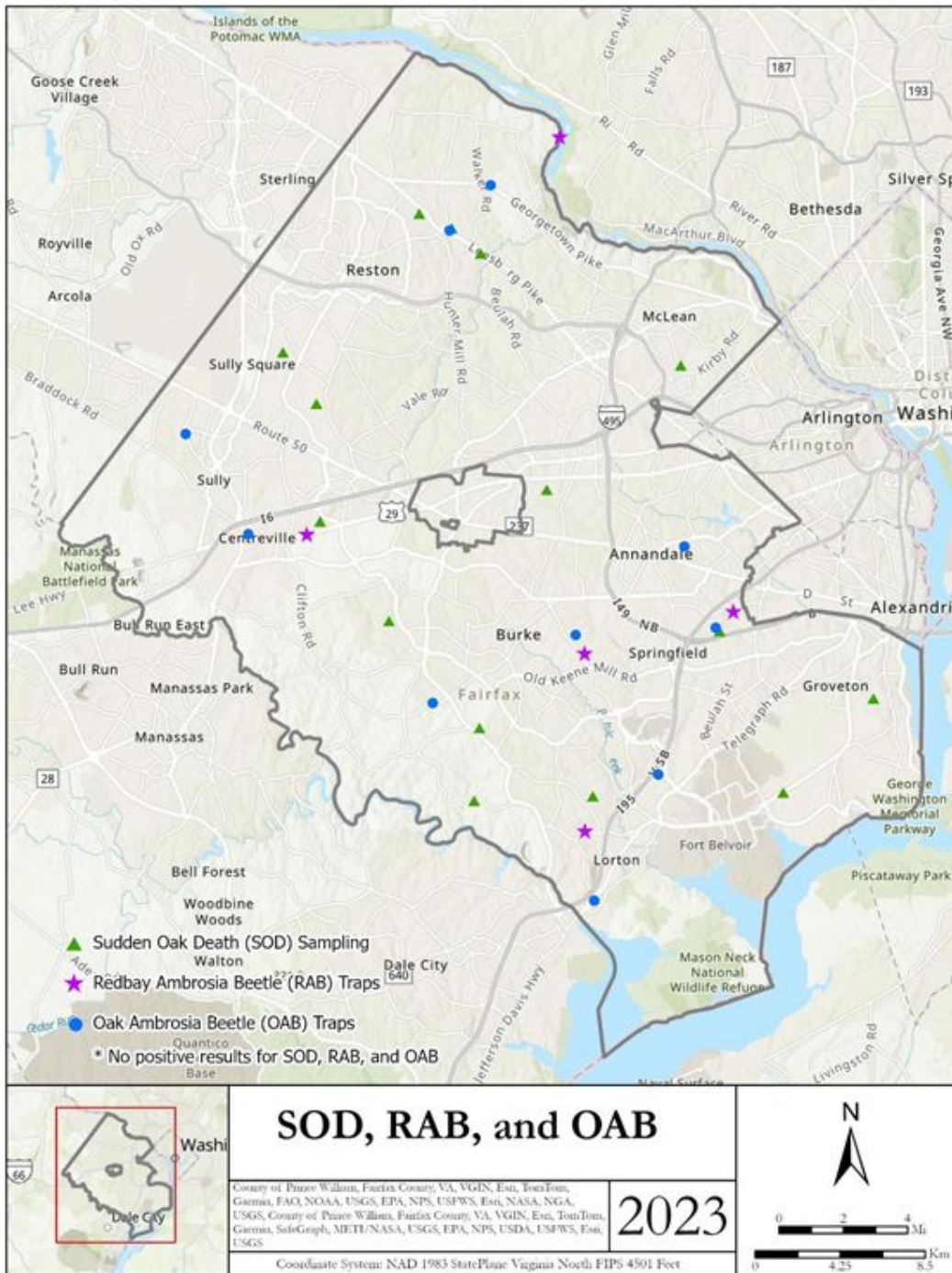






Figure 5- EAB Parasitoid Release and Recovery Locations

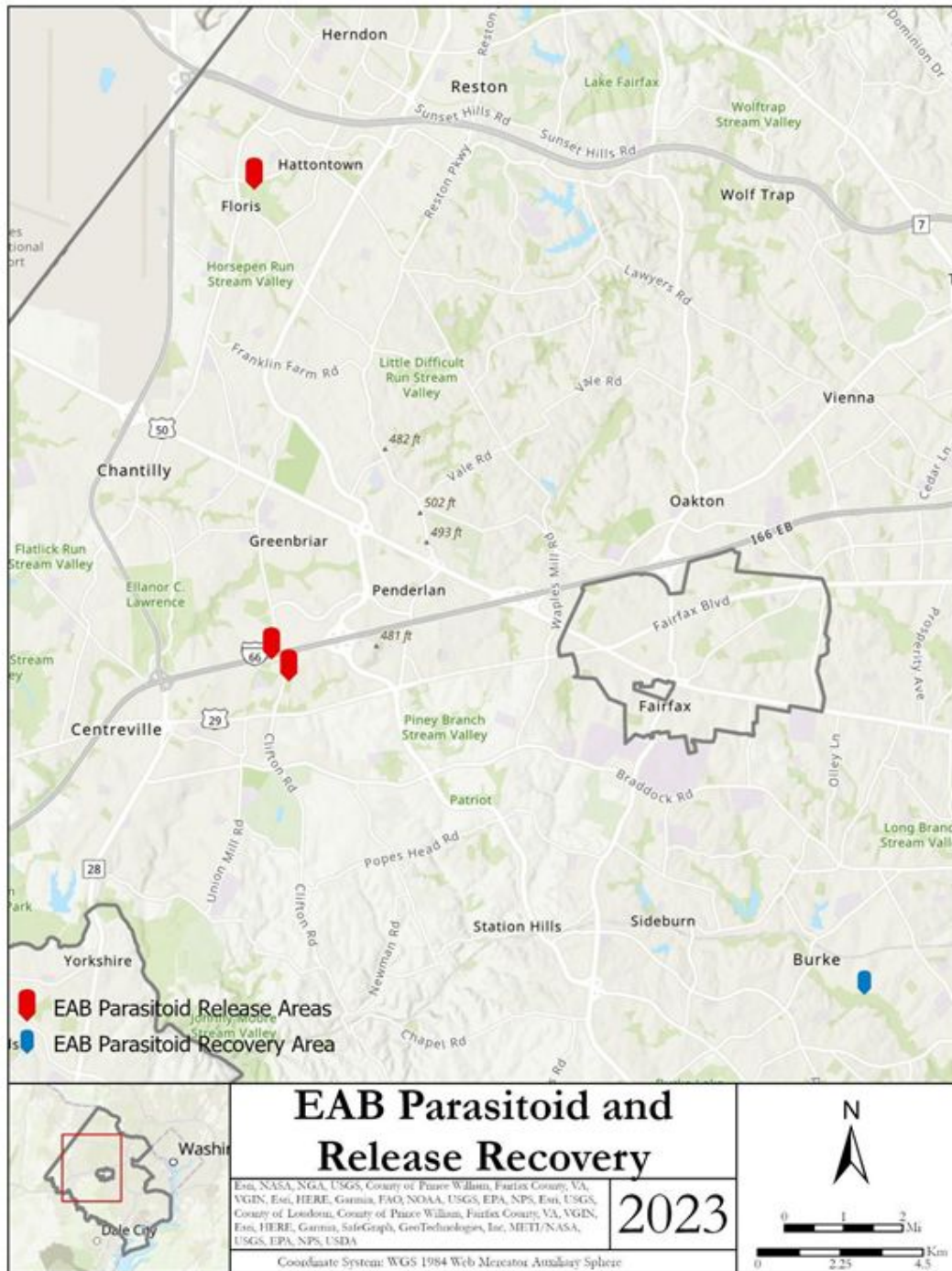


Figure 6- Ash Tree Evaluations and EAB Treatments

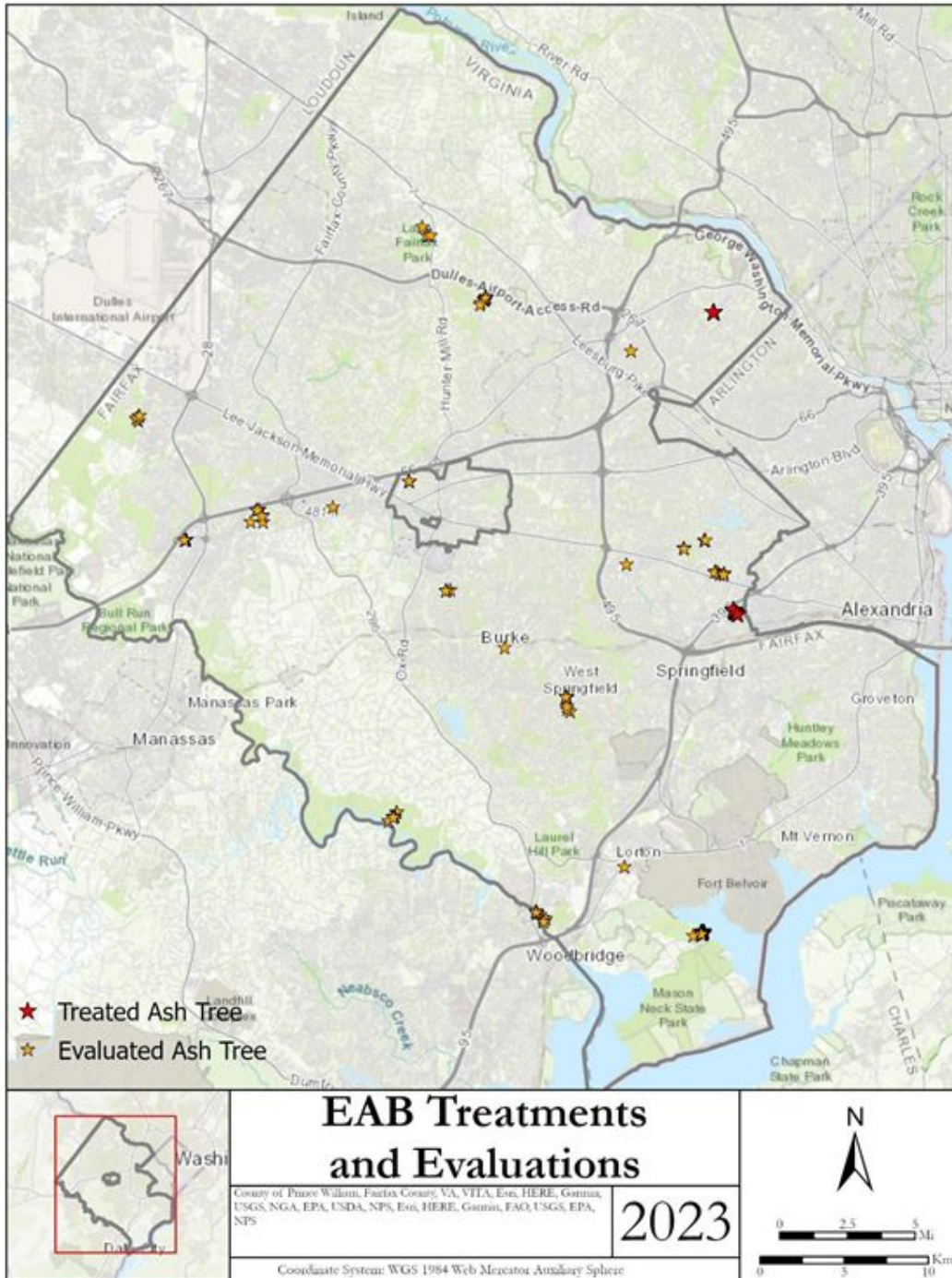




Figure 7- FCW Defoliation Survey

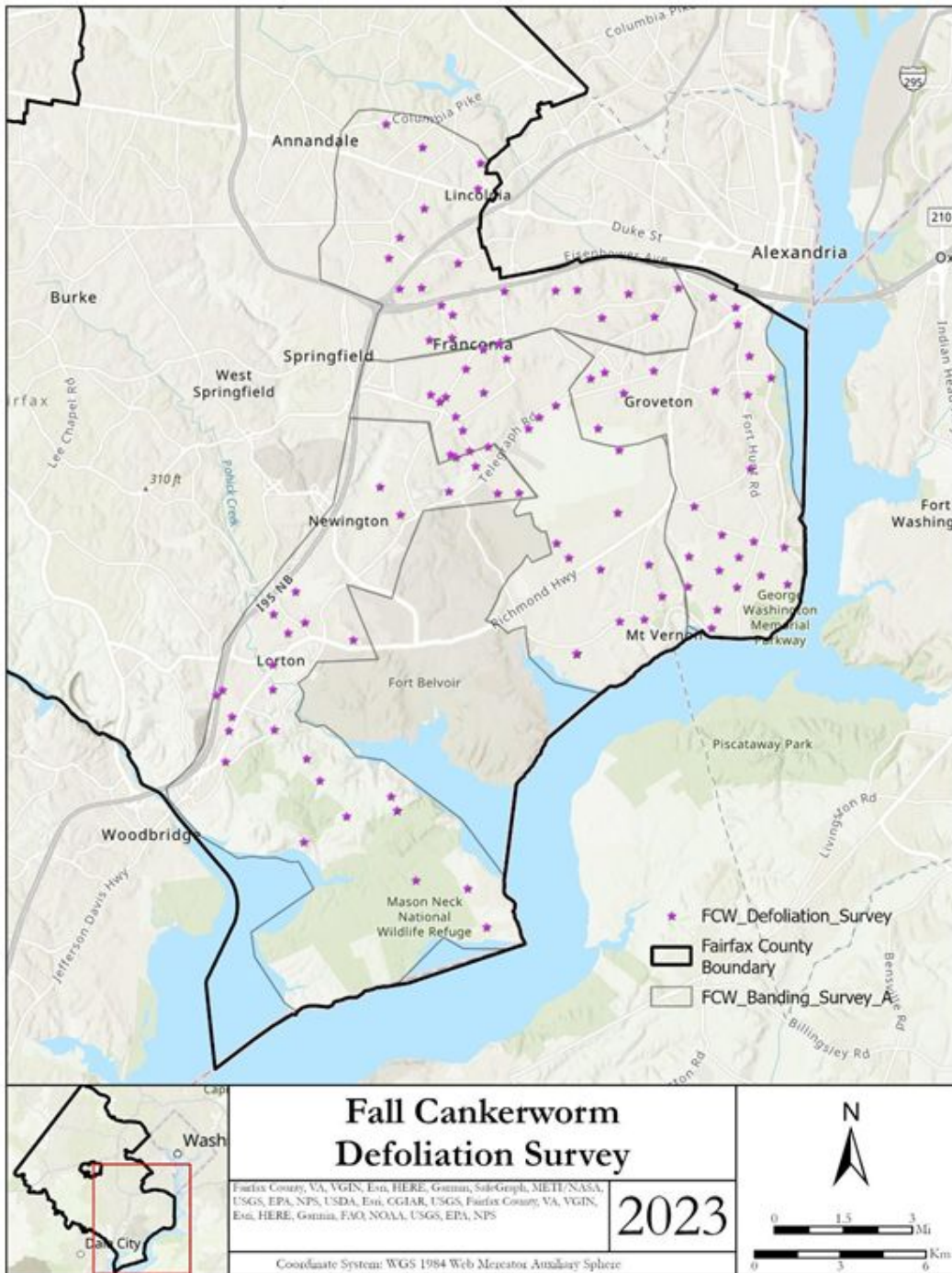






Figure 9- Hemlock Forest Inventory Area

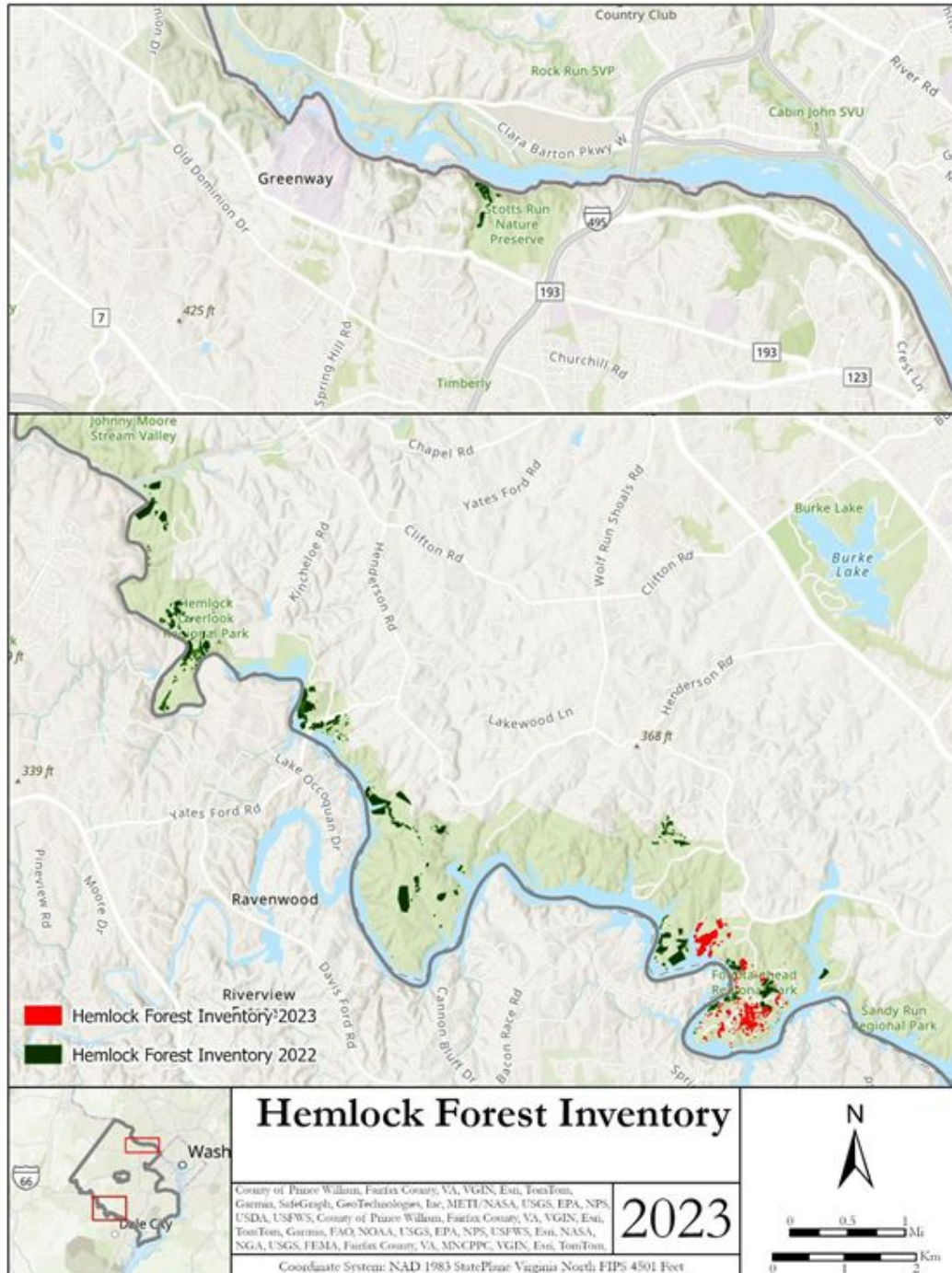




Figure 10- HWA Chemical Treatments

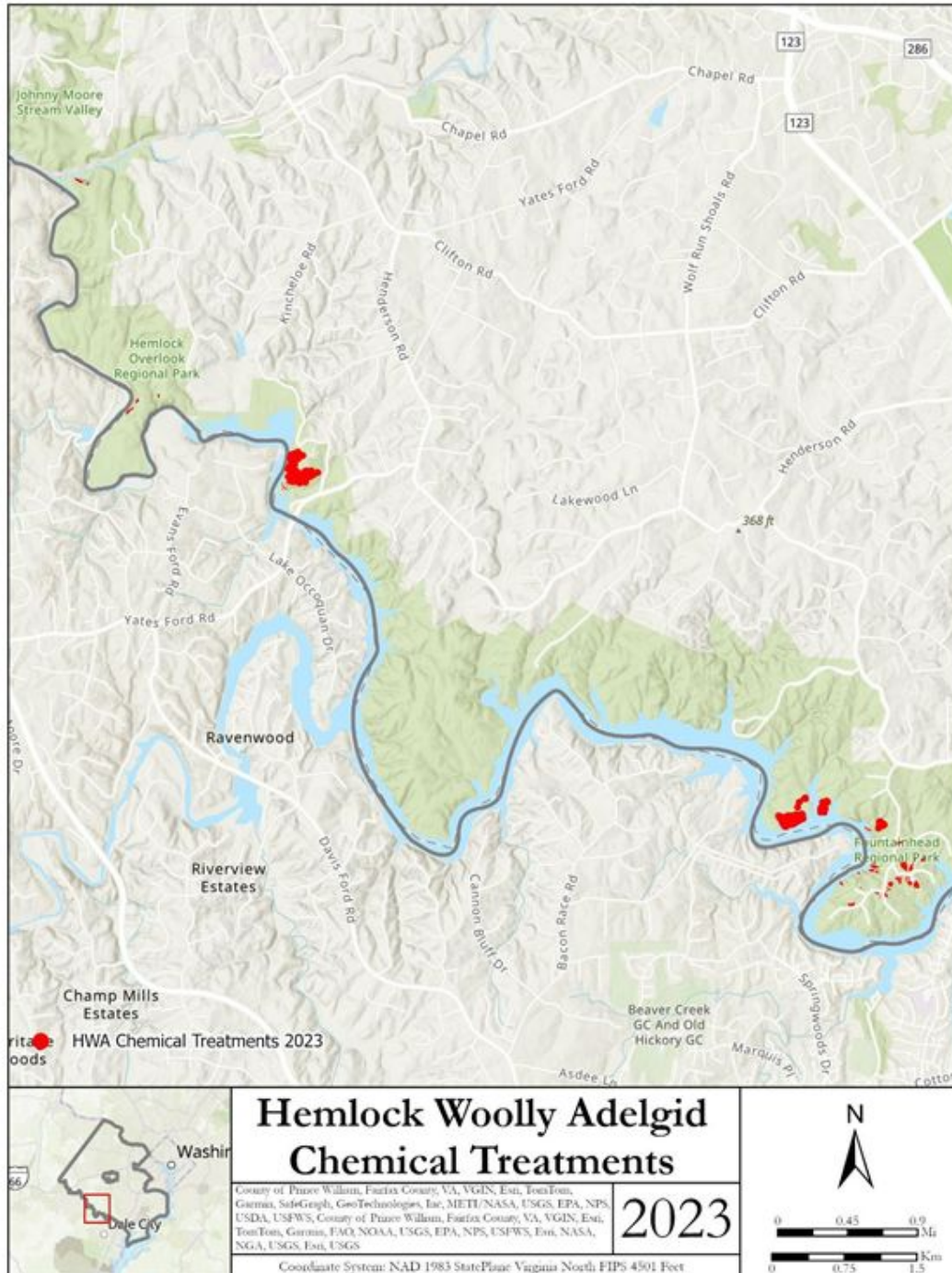


Figure 11- HWA Predator Recovery Location

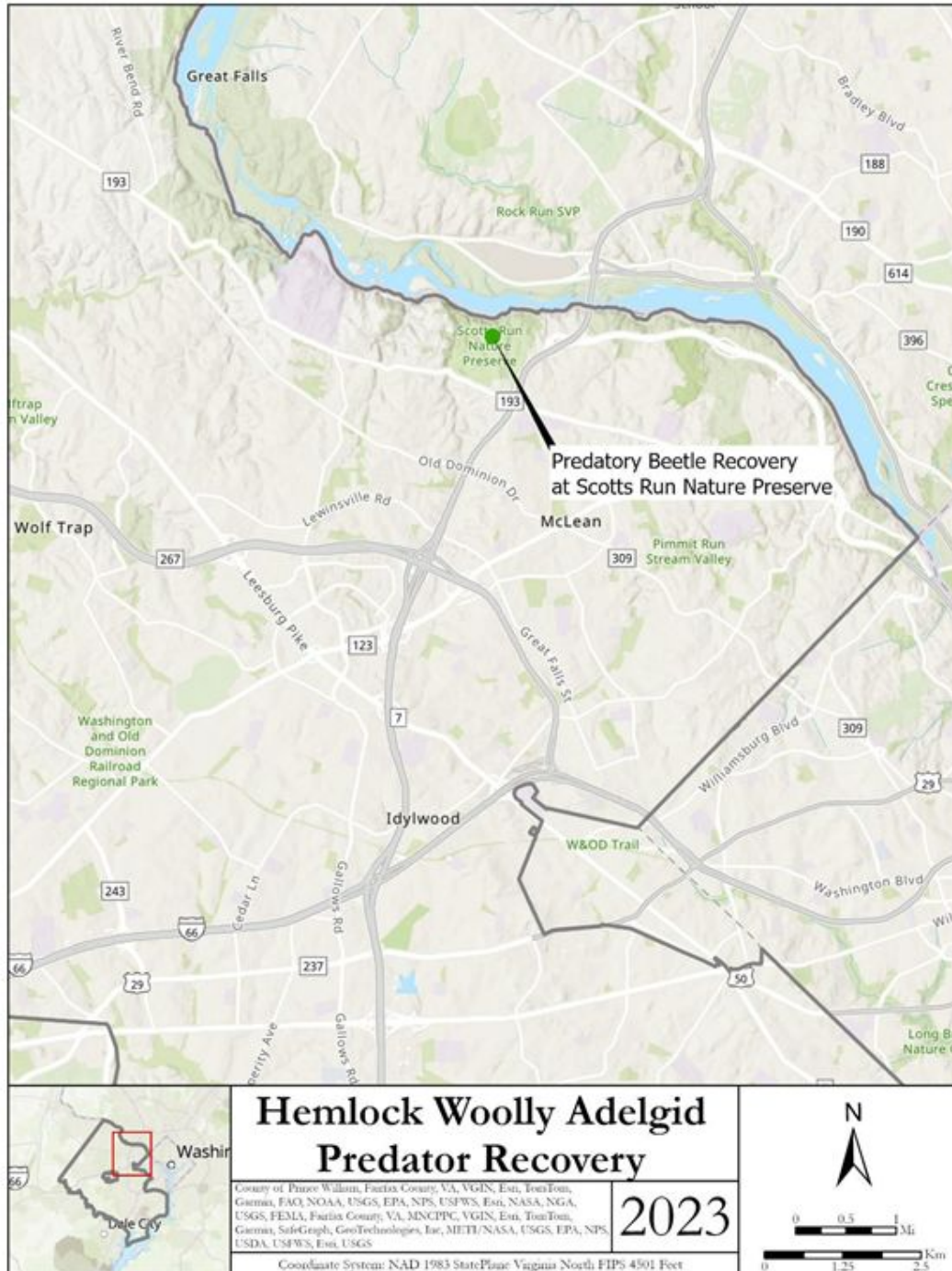




Figure 12- 2017 iTree Eco Survey Pilot Locations

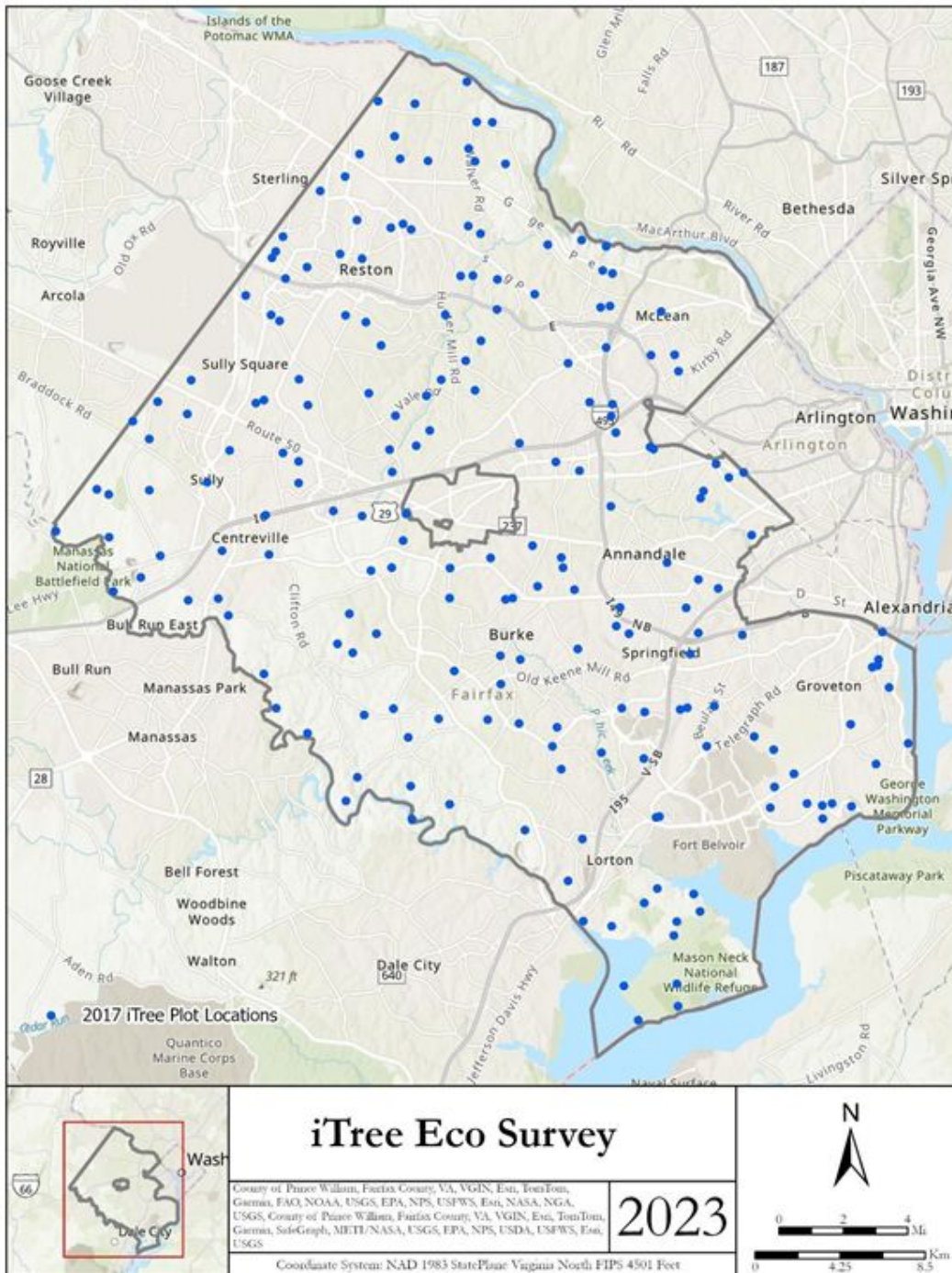


Figure 13- SM Egg Mass Surveys

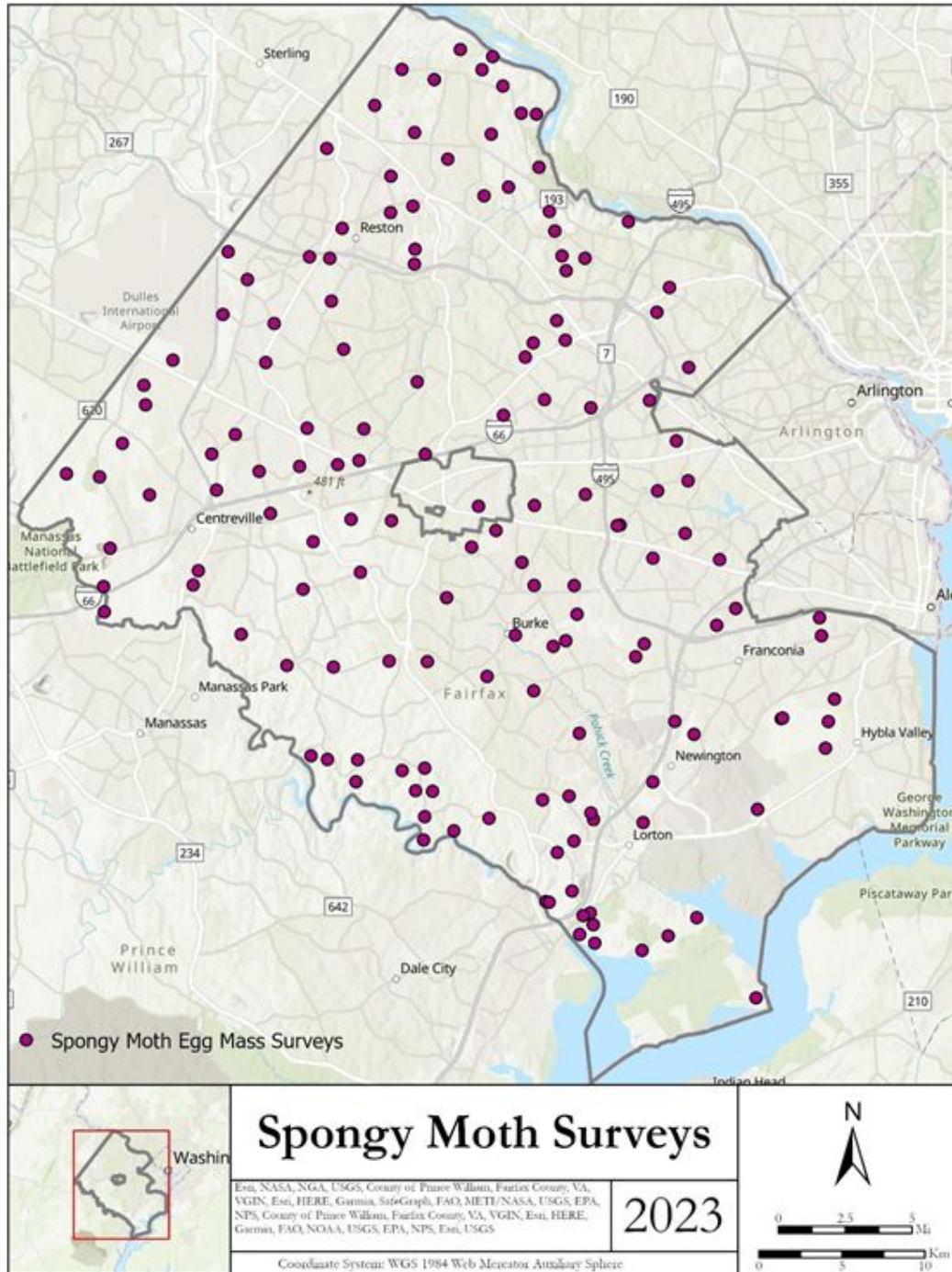




Figure 14- Positive and Negative SLF Trap Locations

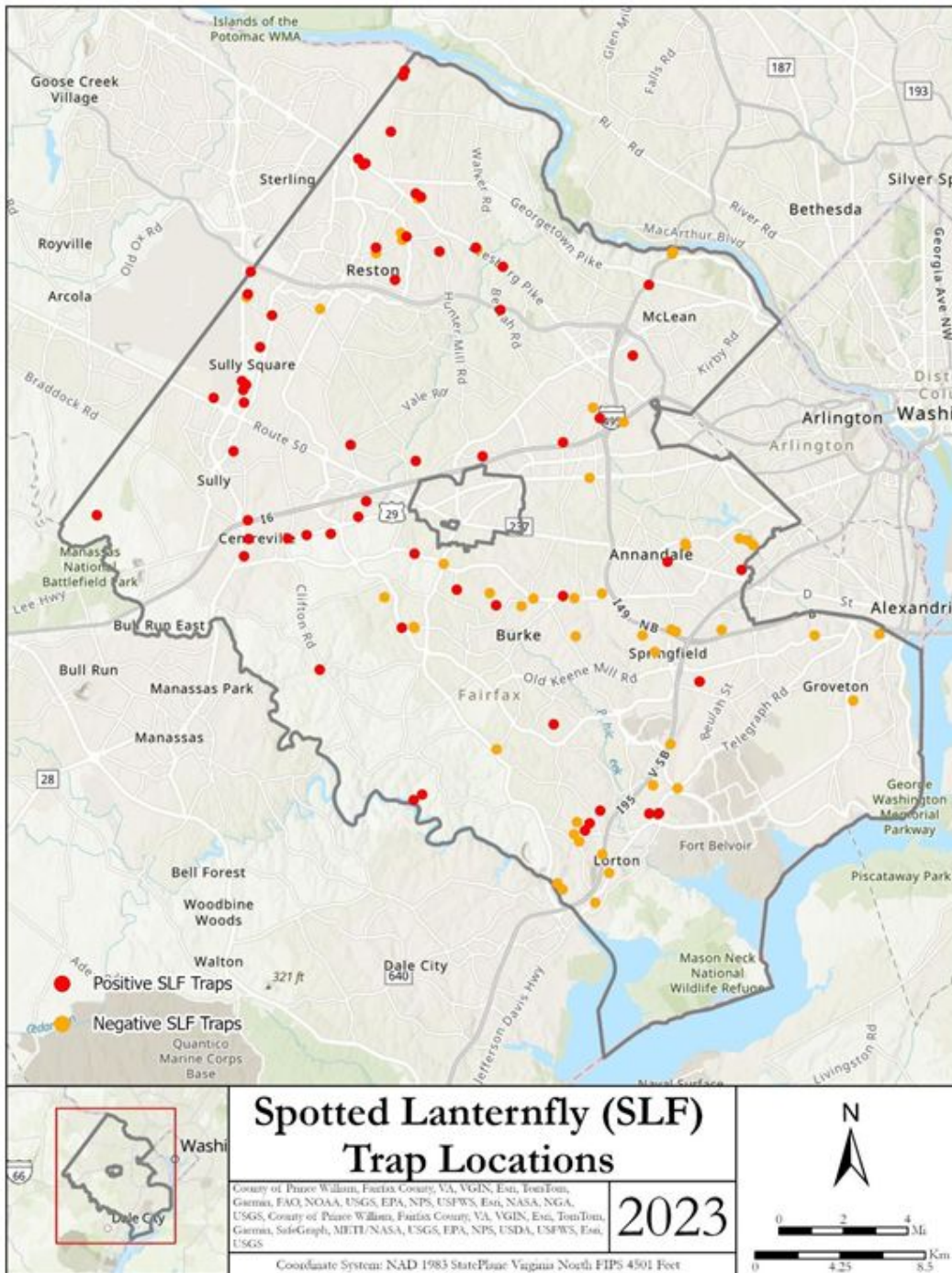
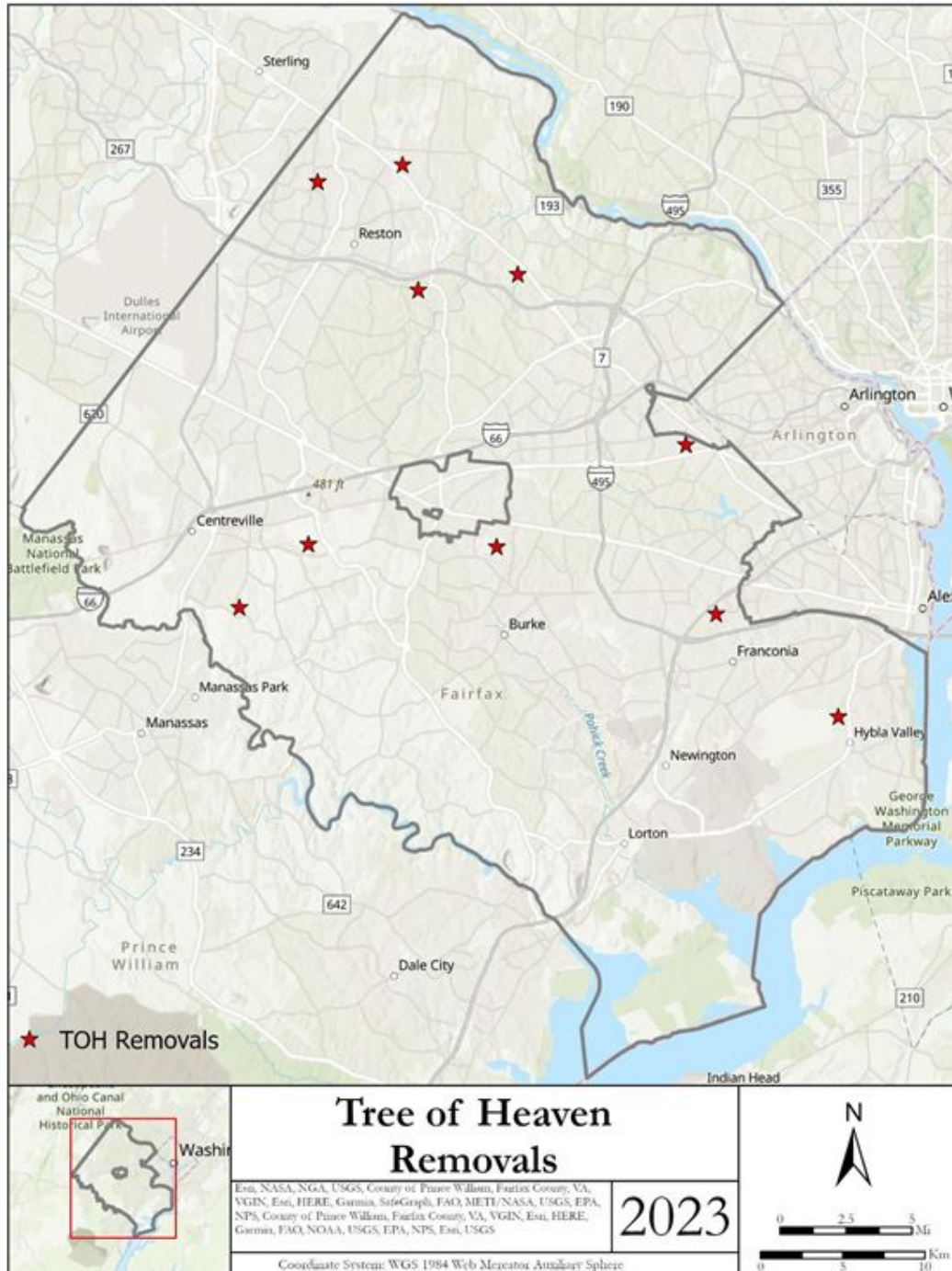






Figure 16- TOH Removal Locations



ACTION - 2

Approval of the Disease Carrying Insects Program

ISSUE:

Board approval of the annual submission of the Disease Carrying Insects Program (DCIP).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors direct staff to take the following actions concerning Fairfax County's Disease Carrying Insects Program:

Mosquitoes, West Nile virus, Zika virus, and Other Mosquito-borne Diseases

1. Continue to conduct a county-wide mosquito surveillance program.
2. Continue to test mosquitoes for West Nile virus (WNV), Zika virus, and other pathogens, as necessary.
3. Continue inspections and larviciding of mosquito breeding areas in the County using appropriate and approved larvicides according to established criteria in as many rounds during the mosquito season, as necessary.
4. Continue to conduct a county-wide community outreach and education program to increase County residents' awareness of mosquitoes, West Nile virus, Zika virus, and other mosquito-borne diseases, as well as personal protection and prevention methods.
5. Continue to use adult mosquito control methods as necessary to protect public health.

Ticks, Lyme disease, and other Tick-borne Diseases

1. Continue to conduct tick surveillance activities.
2. Continue to test ticks for pathogens, including the bacteria that causes Lyme disease.
3. Continue to conduct a county-wide community outreach and education program to increase County residents' awareness of ticks, Lyme disease, and other tick-borne diseases, as well as personal protection and prevention methods.

Other Disease-transmitting Insects of Public Health Importance

1. Continue to work with Environmental Health staff to provide information on other disease-transmitting insects of public health importance.

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Board action on this item will cover all Disease Carrying Insects Program activities carried out through June 30, 2025.

TIMING:

Board approval is requested on March 5, 2024, in order to (1) continue mosquito suppression strategies (e.g., surveillance, larviciding mosquito breeding areas, and public outreach), (2) continue tick surveillance program and public outreach, and (3) continue outreach and education efforts for other disease-transmitting insects.

BACKGROUND:

The *Code of the County of Fairfax, Virginia (Appendix I, Section 7)* requires the submission of the annual Disease Carrying Insects Program for Board of Supervisors' approval. The Annual Report for the program (Attachment I) provides an overview of many program activities and highlights the importance of vector-borne disease prevention and control.

West Nile Virus, Zika virus, and Other Mosquito-borne Diseases

West Nile virus continues to be an important public health concern in the continental United States. Fairfax County WNV surveillance activities indicated that the virus was present throughout the County. By the end of the 2023 WNV season, the virus had been detected in mosquitoes collected at many of the surveillance sites in the County. Three human cases of WNV were reported in the County in 2023, no human cases in 2022, and one human case in 2021. Seven fatal cases in the County since 2002 underlie the potential severity of this disease. A total of 12 WNV cases were reported in Virginia in 2023, five WNV cases in 2022, and four WNV cases in 2021. No WNV-related deaths were reported in Virginia in 2023, one was reported in 2022, and no deaths were reported in 2021. Factors that may impact the presence and reporting of WNV include the following:

1. Viral activity in the mosquito vectors;
2. Presumed feeding habits of *Culex pipiens*;
3. Birds acting as natural amplifiers of the virus;
4. Ambient temperatures which influence the development of the virus within the mosquito;
5. Level of public awareness of WNV; and
6. Proactive larvicide and adulticide treatments to help control *Culex* mosquitoes.

Based on past surveillance information, the DCIP will continue mosquito inspection and larviciding activities in stormwater ponds that are identified as a result of the larval surveillance activities, as was done in the 2023 mosquito season. The DCIP will perform larval inspection activities year-round while larval control activities will begin in

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the spring and continue through early November. In 2024, staff will continue to use mobile GIS technology to efficiently perform these activities.

As in previous seasons, DCIP staff will continue to carry out adult mosquito surveillance activities from May to early November. The Fairfax County Health Department's Division of Epidemiology and Population Health (DEPH) will continue to carry out human case surveillance for locally acquired or travel-associated mosquito-borne disease. Environmental Health and DEPH staff will continue to work together to monitor and respond to vector-borne disease activity in the County.

All mosquito testing and tick testing will be performed by the Health Department Laboratory where they use molecular diagnostics to identify pathogens. The laboratory currently offers WNV and Zika virus testing for mosquito samples and Lyme disease testing for tick samples. The laboratory is working on adding additional testing for other mosquito-borne pathogens and hopes to have those available in 2024.

All insecticides used in this program are registered with the U.S. Environmental Protection Agency (EPA) and sanctioned for use by the Commonwealth of Virginia. The principal larvicides that the County will use are spinosad, *Bacillus thuringiensis* var. *israelensis*, *Bacillus sphaericus*, and methoprene (Attachments II, III, IV, V, VI, VII and VIII). Some scenarios may require a mineral oil-based pupicide to control immature mosquitoes (Attachment IX). The Health Department has the ability to apply pesticides for adult mosquitoes should the public health need arise; however, this type of control is not routinely performed by the Health Department. The Health Department may apply insecticides to control adult mosquitoes, and in these instances, the application will target those mosquitoes which potentially transmit disease to humans. The following indicators may trigger adult mosquito spraying by the Health Department:

- Results of mosquito surveillance and testing,
- Environmental factors that impact mosquito or disease cycles,
- Detection of medically important invasive species, or
- Reported cases of human disease.

Synthetic pyrethroids (Attachments X and XI) or other insecticides may be used to control adult mosquitoes. All applications of pesticides will be performed by applicators who have been certified to apply pesticides in Virginia. Pesticide applications will be made according to the label directions. Insecticide resistance testing is performed on medically important mosquito species found in the County. This will continue in 2024. The Health Department does not spray for nuisance mosquitoes.

The DCIP will continue to utilize an active and engaging outreach and education strategy. The program will also focus messaging to address at-risk groups, such as residents over 60 years of age who are at greater risk of developing a more severe form of the West Nile virus. Because the Zika virus has the potential to cause birth defects,

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specific messaging has also been developed for pregnant women and their partners to help minimize exposure. The program will again work with the Health Department's Community Outreach team and other partners to deliver its public health messages to the County's diverse population while continuing to seek out new ways to provide prevention messaging to the community. In 2023, DCIP staff participated in both online meetings and in-person events. The program produced the 19<sup>th</sup> Fight the Bite calendar and updated other educational materials and made more materials available in Spanish.

The Disease Carrying Insects Program Annual Report (Attachment I) highlights the 2023 season activities and presents wide-ranging plans for minimizing the impact and risk of mosquito-borne diseases through:

1. Countywide monitoring of WNV activity including mosquito and human surveillance;
2. An integrated approach to mosquito management and control practices, which will primarily target those mosquito species that have been shown to be the most probable WNV vectors in the County;
3. An intensive community outreach and education program to increase awareness of mosquitoes and WNV and other mosquito-borne diseases in County residents; and
4. A continuation of the multi-jurisdictional and multi-agency collaboration efforts to identify ways to minimize the risk of WNV transmission.

The Chikungunya virus (CHIKV) and the Zika virus (ZIKAV), which are transmitted by *Aedes* mosquitoes, began circulating in the Americas in 2013 and 2015, respectively. Locally-acquired cases of both viruses have been reported in many countries in the Americas. In Virginia, cases have been reported in returning travelers; however, mosquito-borne transmission of ZIKAV and CHIKV in the continental United States has been reported in Florida and Texas. Cases of dengue, which has been endemic in the Americas for many years, has also been reported in returning travelers. Malaria cases are also reported in returning travelers. Local transmission of malaria occurred in 2023 in Florida, Maryland, Texas, and Arkansas. These were the first reports of local malaria transmission in the United States since 2003. Local transmission of malaria has occurred in Virginia, most recently in 2002. Potential vectors of CHIKV, dengue, malaria, and ZIKAV are present in Fairfax County and the region. If locally acquired cases of CHIKV, dengue, malaria, or ZIKAV are identified in the County, the Health Department will utilize guidance from the Centers for Disease Control and Prevention and the Virginia Department of Health in their response activities, which would include case investigation, vector surveillance and control activities, and community education.

In 2023, Health Department staff monitored for reports of CHIKV, dengue, malaria, and ZIKAV. The Health Department will continue monitoring travel-associated cases and maintaining vigilance for locally transmitted dengue virus, CHIKV, malaria, and ZIKAV and will engage their partners and the community to protect County residents.

Tick-Borne Diseases

During 2023, Lyme disease continued to be a major concern for County residents and it was the most frequently-reported vector-borne disease in the County. The Health Department recorded and reported at least 174 cases of Lyme disease in Fairfax County in 2023. Some of the factors that influence Lyme disease in the County include:

1. Presence of the Lyme disease-causing bacteria in the blacklegged tick vectors;
2. White-footed mice and other animals acting as natural amplifiers of the bacteria;
3. Large deer populations that act as a tick transport system, distributing the ticks throughout the County, as well as a source of blood for the female ticks to develop their eggs; and
4. Increased public awareness resulting in increased use of personal protection measures.

Health Department staff plan to continue to perform tick surveillance, tick ID service, and human case surveillance in 2024.

The Health Department will continue to include tick prevention and personal protection from ticks in its outreach and education strategy. The Disease Carrying Insects Program Annual Report reviews the 2023 season activities and presents wide-ranging plans for minimizing the impact and risk of tick-borne diseases through:

1. Surveillance for the presence of Lyme disease and other tick-borne pathogens, including blacklegged (deer) tick and human case surveillance;
2. An intensive community outreach and education program to increase tick, Lyme disease, and tick-borne disease awareness in the County; and
3. A continuation of the multi-jurisdictional and multi-agency collaboration efforts to identify ways to minimize the risk of Lyme disease transmission.

Other Disease-transmitting Insects of Public Health Importance

The DCIP will also work with staff to minimizing the impact and risk of other diseases transmitted by insects through:

1. An intensive community outreach and education program to increase awareness of other insects that may transmit diseases of public health importance.

EQUITY IMPACT:

There is no adverse impact on equity. Mosquitoes and vector-borne diseases can impact residents at all socio-economic levels and in all parts of the county. Surveillance and control efforts occur throughout the community. Community education is a critical part of vector-borne disease prevention. The program has long partnered with the

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Health Department's Outreach Team to bring prevention messaging to the community. Live presentations have been provided in Chinese, Korean, Spanish, and Vietnamese. Additional materials are available on the County website in Arabic, Chinese, Korean, Spanish, and Vietnamese. Program staff have also worked with the Health Department's Stronger<sup>2</sup> initiative which promotes health literacy in local communities of color.

In 2024, the program will continue to work with Outreach staff to promote vector-borne disease prevention messaging in the community and to identify additional content for language translation. They will also continue to work with other partners to promote health literacy about vector-borne diseases in communities of color and encourage young people from diverse backgrounds to work in public health (Public Health Youth Ambassador Program).

FISCAL IMPACT:

The Disease Carrying Insects Program is primarily funded by a Special Service District for the Control of Infestations that May Carry a Disease that is Dangerous to Humans, Gypsy Moth, Fall Cankerworm, and Certain Identified Pests in Fund 40080, Integrated Pest Management Program. No additional funding is required as the current funding level is sufficient to meet anticipated program needs.

ENCLOSED DOCUMENTS:

Attachment I - Disease Carrying Insects Program Annual Report  
Attachment II - Natular G Label  
Attachment III - Natular G30 Label  
Attachment IV - VectoBac G Label  
Attachment V - VectoLex WSP Label  
Attachment VI - VectoLex FG Label  
Attachment VII - VectoMax FG Label  
Attachment VIII - Altosid XR Briquet Label  
Attachment IX - Cocobear Label  
Attachment X - Flit 10EC Label  
Attachment XI - Aqua Zenivex E20 Label

STAFF:

Christopher Leonard, Deputy County Executive  
Gloria Addo-Ayensu, MD, MPH, Director of Health  
Pieter A. Sheehan, Director of Division of Environmental Health

# Disease Carrying Insects Program Annual Report

Presented by

**Pieter A. Sheehan, REHS**  
**Director of Environmental Health**  
**Fairfax County Health Department**

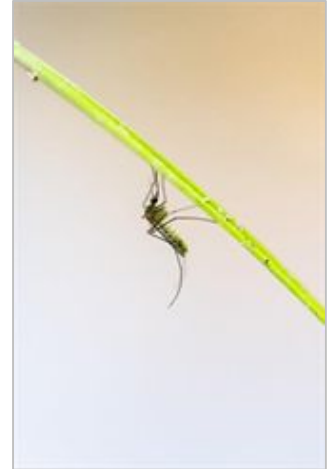
March 5, 2024



This information can be made available in an alternative format upon request. Please call 703-246-2300 / TTY 711. Allow seven working days for preparation of the material.



**M**osquitoes, ticks and other vectors are responsible for transmitting pathogens that can result in life-changing illnesses such as West Nile virus, Lyme disease, and the Zika virus. The Health Department's Disease Carrying Insects Program was established in 2003 and works to protect county residents and visitors from vector-borne diseases. The program uses an integrated approach to monitor and manage vectors. The program continuously promotes personal protection and vector prevention methods in the community to raise awareness of these public health pests, the diseases they transmit, and what residents can do to protect themselves.



### Vision, Mission and Values

As part of the Health Department, the Disease Carrying Insects Program strives to help the agency meet its goals and embody the Vision, Mission, and Values of the agency.



### West Nile Virus

The United States continued to experience the effects of West Nile virus (WNV) in 2023 with at least 2,406 cases reported to the Centers for Disease Control and Prevention (CDC).<sup>1</sup> The most recent data for WNV-associated deaths in the U.S. on the CDC website is for 2022 when 93 deaths were reported. From 1999, when the first locally acquired cases of WNV were

<sup>1</sup> 2023 provisional data obtained from CDC web site.

reported in the U.S., through 2022, over 56,500 cases and 2,776 deaths have been reported in the United States.

West Nile virus was initially detected in Fairfax County in 2000 in a dead bird. The first human cases of WNV in Fairfax County were reported in 2002, along with positive birds, horses, and mosquitoes. Three cases of WNV were reported in Fairfax County in 2023. Twelve cases of WNV and no deaths were reported in Virginia in 2023. From 2002 to 2022, there have been 243 human cases of WNV and 22 WNV-associated deaths in Virginia. In that same period, 63 human WNV cases, including seven deaths, were reported in Fairfax County. There were a record number of human cases (48) and eight deaths reported in Virginia in 2018. The primary vectors of WNV in our area are *Culex pipiens* and *Culex restuans*. The virus is normally transmitted between these mosquito species and certain types of birds which serve as a source of the virus. Humans and horses can be infected with WNV which may result in clinical illness or death. Mosquitoes cannot spread WNV from person to person.

### Other Mosquito-borne Diseases

The Chikungunya virus (CHIKV) and the Zika virus (ZIKAV) began circulating in the Americas in 2013 and 2015, respectively. These viruses are transmitted by certain types of container-breeding mosquitoes: *Aedes aegypti* (the primary vector) and *Aedes albopictus* (a secondary vector). Locally acquired cases of both viruses have been reported in many countries in the Americas. Other travel-associated, mosquito-borne diseases routinely reported to the state and CDC include dengue (DENV) and malaria.

Zika is of public health importance because it can be passed from a pregnant woman to her fetus and infection during pregnancy can cause certain birth defects. About 5-10% of babies of women with confirmed Zika virus infection during pregnancy had Zika-associated birth defects. The highest risk of birth defects is from Zika virus infection during the first trimester of pregnancy.

Since the 2016 Zika outbreak, when 4,944 travel associated Zika cases were reported in the continental U.S., the number of Zika cases reported annually has decreased. We continue to maintain vigilance due to the public health importance of this disease. Public health officials continue to monitor for travel-associated cases of these diseases.

Most cases of these diseases reported in the continental U.S. occur in travelers who were infected elsewhere. Dengue is common in many of the U.S. territories and freely-associated states. Since 2009, multiple locally acquired cases and sporadic DENV outbreaks have been identified in the U.S. with local spread being reported in Florida, Hawaii, Texas, Arizona, and California. In 2023, over 165 cases of mosquito-transmitted dengue were reported in the continental U.S. (Florida, California, Texas).<sup>1</sup> The only evidence of local mosquito transmission of the Zika virus in the continental United States to date has been in Florida and Texas in both 2016 and 2017. Cases of Zika have also been reported where the virus was acquired through other routes, primarily sexual transmission. To date, the only evidence of local mosquito-borne transmission of CHIKV in the continental U.S. has been in Florida and Texas. In 2023, 10 locally acquired cases of malaria were reported in the United States (7 in Florida, 1 each in Arkansas, Maryland, and Texas). Prior to 2023, the most recent locally acquired cases of malaria in the U.S. were in 2003 in Florida. Local transmission of malaria has occurred in several locations in the U.S., including Virginia.

Unlike WNV, the pathogens mentioned in this section are transmitted person to person by mosquitoes. Chikungunya, dengue, and Zika are transmitted by *Aedes aegypti* (the primary vector) and can also be transmitted by *Aedes albopictus*, the tiger mosquito (a secondary vector). *Aedes albopictus* is widespread throughout the eastern U.S. and common in Fairfax County; although *Aedes aegypti* can be collected in Fairfax County, it is not a common mosquito. *Anopheles quadrimaculatus* (a malaria vector) is widespread throughout the eastern U.S. and is commonly collected in Fairfax County. The presence of potential vectors of these pathogens underlies the importance of the continued surveillance activities of the Health Department. If there are locally acquired cases of CHIKV, DENV, ZIKAV or malaria in the County, the Health Department will utilize guidance from the CDC and Virginia Department of Health (VDH).

### **Tick-borne Diseases**

Tick-borne diseases are the most reported vector-borne diseases in the United States. Lyme disease, transmitted by the blacklegged tick, is common in many areas of the United States, including Virginia. Approximately 30,000 cases of Lyme disease are reported in the U.S. each year. However, according to the CDC, this number is known to be an underestimate of the actual burden of disease nationally. Fairfax County began tick and Lyme disease surveillance in 2005 with a small pilot program.

Tick-borne diseases continue to impact public health causing serious acute illness, long-term effects and, sometimes, death. The recent and widespread encroachment of suburban sprawl into areas that were once undeveloped or farmland, and the large deer populations in these suburban communities, have increased the prevalence of disease-carrying ticks and the exposure of the human population to the disease pathogens they carry. Other tick-borne diseases, such as ehrlichiosis, anaplasmosis, and spotted-fever rickettsiosis are reported in the County and country annually.

### **Other Disease Transmitting Insects of Public Health Importance**

Other insects with the potential to transmit disease can be found throughout Fairfax County. These insects or the conditions that allow them to proliferate, could, at times, be considered public health or safety menaces.

### **Human Case Surveillance**

West Nile virus, Lyme disease, and other vector-borne diseases are among the over 70 notifiable diseases and conditions in Virginia. By law, Virginia clinicians and laboratories must report these conditions. Similar to other reportable conditions, most reports are initially received by public health automatically when a laboratory result is positive. The Fairfax County Health Department (FCHD) uses enhanced passive surveillance to monitor physician and laboratory reporting of these diseases. The five-year average (Table 1) includes years 2015-2019 to reflect normal disease trends prior to the COVID-19 pandemic, during which lower case counts were observed due to reduced travel and testing by providers.

The Health Department encourages physicians and laboratories to report cases of these illnesses by educating medical practitioners about the importance of reporting vector-borne

diseases and by contacting key medical staff at hospital centers to inquire about potential cases. See Table 1 for selected reported cases.

Condition	Number of Cases, Fairfax Health District		
	Average (2015- 2019)	CY 2022	CY 2023*
<b>Local Mosquito-borne Disease</b>			
WNV (neuroinvasive and non-neuroinvasive)	5	0	3
<b>Travel-related Mosquito-borne Disease</b>			
Dengue	6	5	6
Chikungunya	4	1	1
Malaria	24	24	37
Zika virus disease	6	0	0
Zika virus infection	7	0	0
<b>Local Tick-borne Disease</b>			
Lyme Disease	165	171	174
Ehrlichiosis/Anaplasmosis	9	7	12
Spotted Fever Rickettsiosis	13	1	2
<b>Travel-related Tick-borne Disease</b>			
Babesiosis	0	0	2
<b>Other Travel-related Vector-borne Disease</b>			
Chagas Disease	2	0	5

\*2023 data are provisional and subject to change.

Table 1: Reported Human Cases of Vector-borne Disease, Fairfax Health District.

## Integrated Mosquito Management

The Health Department uses Integrated Mosquito Management (IMM) principles to carry out its mosquito management activities. This approach utilizes three basic strategies: surveillance, control, and public education.

Integrated Mosquito Management is a comprehensive mosquito prevention/control strategy that utilizes a variety of mosquito control methods singly or in combination to exploit the known vulnerabilities of mosquitoes to reduce their numbers to tolerable levels while maintaining a quality environment. IMM does not emphasize mosquito elimination or eradication. Integrated mosquito management methods are specifically tailored to safely counter each stage of the mosquito life cycle. Prudent mosquito management practices for the control of immature mosquitoes include such methods as the use of biological controls, source reduction, water sanitation practices as well as the use of EPA-registered larvicides. When

source elimination or larval control measures are not feasible or are clearly inadequate, or when faced with imminent mosquito-borne disease, application of EPA-registered adulticides by applicators trained in the special handling characteristics of these products may be needed. Considerations for adulticide products include their demonstrated efficacy against species targeted for control, resistance management concerns and minimization of potential environmental impact.

IMM requires a thorough understanding of mosquitoes and their bionomics by control personnel; careful inspection and monitoring for mosquito presence and conditions favoring their development; and prevention of oviposition and human/mosquito contact through effective public education, sanitation, and facility maintenance. FCHD strives to employ these IMM components to the extent possible, but resource availability may limit what the program will do.

All intervention measures will be driven by a demonstrated need based on surveillance data and action thresholds. IMM is knowledge-based and surveillance-driven, and when properly practiced is specifically designed to accomplish the following:

1. Protect human, animal and environmental health.
2. Promote a rational use of pesticides.
3. Reduce environmental contamination to soil, ground water, surface water, pollinators, wildlife and endangered species as a result of mosquito control activities.
4. Utilize biological controls (native, noninvasive predators) to conserve and augment other control methods.
5. Utilize source reduction (elimination, removal or reduction of larval mosquito habitats) where practical and prudent.
6. Use target-specific pesticides at the lowest effective rates to the extent possible.
7. Emphasize the proper timing of applications.
8. Minimize pesticide resistance problems.

## Surveillance

Surveillance is essential to an integrated pest management program. The DCIP conducts surveillance for different vectors and some of the diseases they may carry. Surveillance is done for both adult (flying) and immature (swimming) mosquitoes and for West Nile virus. It is important to note that absolute high numbers of mosquitoes do not necessarily reflect high risk of human infection with WNV or other mosquito-borne disease. Surveillance for other vectors such as ticks is also performed.

**Adult Mosquito Surveillance:** Program operations are anchored by a strong adult mosquito surveillance component (Figure 1) that will monitor abundance and viral activity during the 2024 mosquito season. During the 2023 season, FCHD continued its comprehensive mosquito surveillance program at 75 fixed, weekly collection sites (Figure 2), setting traps for a total of 3,525 trapping periods. A trap period is defined as one mosquito trap at one location for 24 hours.

The 2023 season was the first season since 2019 to return to normal trapping operations. Historically, the program used three types



*Figure 1. Staff setting a mosquito trap.*

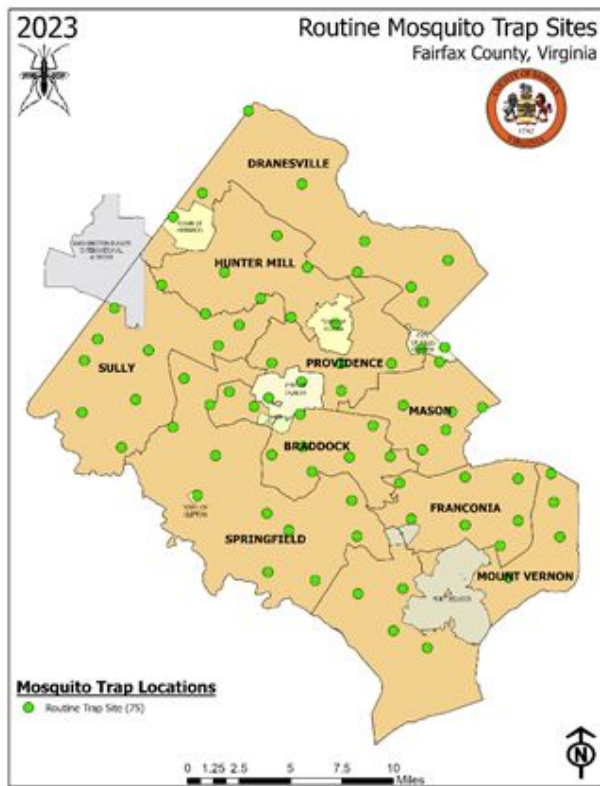


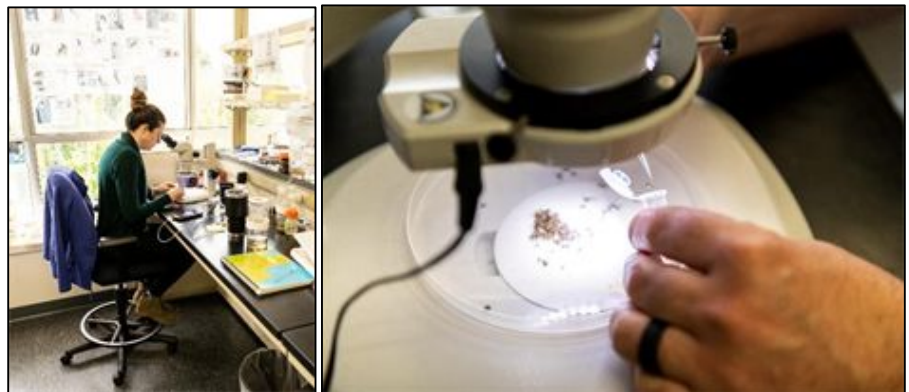
Figure 2: 2023 Routine Adult Mosquito Trap Locations

of adult mosquito traps: CDC miniature light traps, gravid traps, and BG Sentinel traps. In 2019 all sites had one CDC miniature light trap and one gravid trap; 29 sites had one BG Sentinel trap. In 2020, the program prioritized trapping by using only gravid traps to maximize WNV surveillance efforts amidst COVID-19 staffing impacts due to the Health Department's COVID-19 response. Reduced trapping efforts continued through the 2022 season, with limited use of the BG Sentinel trap in addition to the gravid traps. In 2023, one gravid and one host-seeking trap was used at each site. The host seeking traps used were the CDC miniature light trap (41), the BG Sentinel (27), and the BG PRO trap (7). Gravid traps were set weekly beginning in early May through early November. All host-seeking traps were set weekly beginning in mid-June through early November. In 2024, the program will use gravid traps and BG Sentinel traps at all trap sites. The switch to a single host-seeking trap will provide comparable data across all routine trap sites throughout the County and improve efficiency

in the field. The other host-seeking traps may be used in other scenarios (e.g., case investigation) to supplement trapping efforts.

During the 2023 mosquito surveillance season, 159,170 mosquitoes were collected and identified (Figures 3 and 4) from routine trapping activities. The yellow fever mosquito *Aedes aegypti*, which has historically been rare in Virginia, has been found annually in the region since 2011 when an overwintering population was identified in Washington, D.C. It was detected as early as 2007 in Fairfax County and has been detected at routine trap sites annually since 2015. In 2023, 24 *Ae. aegypti* were collected in routine surveillance efforts, with 15 of those collected in the BG Sentinel trap.

Although the numbers of this mosquito collected in the County remains relatively low (usually a single adult in a trap), adjustments to surveillance activities (i.e., expanded use of the BG Sentinel trap) and enhanced monitoring when it is collected are necessary to better understand the species'



Figures 3 and 4: Staff sorting and identifying mosquitoes (left) and contents of a mosquito trap being processed under a microscope (right).



ability to establish here and to trigger control efforts when necessary. In 2021, two *Culex nigripalpus* mosquitoes were identified in routine collections. This mosquito, which is not native to this region, is a potential vector of St. Louis Encephalitis virus and WNV. Immature and adult mosquito specimens were set aside again in 2023 to be processed for submission to the Walter Reed Biosystematics Unit (WRBU) at the Smithsonian Institution Museum Support Center as part of the WRBU effort to refresh their entomological collections with newer specimens from around the U.S.

The **gravid trap** (Figure 5) is a trap that collects mosquitoes that are looking for a place to lay their eggs. This trap is baited with an infusion (water, grass, straw, brewer’s yeast) that is attractive to the *Culex* mosquitoes that are the primary vectors of WNV. The overwhelming majority of mosquitoes collected in this trap are *Culex* species (*Culex pipiens* and *Culex restuans*) (Figure 6). In 2023, this trap was set for 1,950 trap periods and collected over 126,700 mosquitoes. Twenty-eight different species of mosquitoes were collected in the trap in 2023, but more than 92 percent were *Culex* species (*Cx. pipiens* and *Cx. restuans*). In 2023, the number of *Culex* mosquitoes collected in the county varied widely from the average of the previous five years with the weather conditions and rainfall impacting collections throughout the season (Figure 7).



Figure 5: Gravid Mosquito Trap.

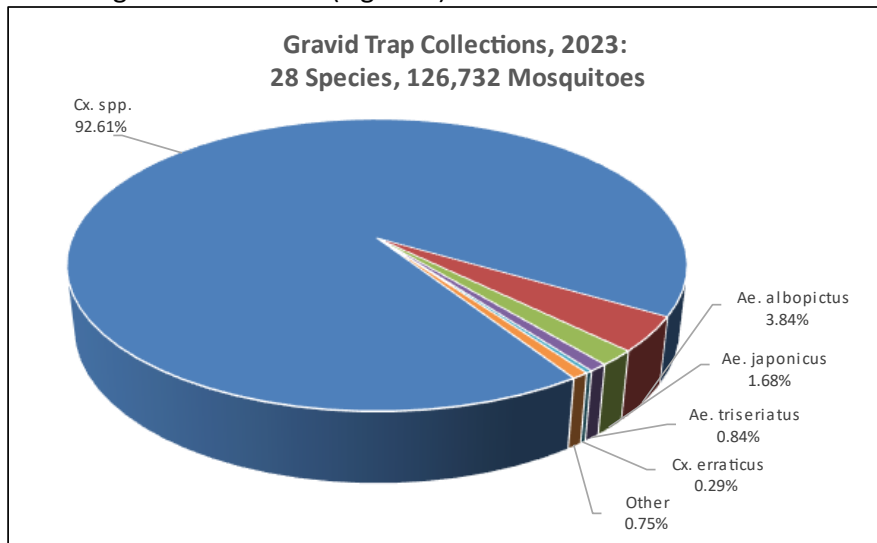


Figure 6: 2023 Gravid Trap Collections.

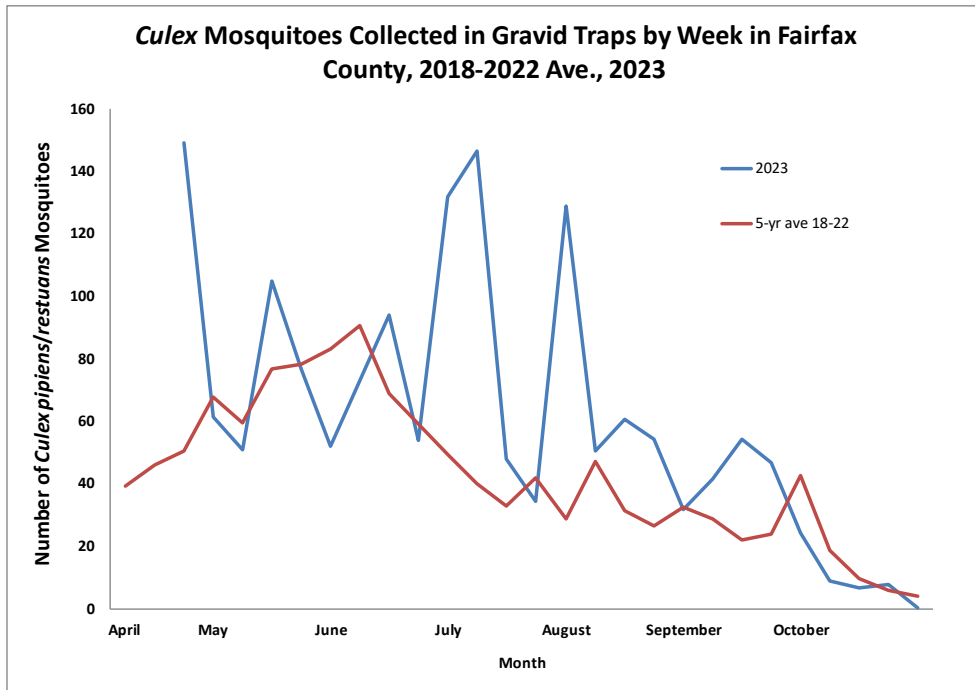


Figure 7: 2023 Average Culex Mosquitoes collected by week and average 2018-2022.

The **CDC miniature light trap** (Figure 8) is a trap that collects host-seeking mosquitoes, or mosquitoes that are searching for something to bite. This trap is baited with carbon dioxide (dry ice). This trap returned to surveillance efforts in 2023 for the first time since 2019. It was not used during the 2020-2022 mosquito seasons due to staffing limitations as a result of the Health Department’s response to the COVID-19 pandemic. The CDC traps were set for 861 trap



Figure 8: CDC Miniature Light Trap.

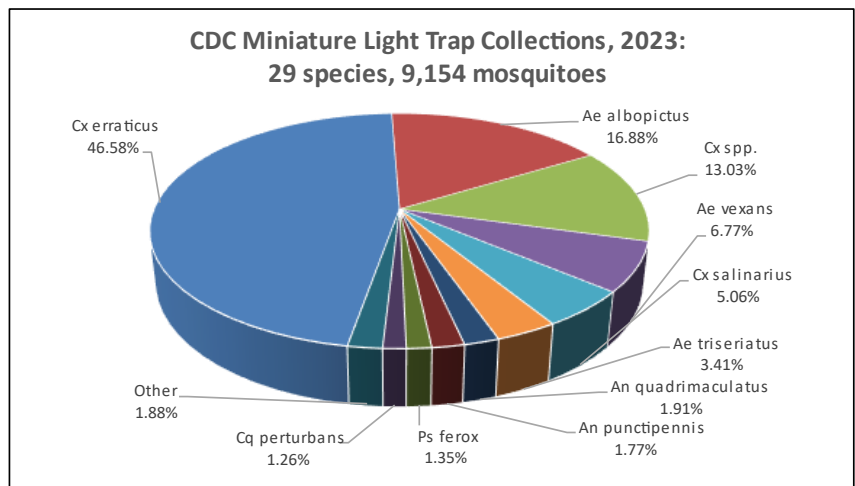


Figure 9: 2023 CDC Miniature Light Trap collections.



periods in 2023. Over 9,100 mosquitoes representing 29 species were collected in the CDC trap in 2023 (Figure 9). Over 46% were *Culex erraticus* mosquitoes.



Figure 10: BG Sentinel Trap.

The **BG Sentinel trap** (Figure 10) is another trap that collects host-seeking mosquitoes. This trap is baited with carbon dioxide (dry ice) as well as a special lure that is based on the scent of human sweat. In 2023, this trap was set for 567 trap periods and collected over 21,400 mosquitoes. Twenty-nine different species of mosquitoes were collected in the trap in 2023, but more than 58 percent were *Aedes albopictus* (Figure 11). Most (n=15) of the *Aedes aegypti* collected in 2023 (n=24) were caught in this trap.

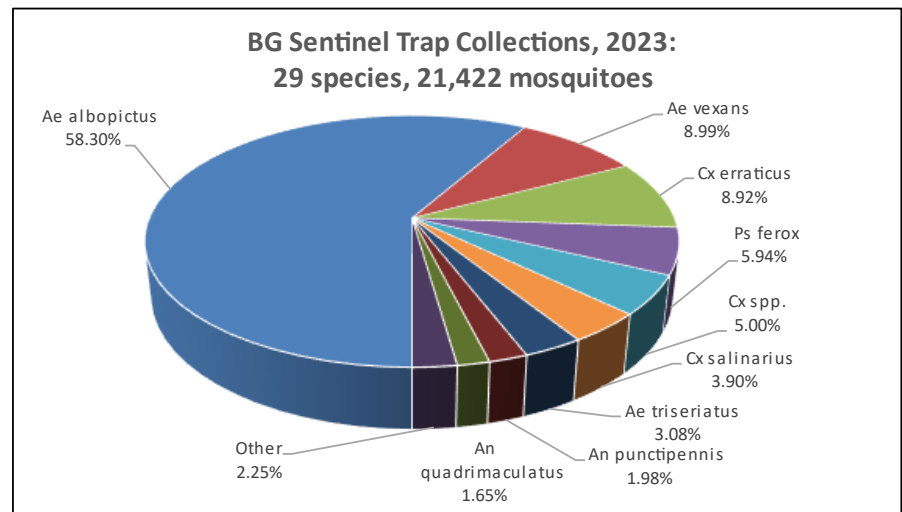


Figure 11: 2023 BG Sentinel Trap Collections.

The **BG PRO trap** (Figure 12), a relatively new host-seeking trap, was incorporated into routine operations during the 2023 season to evaluate its utility in routine programmatic operations. The trap was baited with carbon dioxide. Although it will not be used in routine operations going forward, its inherent versatility will likely make it a valuable tool in other surveillance scenarios. In 2023, the BG PRO trap was set for 147 trap periods and collected over 1,860 mosquitoes representing 18 species (Figure 13).



Figure 12: BG PRO Trap.

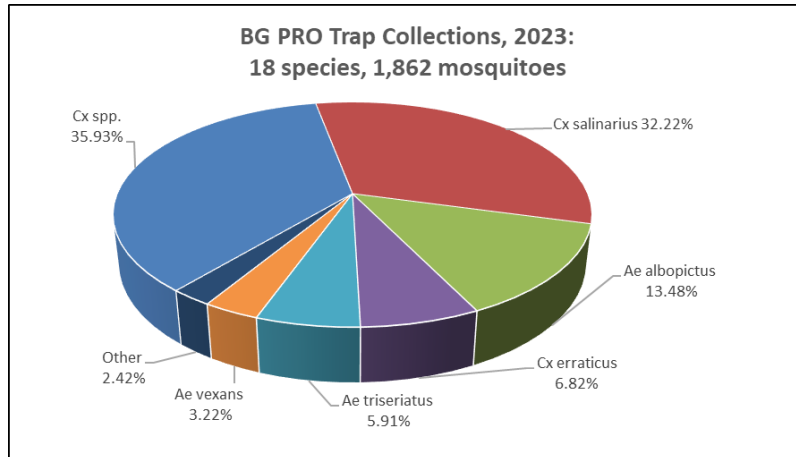


Figure 13: 2023 BG PRO Trap Collections.

**Mosquito Testing.** In the 2023 mosquito season, 108,980 mosquitoes were tested in 3,152 pools. A mosquito pool is a batch of 5 to 50 mosquitoes of the same species from the same trap, location, and trap period. In 2023, the mosquitoes tested were *Culex* species (*pipiens* and *restuans*) collected in gravid, CDC miniature light, BG PRO, or BG Sentinel traps. Most of the mosquitoes tested (n=107,047) were from the gravid traps (2,995 pools). There were 390 positive WNV pools in 2023. As a comparison, during 2022, 80,758 mosquitoes were tested in 2,391 routine pools, of which 245 were positive. Positive mosquitoes were found in many parts of the county in 2023 (Figure 14). Most of the positive mosquitoes were collected in

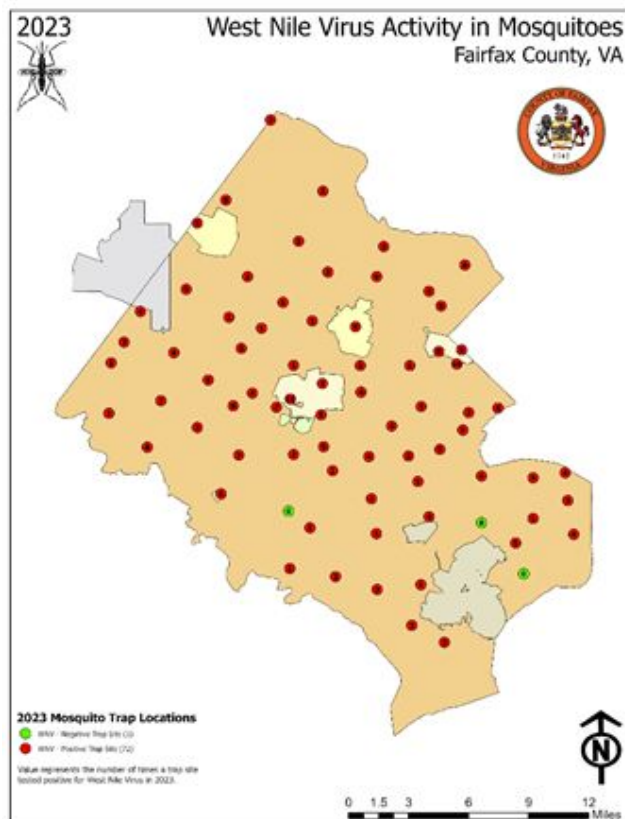


Figure 14: Map of WNV-positive Mosquito Trap Sites, 2023.

the gravid traps (381 positive pools); although positive mosquitoes were also collected in both the CDC miniature light trap (2 positive pools) and the BG Sentinel trap (7 positive pools). The first WNV-positive mosquitoes of 2023 were collected in a gravid trap in late June. The infection rate of *Culex* species tested from gravid traps was calculated throughout the season. The peak infection rate (maximum likelihood estimate: MLE) in 2023 came in early September when the MLE was calculated at 19.73 mosquitoes per 1,000, which was higher and later than the 5-year average peak infection rate of 15.62 mosquitoes per 1,000. The last positive mosquitoes were collected in late October (Figure 15).

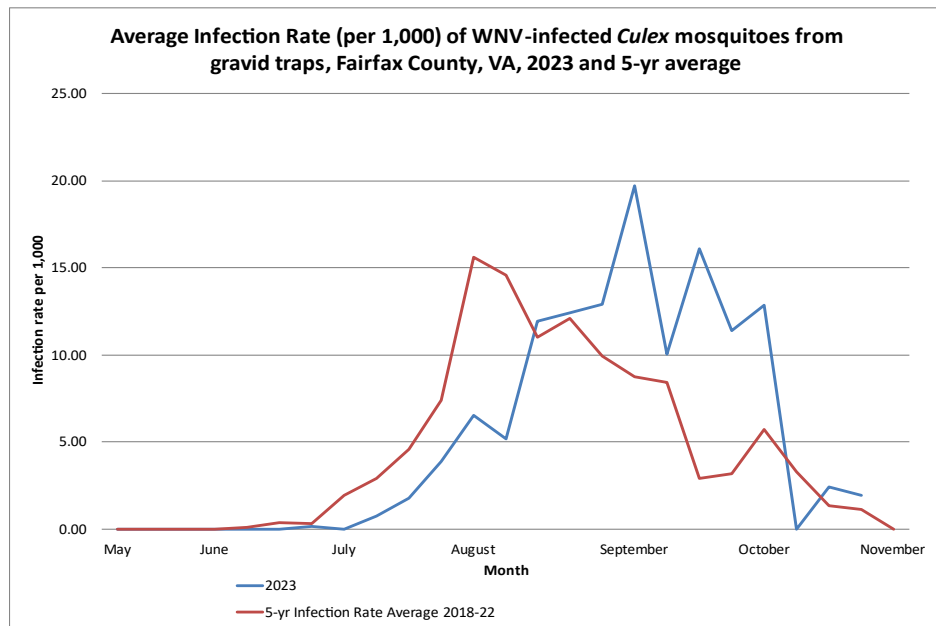


Figure 15: West Nile Virus Infection Rate (Maximum Likelihood Estimate) in *Culex* species collected in Gravid Traps, 2023.

**Tick Surveillance:** Samples from 2023 are still being processed. To date, 23,791 ticks (including 2,803 *Ixodes scapularis* or blacklegged ticks) have been identified from various collection sources including veterinary clinics, a deer hunt, and a collaboration with the County Wildlife Management Specialist's office to collect ticks from deer harvested as a part of deer management activities. All ticks collected in 2023 were from harvested deer (n=23,306) or veterinary clinics (n=485). The most abundant tick species collected and identified to date has been the lone star tick *Amblyomma americanum* (n=18,548). The lone star tick can potentially transmit pathogens that can cause ehrlichiosis. According to the CDC, evidence suggests that alpha-gal syndrome (also called alpha-gal allergy, red meat allergy, or tick bite meat allergy) is primarily associated with the bite of a lone star tick.

An invasive tick species, *Haemaphysalis longicornis* or the longhorned tick has been found in 18 states, including Virginia. The tick has been reported in 36 localities in Virginia, including Fairfax County, since 2017. In 2023, specimens of this tick were again collected in the County. This tick transmits a variety of pathogens to humans and animals in other parts of the world; however, its medical importance in the western hemisphere is uncertain.

Tick testing for Lyme disease surveillance was made available at the Health Department's Public Health Laboratory in 2016. Samples from 2023 are still being processed,

but to date, 90 (10.9%) of the 821 blacklegged ticks submitted from 2023 collections have tested positive for the Lyme disease bacteria. One hundred eighty-two (10%) of the 1,811 blacklegged ticks tested from 2022 were positive for the Lyme disease bacteria. Ticks that have been feeding are not submitted for testing per protocol as the vertebrate blood in the ticks may interfere with the testing. As in previous years, tick surveillance and the tick identification service (described below) will be conducted in 2024 by staff in the Division of Environmental Health and will follow previously-established protocols.



### Control

Mosquito control is a component of an integrated management program. Routine and non-routine control decisions take a variety of factors into consideration including mosquito species, presence of mosquito-borne disease, proximity to people, mosquito tolerance, weather patterns, environment, non-target impacts, health and safety, mosquito habitat, and accessibility for surveillance and treatment. Pesticide applications are made according to the product label. Applicators adhere to federal and state regulatory guidance.

**Immature Mosquito Surveillance and Control:** Since 2016, the program has evaluated county-maintained stormwater dry ponds and their mosquito production. In 2021, sites maintained by VDOT were added to the inspection program. From late March through October 2023, staff routinely checked over 1,300 individual storm water sites

and over 150 VDOT ponds. Staff also performed quality assurance inspections in 2023 to evaluate treatment efficacy. Other types of inspections performed during routine warm weather operations included complaint inspections, follow up inspections (typically for sites that were holding water due to rainfall but actively draining), training inspections, and treatment only inspections (typically larger sites requiring backpack application of granular larvicides). Starting in November 2023, staff began identifying, evaluating, and inspecting sites for extra-seasonal inspections. These included



*Figures 16 and 17: Staff inspecting stormwater sites (above and top left)*

*Figure 18: Immature mosquitoes from field collections (left).*



higher priority stormwater and VDOT sites from the routine warm weather surveillance sites



Figure 19: Staff checking a site for immature mosquitoes..

plus new sites that were being identified for inspection from November through March, weather permitting. The program began performing these inspections to better define the limits of mosquito activity in the County. They will also help establish a baseline of mosquito seasonal trends to help monitor the impacts of climate change on local mosquito fauna which could also affect virus transmission. In 2023, sites were inspected (e.g, Figures 16-19) from late March through December for a total of 12,437 inspections. Of those inspections, 7,638 had water that could be sampled for mosquitoes. There were 2,859 inspections where mosquito larvae were collected; 1,626 had enough immature mosquitoes to meet the treatment threshold (3 immature mosquitoes per dip or sample with a minimum of 3 dips). A total of 1,764 treatments were made with either Natular, VectoMaxFG, or Cocobear. Pesticide applications (Figures 20 and 21) were only made between mid-April and early November. All applications were made by certified pesticide applicators or registered technicians and were made according to label guidelines.



Two mobile applications available through the county's GIS software were customized to streamline field and laboratory data collection processes. The apps took the place of hundreds of paper maps and forms and have greatly increased staff efficiency in the field, laboratory, and office.

Staff analyze the data collected to identify ways to improve work efficiency. Their analysis allows the program to prioritize larval inspection sites based on historic mosquito presence. Staff increased the number of inspections at sites where mosquitoes had been previously collected while reducing the inspection frequency at

sites where no mosquitoes had ever been collected. The initial site prioritization project won a 2021 County GIS Excellence Award for "Use of GIS for Analysis". A quality assurance inspection process was established in 2023 which allowed staff to evaluate treatment effectiveness. These inspections were able to identify areas for process adjustments which could be implemented in real time to improve larval control efforts.



Figures 20 and 21: Staff applying larvicides by hand (left) and by blower backpack (above) to control immature mosquitoes.

**Adult Mosquito Control:** While source reduction and the application of larvicides are the principal and most effective interventions to reduce mosquito populations, situations may arise in which infected adult mosquitoes are present in significant numbers and pose a threat to human health. In these situations, judicious application of adulticides to control mosquito

populations will be added to all other mosquito control activities as an additional measure to reduce vector populations.

Guidelines from CDC state that adulticiding based on surveillance data is an extremely important part of any integrated mosquito management program and should be used when there is significant risk of human illness. The Health Department may apply insecticides to control adult mosquitoes, and in these instances, the application(s) will target those mosquitoes which potentially transmit disease to humans.

The following indicators may trigger adult mosquito spraying by the Health Department:

- Results of mosquito surveillance and testing,
- Environmental factors that impact mosquito or disease cycles,
- Detection of medically-important invasive species, or
- Reported cases of human disease.

The Health Department is equipped to apply pesticides for adult mosquitoes should the public health need arise. The Health Department has increased its capacity to respond to mosquito-borne public health threats by purchasing additional equipment to include backpack sprayers (Figure 22), a truck-mounted ultra-low volume (ULV) sprayer (Figure 23), and a backpack ULV sprayer. Synthetic pyrethroids or other insecticides may be used to control adult mosquitoes. All applications of pesticides will be performed by certified applicators according to the label directions. Targeted mosquito spraying was done in 2005, 2006, 2007, 2016, 2017 and 2018. In 2023, no pesticide applications were made to control adult mosquitoes. In previous years, treatments to control adult mosquitoes have been made using the methods described above using either AquaZenivex E20 or Flit 10EC.

Pesticide resistance testing to product active ingredients was conducted in 2023. This is performed to help ensure mosquito control efforts would be effective and help guide local mosquito control efforts. *Culex pipiens* mosquitoes were submitted to the CDC-funded Northeast Center of Excellence for Vector-Borne Diseases based at Cornell University for resistance testing. The collected mosquitoes were challenged against a variety of active ingredients used to control immature and adult mosquitoes in laboratory-based assays. Evidence of resistance to some commonly-used pesticide classes was seen in these assays. Continued monitoring, field-based trials and other resistance characterization assays will help the program identify underlying resistance mechanisms to help determine which insecticides



Figure 22: Pesticide application for adult mosquitoes using a backpack sprayer.



Figure 23: Ultra-low volume sprayer mounted in the back of a pick-up truck.

will be effective in controlling local mosquito populations. A resistance management strategy will be developed as more information is gathered.

**Community Outreach and Education**

Fairfax County will continue to emphasize personal protection measures from mosquito bites, mosquito-borne disease, and mosquito prevention and control. This is done through distribution of informational materials, media interviews, advertising, web pages, social media, presentations, community events, and collaborations with community groups and homeowners associations. In 2024, the program will also continue its tick outreach activities as originally requested by the BOS.

The 19th 18-month “Fight the Bite” calendar was produced in 2023. The calendar was provided to Fairfax County Public Schools. (See Figure 24 for examples of outreach material.)



Figure 24: Examples of outreach material.

The demand for educational material and prevention information was steady in 2023. DCIP staff attended events, provided presentations in schools (Figures 25 and 26), provided



Figures 25 and 26: Classroom presentations on vector-borne disease prevention.

educational and safety presentations, and participated in other community-based events in 2023. Many engagements on vector-borne disease prevention were also provided to the community at numerous events by FCHD Community Outreach staff. DCIP program staff participated in a Facebook Live segment with the Department of Cable and Consumer Services Consumer Connection program, a Fairfax Public Access program, and a Health Department Facebook Live segment. The latter conversation was in Spanish and was in collaboration with the FCHD Community Health Development Division. One of the program storybooks on





Figure 27: "Bite Buster's Bug Time Stories" and "La Hora de los Cuentos de Insectos de Bite Buster".

mosquito and tick bite prevention was translated into Spanish and printed for the first time in 2023 (Figure 27) and was well-received in the community. A second storybook has been translated into Spanish and will be printed in 2024.

A Spanish-language digital ad campaign aimed at protecting outdoor workers from mosquito- and tick-borne diseases was honored by the National Public Health Information Coalition in 2019. The Health Department received a gold award in the government health marketing category of the 2019 Berreth Awards, recognizing excellence in public health communication. The mobile media campaign was designed to build awareness of mosquito and tick-bite prevention among local Hispanic men who work outdoors (Figure 28). The project was a collaboration between the Health Department (Communications, DCIP and Community Outreach) and Channel 16.

The program will continue to work with other Health Department staff in the Division of Environmental Health, the Health Department's Communications Office, the Community Outreach Team and the Division of Epidemiology and Population Health to develop messaging and provide messaging to all communities



Figure 28: Screenshot from video used in mobile media campaign.

within the County. The program also worked with the Stronger<sup>2</sup> initiative which is a group that promotes health literacy in local communities of color. DCIP will continue to work with partners to promote vector-borne disease prevention messages in the community. These partners include the Community Outreach team, Stronger<sup>2</sup>, and the Public Health Youth Ambassador Program. New outreach materials in 2023 included a new 18-month calendar with several other items receiving updates during the year. A new calendar is being developed for 2024 along with updated materials.





Figure 29: *Aedes albopictus*, the Tiger mosquito--the main nuisance mosquito in Fairfax County. Image courtesy CDC.

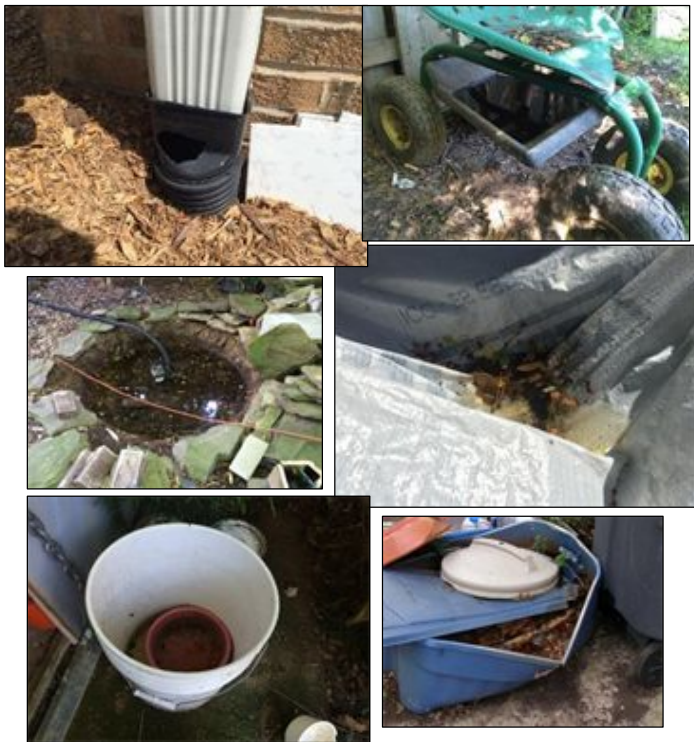


Figure 30: Some of the container breeding sites found on service requests.

**Service Requests:** The Health Department continued to promote source reduction (elimination of mosquito breeding sites) in 2023 through the outreach campaign. The tiger mosquito (*Aedes albopictus*) (Figure 29) was the source of most mosquito-related complaints. This mosquito, which lays its eggs in and develops in containers (Figure 30), is an aggressive, persistent biter that can be found in large numbers around residences. The most identified breeding sites contributing to the presence of *Aedes albopictus* around inspected homes include household containers, corrugated downspout extensions, gardening containers/flowerpots or saucers, trash/recycling containers, and tarps. Corrugated pipes/extensions at the end of the downspouts from the roof gutters, even when placed underground, continue to be a frequent source of mosquito problems. Most of these corrugated pipes do not drain adequately and they retain water, thus providing great mosquito breeding habitat. The tiger mosquito is a potential vector of the Chikungunya, dengue, and Zika viruses. During 67 site visits and inspections in 2023, staff educated property owners and managers about the benefits of eliminating breeding sites and/or provided Mosquito Dunks®. A new [online mosquito inspection request form](#) was developed and launched in 2023

(Figure 31). This form is used by residents who are requesting assistance and guidance in managing mosquito problems on their own property. Mosquito complaints are processed

through PLUS (Planning and Land Use System). The requests for assistance and complaints are tracked in PLUS.

**Tick Identification Service:** The Health Department’s tick identification service encourages County residents to have their ticks identified by Health Department staff to help raise awareness of Lyme disease, other tick-borne conditions, and provide information on preventing tick bites. Residents can submit pictures of ticks online or bring them to the Health Department for identification. Since 2020, residents have been given an option to email pictures of their ticks for identification. An online submission form (Figure 32) was developed in 2023 to streamline the online submission process. In 2023, 197 pictures or specimens were submitted to the Health Department for identification. The majority (n=103) of tick ID requests in 2023 were photos of ticks

Figure 31: Online Mosquito Inspection Request Form.

Figure 32: Online Tick Identification Request Form.

submitted via email or the online request form. Of the 197 requests for identification, 186 were ticks: 129 Lone Star ticks (*Amblyomma americanum*), 2 Gulf Coast tick (*Amblyomma maculatum*), 22 American Dog ticks (*Dermacentor variabilis*), 31 blacklegged ticks (*Ixodes scapularis*), and 2 that could not be identified from the photos submitted and were lost to follow-up (Figure 33). Residents using the tick ID service are provided information about the tick(s) they found, tips on tick bite prevention, and information about tick-borne disease symptoms. Staff do not provide medical advice.

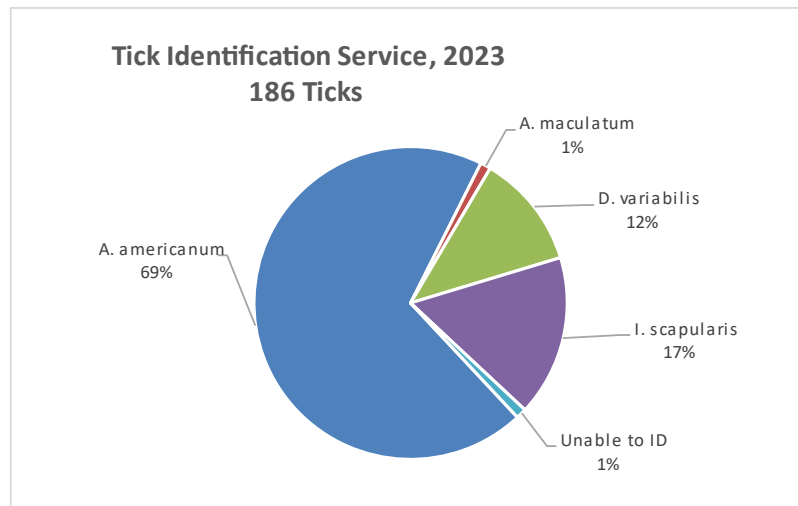


Figure 33: Ticks identified through Tick ID Service, 2023.

### Preparedness and Response Activities

The DEH and the Division of Epidemiology and Population Health (DEPH) will continue to collaboratively respond to vector-borne disease issues that arise in the County. Staff from both divisions will continue working together to develop and revise response plans and incorporate communications strategies with the Health Department's Communications Office. Staff will stay abreast of current vector-borne disease issues and incorporate new knowledge and actions into response plans as appropriate.

The Division of Environmental Health has taken additional steps to increase preparedness and capacity within the agency by having Environmental Health professional staff become certified pesticide applicators. Currently, 30 merit Environmental Health staff (48%) have a Pesticide Applicator Certificate from the Virginia Department of Agriculture and Consumer Services. To help staff maintain this certification, an in-house recertification course is offered annually.

In the event of a mosquito-borne disease emergency, the DEPH would perform human case investigations and may coordinate human testing when needed. The Health Department Laboratory can help with human testing coordination. Environmental investigations and mosquito-related activities would be performed by DCIP staff and continue to be performed when cases are identified. These activities would include site visits, education and outreach, source reduction, vector surveillance and vector abatement activities. The Health Department Laboratory is building capacity for testing mosquitoes for other mosquito-borne pathogens including chikungunya, dengue, and St. Louis Encephalitis viruses, and would perform testing as needed. Previous actions taken by FCHD during the Zika public health emergency of 2016 laid the foundation for how the agency may respond to mosquito-borne disease emergencies.

Climate change is expected to have an impact on vectors and vector-borne diseases over the next several years. Staff will continue to monitor for vector presence and abundance, will stay abreast of vector-borne disease trends, adjust program operations accordingly, and take steps to prepare and respond as appropriate. They will work with the Health Department's

lead on climate change in the Division of Emergency Preparedness and Response, county partners, and other external partners on climate change tracking and other initiatives.

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In 2024, the program will continue to perform vector-borne disease prevention strategies as reported within this document, including vector surveillance, community outreach and public education, and mosquito control, primarily through proactive larviciding. We encourage the community to do their part by eliminating standing water to prevent mosquitoes and by preventing mosquito and tick bites. A healthier community begins with you!



# NATULAR® G

## Mosquito Larvicide Granule

Controls larvae of mosquitoes that may transmit West Nile Virus, Eastern Equine Encephalitis, St. Louis Encephalitis, Zika, Dengue, or Chikungunya.

To be used in governmental mosquito control programs, by professional pest control operators, or in other mosquito or midge control operations.

Active Ingredient:	
Spinosad (a mixture of Spinosyn A and Spinosyn D)	0.5%
Other Ingredients	99.5%
Total	100.0%

## KEEP OUT OF REACH OF CHILDREN

### Precautionary Statements

#### Environmental Hazards

This product is toxic to aquatic invertebrates. Non-target aquatic invertebrates may be killed in water where this pesticide is used. Do not contaminate water when cleaning equipment or disposing of equipment washwaters. Do not apply when weather conditions favor drift from treated areas. Drift from treated areas may be hazardous to aquatic organisms in neighboring areas. Apply this product only as specified on the label.

#### Directions For Use

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Read all Directions for Use carefully before applying.

#### Product Information

NATULAR® G is a product for killing mosquito and midge larvae. This product's active ingredient, spinosad, is biologically derived from the fermentation of *Saccharopolyspora spinosa*, a naturally occurring soil organism. NATULAR® G may be applied with suitable ground or aerial application equipment.

#### Use Precautions

##### Integrated Pest Management (IPM) Programs

NATULAR® G is intended to kill mosquito and midge larvae. Mosquitoes are best controlled when an IPM program is followed. Larval control efforts should be managed through habitat mapping, active adult and larval surveillance, and integrated with other control strategies such as source reduction, public education programs, harborage or barrier adult mosquito control applications, and targeted adulticide applications.

##### Insecticide Resistance Management (IRM)

NATULAR® G contains a Group 5 insecticide. Insect biotypes with acquired resistance to Group 5 insecticides may eventually dominate the insect population if appropriate resistance management strategies are not followed. Currently, only spinetoram and spinosad active ingredients are classified as Group 5 insecticides. Resistance to other insecticide groups is not likely to impact the effectiveness of this product. Spinosad may be used in rotation with all other labeled products in a comprehensive IRM program.

To minimize the potential for resistance development, the following practices are recommended:

- Base insecticide use on comprehensive IPM and IRM programs.
- Monitor after application for unexpected target pest survival. If the level of survival suggests the presence of resistance, consult with your local university specialist or Clarke representative.
- Rotate with other labeled effective mosquito larvicides that have a different mode of action.
- In dormant rice fields, standing water within agricultural/crop sites, and permanent marine and freshwater sites, do not make more than 20 applications per year.
- Use insecticides with a different mode of action (different insecticide group) on adult mosquitoes so that both larvae and adults are not exposed to products with the same mode of action.
- Contact your local extension specialist, technical advisor, and/or Clarke representative for insecticide resistance management and/or IPM recommendations for the specific site and resistant pest problems.
- For further information or to report suspected resistance, you may contact your local Clarke representative by calling 800-323-5727.

#### Spray Drift Management

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather related factors determines the potential for spray drift. The applicator is responsible for considering all these factors when making decisions. Where states have more stringent regulations, they should be observed.

#### Application

Proper application techniques help ensure adequate coverage and correct dosage necessary to obtain optimum kill of mosquito and midge larvae. Apply NATULAR® G prior to flooding as a pre-hatch application to areas that breed mosquitoes, or at any stage of larval development after flooding in listed sites. The following recommendations are provided for ground and aerial application of NATULAR® G.

#### Ground Application

Use conventional ground application equipment and apply NATULAR® G at the designated rate for the targeted site.

#### Spot Treatment

Apply NATULAR® G as a spot treatment to areas where mosquitoes are breeding at rates appropriate for the treatment site habitat and conditions.

#### Aerial Application

Equipment used in the application of NATULAR® G should be carefully calibrated before use and checked frequently during application to be sure it is working properly and delivering a uniform distribution pattern. Avoid overlaps that will increase NATULAR® G dosage above recommended limits.

#### Application Sites and Rates

The rates listed are typical for efficaciously killing mosquito and midge larvae in the listed habitat sites. Within this range, use lower rates when water is shallow, vegetation and/or pollution are minimal, and mosquito populations are low. Do not use less than labeled minimum rate. NATULAR® G may be applied at rates up to 20 lb per acre in waters high in organic content (such as polluted water, sewage lagoons, animal waste lagoons, and waters

with high concentrations of leaf litter or other organic debris), deep-water mosquito habitats or those with dense surface cover, and where monitoring indicates a lack of kill at typical rates. Do not re-apply within 7 days of the initial application unless monitoring indicates that larval populations have reestablished or weather conditions have rendered initial treatments ineffective. Do not apply to water intended for irrigation.

#### For killing mosquito larvae species in the following non-crop sites:

Non-Crop Site	NATULAR® G lb/acre (lb ai/acre)
<b>Temporary Standing Water:</b> Woodland pools, snow pools, roadside ditches, retention ponds, freshwater dredge spoils, tire tracks and other natural or manmade depressions, rock holes, pot holes and similar areas subject to holding water	3.5 - 6.5 (0.018 - 0.033)
<b>Other Freshwater Sites:</b> Natural and manmade aquatic sites, edges of lakes, ponds, canals, stream eddies, creek edges, detention ponds	
<b>Freshwater Swamps and Marshes:</b> Mixed hardwood swamps, cattail marsh, common reed wetland, water hyacinth ponds, and similar freshwater areas with emergent vegetation	9 (0.045)
<b>Marine/Coastal Areas:</b> Intertidal areas above the mean high water mark, mangroves, brackish water swamps and marshes, coastal impoundments and similar areas	
<b>Stormwater/Drainage Systems:</b> Storm sewers, catch basins, drainage ditches, and similar areas	6.5 - 9 (0.033 - 0.045)
<b>Wastewater:</b> Sewage effluent, sewers, sewage lagoons, cesspools, oxidation ponds, septic ditches and tanks, animal waste lagoons and settling ponds, livestock runoff lagoons, wastewater impoundments associated with fruit and vegetable processing, and similar areas	
<b>Dormant Rice Fields:</b> Impounded water in dormant rice fields (for application only during the interval between harvest and preparation of the field for the next cropping cycle)	3.5 - 6.5 (0.0180 - 0.033)
<b>Natural and Artificial Containers:</b> Tree holes, bromeliads, leaf axils, and other similar natural water holding containers, cemetery urns, bird baths, flower pots, rain barrels, buckets, single tires, tires stockpiled in dumps, landfills, recycling plants and other similar areas, abandoned swimming pools, ornamental ponds, flooded roof tops and similar water holding sites.	3.5 - 9 (0.018 - 0.045)
Landfill containers, salvage yards, abandoned vehicles	
Do not apply to natural or artificial containers of water intended for consumption by people, animals, or livestock.	
	For small to medium size containers, apply 1/8 teaspoon (about 0.37 g) of Natular G per 10-20 gallons of water.  For very small containers, apply a pinch of Natular G (0.02 g) per ½ - 1 gallon of water. This is approximately 7 - 9 granules per ½ - 1 gallon of water.

#### Agricultural/Crop Sites Where Mosquito Breeding Occurs:

Apply NATULAR® G at the rate of 3.5 to 9 lb per acre (0.018 - 0.045 lb ai/acre) in standing water within agricultural/crop sites where mosquito breeding occurs: pastures/hay fields, rangelands, orchards, vineyards, and citrus groves. Do not apply to waters intended for irrigation.

## STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.

**Pesticide Storage:** Store in a cool dry place in original container only. Keep away from moisture.

**Pesticide Disposal:** Wastes resulting from the use of this product may be disposed of on site according to label use directions or at an approved waste disposal facility.

**Container Handling for Non-Refillable Bag:** Nonrefillable container. Do not reuse or refill this container.

Completely empty bag into application equipment. Offer for recycling if available, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

#### Warranty

To the extent consistent with applicable law CLARKE MOSQUITO CONTROL PRODUCTS, INC. makes no warranty, express or implied, concerning the use of this product other than as indicated on the label. Buyer assumes all risk of use/handling of this material when use and/or handling is contrary to label instructions.

Natular® is a Registered Trademark of Clarke Mosquito Control Products, Inc.

**IN CASE OF MEDICAL EMERGENCY, CALL THE INTERNATIONAL POISON CONTROL CENTER 1-800-214-7753**

**Manufactured By:**  
CLARKE MOSQUITO CONTROL PRODUCTS, INC.  
159 North Garden Avenue  
Roselle, IL 60172, U.S.A.  
1-800-323-5727

EPA Reg. No.: 8329-80

EPA Est. No.: 8329-IL-03

Net Weight: \_\_\_\_\_

Lot: \_\_\_\_\_

AL0772





# NATULAR® G30

## Mosquito Larvicide / Extended Release Granule

Controls larvae of mosquitoes which may transmit Dengue, Chikungunya, or Zika.

To be used in governmental mosquito control programs, by professional pest control operators, or in other mosquito or midge control operations.

Active Ingredient (dry weight basis):	
Spinosad (a mixture of Spinosyn A and Spinosyn D)	2.5%
Other Ingredients	97.5%
Total	100.0%
U.S. Patent No. 5,362,634 and 5,496,931	
Natular® G30 is a 2.5% extended release granule.	

## KEEP OUT OF REACH OF CHILDREN

### CAUTION

#### Precautionary Statements

#### Hazards to Humans and Domestic Animals

Harmful if swallowed. Causes moderate eye irritation. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Avoid contact with eyes or clothing. Wear protective eyewear (such as goggles, face shield, or safety glasses).

First Aid	
<b>If swallowed:</b>	<ul style="list-style-type: none"> <li>• Call a poison control center or doctor immediately for treatment advice.</li> <li>• Have person sip a glass of water if able to swallow.</li> <li>• Do not induce vomiting unless told to do so by a poison control center or doctor.</li> <li>• Do not give anything to an unconscious person.</li> </ul>
<b>If in eyes:</b>	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with warm water for 15-20 minutes.</li> <li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact 1-800-214-7753 for emergency medical treatment information.	

#### Environmental Hazards

This product is toxic to aquatic organisms. Non-target aquatic invertebrates may be killed in waters where this pesticide is used. Do not contaminate water when cleaning equipment or disposing of equipment washwaters.

#### Directions For Use

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Read all Directions for Use carefully before applying.

#### Product Information

Natular® G30 is a product for killing mosquito and midge larvae. This product's active ingredient, spinosad, is biologically derived from the fermentation of *Saccharopolyspora spinosa*, a naturally occurring soil organism. Natular® G30 releases effective levels of spinosad for up to 30 days under typical environmental conditions. Natular® G30 may be applied with ground or aerial equipment.

#### Use Precautions

##### Integrated Pest Management (IPM) Programs

Natular® G30 is intended to kill mosquito and midge larvae. Mosquitoes are best controlled when an IPM program is followed. Larval control efforts should be managed through habitat mapping, active adult and larval surveillance, and integrated with other control strategies such as source reduction, public education programs, harborage or barrier adult mosquito control applications, and targeted adulticide applications.

#### Insecticide Resistance Management (IRM)

Natular® G30 contains a Group 5 insecticide. Insect biotypes with acquired resistance to Group 5 insecticides may eventually dominate the insect population if appropriate resistance management strategies are not followed. Currently, only spinetoram and spinosad active ingredients are classified as Group 5 insecticides. Resistance to other insecticides is not likely to impact the effectiveness of this product. Spinosad may be used in rotation with all other labeled products in a comprehensive IRM program.

To minimize the potential for resistance development, the following practices are recommended:

- Base insecticide use on comprehensive IPM and IRM programs.
- Monitor after application for unexpected target pest survival. If the level of survival suggests the presence of resistance, consult with your local university specialist or Clarke representative.
- Rotate with other labeled effective mosquito larvicides that have a different mode of action.
- In dormant rice fields, standing water within agricultural/crop sites, and permanent marine and freshwater sites, do not make more than 5 applications per year.
- Use insecticides with a different mode of action (different insecticide group) on adult mosquitoes so that both larvae and adults are not exposed to products with the same mode of action.
- Contact your local extension specialist, technical advisor, and/or Clarke representative for insecticide resistance management and/or IPM recommendations for the specific site and resistant pest problems.
- For further information or to report suspected resistance, you may contact your local Clarke representative by calling 800-323-5727.

#### Application

Proper application techniques help ensure adequate coverage and correct dosage necessary to obtain optimum kill of mosquito and midge larvae. Apply Natular® G30 prior to flooding as a pre-hatch application to areas that breed mosquitoes, or at any stage of larval development after flooding in listed sites. Do not allow this product to drift onto neighboring crops or non-crop areas or use in a manner or at a time other than in accordance with label directions.

#### Ground Application

Use conventional ground application equipment that provides even coverage at labeled rates.

#### Aerial Application

Fixed wing aircraft or helicopters equipped with granular spreaders capable of applying rates from 5 to 20 lb per acre may be used to apply Natular® G30. Aerial application equipment should be carefully calibrated before use to be sure it is working properly and delivering a uniform distribution pattern. Avoid flight path overlaps while dispensing granules. Do not exceed labeled limits.

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather related factors determine the potential for spray drift. The applicator and the treatment coordinator are responsible for considering all these factors when making application decisions.

#### Application Sites and Rates

Apply Natular® G30 at rates (see table) for the targeted treatment site. Within these rate ranges apply at a rate appropriate to site habitat and conditions at the time of application. Use lower labeled rate when water is shallow, vegetation and/or pollution are minimal, and mosquito populations are low. Do not use less than labeled minimum rate. Within the labeled rate range, use higher rates when water is deep, vegetation and/or pollution are high, and mosquito populations are high in number.

Natular® G30 may be applied at rates up to 20 lb per acre in waters high in organic content, deep-water mosquito habitats or those with dense surface cover, and where monitoring indicates a lack of kill at typical rates.

Reapply after 30 days, if needed for extended control in continuously flooded habitat. More frequent applications may be made if monitoring indicates that larval populations have reestablished or weather conditions have rendered initial treatments ineffective.

Treatment Area	Natular® G30
<p><b>Temporary Standing Water:</b> Woodland pools, snow pools, roadside ditches, retention ponds, freshwater dredge spoils, tire tracks and other natural or manmade depressions, rock holes, pot holes and similar areas subject to holding water.</p> <p><b>Other Freshwater Sites:</b> Natural and manmade aquatic sites; edges of lakes, ponds, canals, stream eddies, creek edges, and detention ponds.</p> <p><b>Dormant Rice Fields:</b> Impounded water in dormant rice fields (for application only during the interval between harvest and preparation of the field for the next cropping cycle).</p> <p><b>Freshwater Swamps and Marshes:</b> Mixed hardwood swamps, cattail marsh, common reed wetland, water hyacinth ponds, and similar freshwater areas with emergent vegetation.</p> <p><b>Marine/Coastal Areas:</b> Intertidal areas above the mean high water mark, mangroves, brackish water swamps and marshes, coastal impoundments and similar areas.</p>	<p>Apply 5 to 12 lbs per acre (5.6 to 13.5 kg per hectare).</p> <p>Rate is equivalent to 5 to 12 g per 100 sq. ft. of water.</p>
<p><b>Stormwater/Drainage Systems:</b> Storm sewers, catch basins, drainage ditches, and similar areas.</p> <p><b>Wastewater:</b> Sewage effluent, sewers, sewage lagoons, cesspools, oxidation ponds, septic ditches and tanks, animal waste lagoons and settling ponds, livestock runoff lagoons, wastewater impoundments associated with fruit and vegetable processing, and similar areas.</p>	<p>Apply 5 to 20 lbs per acre (5.6 to 22.4 kg per hectare).</p> <p>Rate is equivalent to 5 to 20 g per 100 sq. ft. of water.</p>
<p><b>Natural and Artificial Containers:</b> Tree holes, bromeliads, leaf axils, and other similar natural water holding containers; cemetery urns, bird baths, flower pots, rain barrels, buckets, single tires, tires stockpiled in dumps, landfills, recycling plants and other similar areas, abandoned swimming pools, ornamental ponds, flooded roof tops and similar water holding sites; landfill containers, salvage yards, abandoned vehicles.</p> <p>Do not apply to natural or artificial containers of water intended for consumption by people, animals, or livestock.</p>	<p>Apply 5 to 20 lbs per acre (5.6 to 22.4 kg per hectare).</p> <p>Rate is equivalent to 5 to 20 g per 100 sq. ft. of water.</p> <p>For small to medium size containers, apply 0.15 g of Natular G30 per 10-25 gallons of water.</p> <p>For very small containers, apply a pinch of Natular G30 (about 0.02 g) per 5 liters (1.3 gallons) of water. This is approximately 8-10 granules per 5 liters of water.</p>
<p><b>Agricultural/Crop Sites Where Mosquito Breeding Occurs</b> Apply Natular® G30 to standing water within agricultural/crop sites where mosquito breeding occurs to kill mosquito larvae species, including: pastures/hay fields, rangeland, orchards, vineyards, and citrus groves. <b>Do not apply to waters intended for irrigation.</b></p>	<p>Apply 5 to 20 lbs per acre (5.6 to 22.4 kg per hectare).</p> <p>Rate is equivalent to 5 to 20 g per 100 sq. ft. of water.</p>

## STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage and disposal.

**Pesticide Storage:** Store in a cool dry place in original container only. Keep away from moisture.

**Pesticide Disposal:** Wastes resulting from the use of this product must be disposed of on site or at an approved waste disposal facility.

**Container Handling for Non-Refillable Bag:** Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Offer for recycling, if available, or puncture and dispose of in a sanitary landfill or by incineration, or by other procedures approved by state and local authorities.

**Container Handling for Rigid Refillable Tote:** Refillable container. Refill this container with granular spinosad pesticide formulation only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment. Use a sprayer with water to quickly and completely rinse the interior of the container. Ensure the top, bottom, and all sides are rinsed. A high pressure sprayer with a rinsing nozzle could provide a thorough rinse of the interior. Drain and collect rinsate from the container into a collection system for later disposal. Drain the container dry so no water remains. Return to point of sale. Then offer for recycling if available or reconditioning if appropriate or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures approved by State and local authorities.

**Warranty:** To the extent consistent with applicable law, CLARKE MOSQUITO CONTROL PRODUCTS, INC. makes no warranty, express or implied, concerning the use of this product other than as indicated on the label. Buyer assumes all risk of use/handling of this material when use and/or handling is contrary to label instructions.

Natular® is a Trademark of Clarke Mosquito Control Products, Inc.

**Manufactured For:**  
CLARKE MOSQUITO CONTROL PRODUCTS, INC.  
159 North Garden Avenue  
Roselle, IL 60172, U.S.A.  
1-800-323-5727

EPA Reg. No.: 8329-83  
EPA Est. No.: 8329-IL-03  
Net Contents: \_\_\_\_\_  
Lot: \_\_\_\_\_

# VectoBac<sup>®</sup> G

**BIOLOGICAL LARVICIDE****GRANULE****ACTIVE INGREDIENT:**

*Bacillus thuringiensis*, subspecies *israelensis*, strain AM 65-52, fermentation solids, spores, and insecticidal toxins ..... 2.80%  
**OTHER INGREDIENTS** ..... 97.20%  
**TOTAL** ..... 100.00%

Potency: 200 International Toxic Units (ITU) per mg  
(Equivalent to 0.091 billion potency: ITU per pound)

The percent active ingredient does not indicate product performance and potency measurements are not Federally standardized.

EPA Reg. No. 73049-10  
EPA Est. No. 33762-IA-001

List No. 05108

**INDEX:**

- 1.0 First Aid
- 2.0 Precautionary Statements
  - 2.1 Hazard to Humans (and Domestic Animals)
  - 2.2 Environmental Hazards
- 3.0 Directions for Use
- 4.0 Application Directions
- 5.0 Storage and Disposal
- 6.0 Notice to User

**KEEP OUT OF REACH OF CHILDREN  
CAUTION**

1.0

<b>FIRST AID</b>	
<b>If in Eyes</b>	<ul style="list-style-type: none"> <li>• Hold eyes open and rinse slowly and gently with water for 15-20 minutes.</li> <li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eyes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>HOT LINE NUMBER</b>	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-877-315-9819 (24 hours) for emergency medical treatment and/or transport emergency information. For all other information, call 1-800-323-9597.	

**2.0 PRECAUTIONARY STATEMENTS****2.1 HAZARD TO HUMANS (AND DOMESTIC ANIMALS)****CAUTION**

Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

Mixers/loaders and applicators not in enclosed cabs or aircraft must wear a dust/mist respirator meeting NIOSH standards of at least N-95, R-95 or P-95. Repeated exposure to high concentrations of microbial proteins can cause allergic sensitization.

**2.2 ENVIRONMENTAL HAZARDS**

Do not contaminate water when cleaning equipment or disposing of equipment washwaters. Do not apply directly to treated, finished drinking water reservoirs or drinking water receptacles when the water is intended for human consumption.

**3.0 DIRECTIONS FOR USE**

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

**4.0 APPLICATION DIRECTIONS**

VectoBac G is an insecticide for use against mosquito larvae.

**Mosquitoes  
Habitat****Suggested Range Rate\***

(Such as the following examples):

Irrigation ditches, roadside ditches, flood water, standing ponds, livestock watering ponds and troughs, woodland pools, snow melt pools, pastures, catch basins, storm water retention areas, tidal water, salt marshes and rice fields	2.5 - 10 lbs. / acre
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In addition, standing water containing mosquito larvae, in fields growing crops such as alfalfa, almonds, asparagus, corn, cotton, dates, grapes, peaches, sugar cane and walnuts may be treated at the recommended rates.

\* Use 10-20 lbs. / acre when late 3rd and early 4th instar larvae predominate, mosquito populations are high, water is heavily polluted (sewage lagoons, animal waste lagoons), and/or algae are abundant.

Apply uniformly by aerial or ground conventional equipment.

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather related factors determine the potential for spray drift. The applicator and the treatment coordinator are responsible for considering all of these factors when making decisions.

A 7 to 14 day interval between applications should be employed.



**5.0 STORAGE AND DISPOSAL**

Do not contaminate potable water, food or feed by storage or disposal.

**Storage:** Store in a cool [59-86°F (15-30°C)], dry place.

**Pesticide Disposal:** Completely empty bag into application equipment. Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

**Container Disposal:** Nonrefillable container. Do not reuse or refill this container. Once cleaned, some agricultural plastic pesticide containers can be taken to a container collection site or picked up for recycling. To find the nearest site, contact your chemical dealer or manufacturer, or contact Ag Container Recycling Council at 202-861-3144 or [www.acrecycle.org](http://www.acrecycle.org). If recycling is not available dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

**6.0 NOTICE TO USER**

Seller makes no warranty, express or implied, of merchantability, fitness or otherwise concerning the use of this product other than as indicated on the label. User assumes all risks of use, storage or handling not in strict accordance with accompanying directions.

VectoBac is a registered trademark of Valent BioSciences Corporation.



**ACTIVE INGREDIENT:**  
*Bacillus sphaericus* 2362, Serotype H5a5b, strain ABTS  
 1743 Technical Powder (670 BsITU/mg) ..... 7.5%  
**OTHER INGREDIENTS** ..... 92.5%  
**TOTAL** ..... 100.0%

Potency: This product contains 50 BsITU/mg or 0.023 Billion BsITU/lb.

Expiration Date: (Two years from the date of manufacture).

The percent active ingredient does not indicate product performance and potency measurements are not federally standardized.

EPA Reg. No. 73049-20 List No. 05722  
 EPA Est. No. 33762-IA-001 (Lot No. Suffix 'N8')  
 EPA Est. No. 33967-NJ-1 (Lot No. Suffix 'Q5')

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- 5.0 Directions for Use - VectoLex Water Soluble Pouches (WSP)
  - 5.1 Application Directions
- 6.0 Notice to User

**KEEP OUT OF REACH OF CHILDREN  
 CAUTION**

Attachment V

1.0 FIRST AID	
<b>If in eyes</b>	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>• Call a poison control center for treatment advice.</li> </ul>
<b>If on skin or clothing</b>	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
HOT LINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-877-315-9819 (24 hours) for emergency medical treatment and/or transport emergency information. For all other information, call 1-800-323-9597.	

**2.0 PRECAUTIONARY STATEMENTS**

**2.1 HAZARDS TO HUMANS AND DOMESTIC ANIMALS CAUTION**

Harmful if absorbed through the skin. Causes moderate eye irritation. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling.

**2.2 ENVIRONMENTAL HAZARDS**

Do not contaminate water when disposing of equipment washwaters or rinsate. Do not apply directly to treated, finished drinking water reservoirs or drinking water receptacles when the water is intended for human consumption.

**3.0 DIRECTIONS FOR USE**

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

**4.0 STORAGE AND DISPOSAL**

Do not contaminate water, food or feed by storage or disposal. Do not contaminate water when disposing of equipment washwaters.

**Pesticide Storage:** Store in a cool, dry place.

**Pesticide Disposal:** Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

**Container Disposal:** Non refillable container. Do not reuse or refill this container. Offer for recycling if available. Completely empty bag into application equipment. Then dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke. For Water Soluble Pouches, dispose of empty outer foil bag in trash.

Continued

## 5.0 DIRECTIONS FOR USE - VECTOLEX WATER SOLUBLE POUCHES (WSP)

Once the foil bag containing Water Soluble Pouches is opened, use pouches within one day.

### 5.1 APPLICATION DIRECTIONS

#### MOSQUITO CONTROL

VectoLex WSP is a selective microbial insecticide for use against mosquito larvae in a variety of habitats. VectoLex WSP can be applied to areas that contain fish, other aquatic life, and plants. VectoLex WSP can be applied to areas used by or in contact with humans, pets, horses, livestock, birds or wildlife.

#### I. For control of mosquito larvae species\* in the following non-crop sites:

Habitat	Rate Range
<b>Drainage/Drainage Systems:</b>	
Storm drains, catch basins, retention, detention and seepage ponds.	1 pouch/50 sq.ft. <sup>(1)</sup>
<b>Treatment Areas (For Use In)<sup>(1)</sup>:</b>	
Ponds	Standing water
Lagoons	Storm water
Water gardens	retention areas
Hollow trees and tree holes	Catch basins
Urns	Birdbaths
Rain barrels	Fountains
Livestock watering troughs/ponds/tanks	Flowerpots and planters
Irrigation ditches	Snowmelt pools
Roadside ditches	Abandoned swimming pools
Flood water	

Any location where water accumulates and remains standing for periods of time, except treated, finished drinking water for human consumption.

<sup>(1)</sup>Treat on basis of surface area of potential mosquito breeding sites by placing one (1) VectoLex Soluble Pouch for up to 50 square feet of treatment area. Re-apply as needed after 1 to 4 weeks.

### 5.1 APPLICATION DIRECTIONS (cont'd)

Longer periods of mosquito population suppression may result where sufficient numbers of non-target aquatic invertebrate parasites and predators are present since these are not affected by the product and contribute to mosquito population reduction.

\* Mosquito species effectively controlled by VectoLex WSP, including many of those known to carry/transmit West Nile Virus:

*Culex* spp.  
*Aedes vexans*  
*Ochlerotatus melanimon* (*Aedes melanimon*)  
*Ochlerotatus stimulans* (*Aedes stimulans*)  
*Ochlerotatus nigromaculis* (*Aedes nigromaculis*)  
*Psorophora columbiae*  
*Psorophora ferox*  
*Ochlerotatus triseriatus* (*Aedes triseriatus*)  
*Ochlerotatus sollicitans* (*Aedes sollicitans*)  
*Anopheles quadrimaculatus*  
*Coquillettidia perturbans*

### 6.0 NOTICE TO USER

To the fullest extent permitted by law, seller makes no warranty, express or implied, of merchantability, fitness or otherwise concerning the use of this product other than as indicated on the label. User assumes all risks of use, storage or handling not in strict accordance with accompanying directions.

# VectoLex<sup>®</sup> FG

BIOLOGICAL LARVICIDE

FINE GRANULE

## ACTIVE INGREDIENT:

<i>Bacillus sphaericus</i> 2362, Serotype H5a5b, strain ABTS 1743 fermentation solids, spores, and insecticidal toxins . . .	7.5%
OTHER INGREDIENTS . . . . .	92.5%
TOTAL . . . . .	100.0%

Potency: This product contains 50 BsIU/mg or 0.023 Billion BsIU/lb.  
Expiration Date: (Two years from the date of manufacture).

The percent active ingredient does not indicate product performance and potency measurements are not federally standardized.

EPA Reg. No.73049-20  
EPA Est. No. 33762-IA-001

List No. 05722

## INDEX:

- 1.0 First Aid
- 2.0 Precautionary Statements
  - 2.1 Hazard to Humans (and Domestic Animals)
  - 2.2 Environmental Hazards
- 3.0 Directions for Use
- 4.0 Storage and Disposal
- 5.0 Directions for Use - VectoLex FG
  - 5.1 Application Directions
- 6.0 Notice to User

## KEEP OUT OF REACH OF CHILDREN CAUTION

1.0

FIRST AID	
<b>If in eyes</b>	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>• Call a poison control center for treatment advice.</li> </ul>
<b>If on skin or clothing</b>	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If inhaled</b>	<ul style="list-style-type: none"> <li>• Move person to fresh air.</li> <li>• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth if possible.</li> <li>• Call a poison control center or doctor for further treatment advice.</li> </ul>
HOT LINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-877-315-9819 (24 hours) for emergency medical treatment and/or transport emergency information. For all other information, call 1-800-323-9597.	

## 2.0 PRECAUTIONARY STATEMENTS

### 2.1 HAZARDS TO HUMANS AND DOMESTIC ANIMALS CAUTION

Causes moderate eye irritation. Harmful if absorbed through the skin or inhaled. Avoid contact with skin, eyes or clothing. Wear protective eyewear. Avoid breathing dust. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

Mixers/loaders and applicators not in enclosed cabs or aircraft, must wear a dust/mist filtering respirator meeting NIOSH standards of at least N-95, R-95, or P-95. Repeated exposure to high concentrations of microbial proteins can cause allergic sensitizations.

### 2.2 Environmental Hazards

Do not apply directly to treated, finished drinking water reservoirs or drinking water receptacles when the water is intended for human consumption.

## 3.0 DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

For use only by federal, state, tribal or local government officials responsible for public health or vector control, or by persons certified in the appropriate category or otherwise authorized by the state or tribal lead pesticide regulatory agency to perform mosquito control applications, or by persons under their direct supervision. IN CALIFORNIA: This product is to be applied by County Health Department, State Department of Health Services, Mosquito and Vector Control or Mosquito Abatement District personnel, or persons under contract to these entities only.

## 4.0 STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal. Do not contaminate water when disposing of equipment washwaters.

**Pesticide Storage:** Store in a cool, dry place.

**Pesticide Disposal:** Wastes resulting from the use of this product must be disposed of on site or at an approved waste disposal facility.

**Container Handling:** Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment, then offer for recycling if available or dispose of empty bag in a sanitary landfill or by incineration or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

## 5.0 DIRECTIONS FOR USE - VECTOLEX FG

### 5.1 Application Directions

#### MOSQUITO CONTROL

VectoLex<sup>®</sup> FG Biological Larvicide Fine Granule (hereafter referred to as VectoLex FG) is a selective microbial insecticide for use against mosquito larvae in a variety of habitats. VectoLex FG can be applied to areas that contain fish, other aquatic life, and plants. VectoLex FG can be applied to areas used by or in contact with humans, pets, horses, livestock, birds, or wildlife.

CONTINUED

**I. For control of mosquito larvae species\* in the following non-crop sites:**

Habitat	Rate Range
<b>Wastewater:</b> Sewage effluent, sewage lagoons, oxidation ponds, septic ditches, animal waste lagoons, impounded wastewater associated with fruit and vegetable processing.	5-20 lbs/acre**
<b>Stormwater/Drainage Systems:</b> Storm sewers, catch basins, drainage ditches, retention ponds, detention ponds and seepage ponds.	5-20 lbs/acre**
<b>Marine/Coastal Areas:</b> Salt marshes, mangroves, estuaries.	5-20 lbs/acre**
<b>Water Bodies:</b> Natural and manmade aquatic sites such as lakes, ponds, rivers, canals, streams and livestock watering ponds and troughs.	5-20 lbs/acre**
<b>Dormant Rice Fields:</b> Impounded water in dormant rice fields. (For application only during the interval between harvest and preparation of the field for the next cropping cycle.)	5-20 lbs/acre**
<b>Waste Tires:</b> Tires stockpiled in dumps, landfills, recycling plants, and other similar sites.	0.5-2 lbs/ 1000 sq. ft.

**II. For the control of mosquito larvae species\* in the following agricultural/crop sites where mosquito breeding occurs:**

Habitats:	Rate Range
Rice, pastures/hay fields, orchards, citrus groves, irrigated crops.	5-20 lbs/acre**

Apply VectoLex FG uniformly by aerial or conventional ground equipment. Reapply VectoLex FG as needed after 1 to 4 weeks.

\* Mosquito species effectively controlled by VectoLex FG, including many of those known to carry/transmit West Nile virus:

<i>Culex spp.</i>	
<i>Aedes vexans</i>	
<i>Ochlerotatus melanimon</i>	( <i>Aedes melanimon</i> )
<i>Ochlerotatus stimulans</i>	( <i>Aedes stimulans</i> )
<i>Ochlerotatus nigromaculis</i>	( <i>Aedes nigromaculis</i> )
<i>Psorophora columbiae</i>	
<i>Psorophora ferox</i>	
<i>Ochlerotatus triseriatus</i>	( <i>Aedes triseriatus</i> )
<i>Ochlerotatus sollicitans</i>	( <i>Aedes sollicitans</i> )
<i>Anopheles quadrimaculatus</i>	
<i>Coquillettidia perturbans</i>	

\*\*Use higher rates (10 to 20 lbs/acre) in areas where extended residual control is necessary, or in habitats having deep water or dense surface cover.

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather related factors determine the potential for spray drift. The applicator and the treatment coordinator are responsible for considering all these factors when making decisions.

## 6.0 NOTICE TO USER

To the extent consistent with applicable law, seller makes no warranty, express or implied, of merchantability, fitness or otherwise concerning the use of this product other than as indicated on this label. To the extent consistent with applicable law, user assumes all risks of use, storage or handling not in accordance with accompanying directions.

**ACTIVE INGREDIENTS:**

*Bacillus sphaericus* 2362, Serotype H5a5b, Strain ABTS 1743  
 Fermentation Solids, Spores, and Insecticidal Toxins . . . . . 2.7%  
*Bacillus thuringiensis* subsp. *israelensis* Serotype H-14,  
 Strain AM65-52 Fermentation Solids, Spores, and  
 Insecticidal Toxins . . . . . 4.5%  
 OTHER INGREDIENTS . . . . . 92.8%  
 TOTAL . . . . . 100.0%

Potency: This product contains 50 BsIU/mg or 0.023 Billion BsIU/lb.  
 Expiration Date: (Two years from date of manufacture)

The percent active ingredient does not indicate product performance  
 and potency measurements are not Federally standardized.

EPA Reg. No. 73049-429

EPA Est. No. 33762-IA-001

List No. 05750

US Patent No. 7,989,180, US Patent No. 8,454,983

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**KEEP OUT OF REACH OF CHILDREN  
 CAUTION**

**1.0****FIRST AID**

<b>If in eyes</b>	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If on skin or clothing</b>	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If inhaled</b>	<ul style="list-style-type: none"> <li>• Move person to fresh air.</li> <li>• If person is not breathing, call 911 or ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible.</li> <li>• Call a poison control center or doctor for further treatment advice.</li> </ul>

**HOT LINE NUMBER**

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-877-315-9819 (24 hours) for emergency medical treatment and/or transport emergency information. For all other information, call 1-800-323-9597.

**2.0****PRECAUTIONARY STATEMENTS****2.1****Hazards To Humans and Domestic Animals  
CAUTION**

Causes moderate eye irritation. Harmful if absorbed through the skin or inhaled. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Avoid contact with skin, eyes, or clothing. Avoid breathing dust. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

Mixers/loaders and applicators not in enclosed cabs or aircraft, must wear a dust/mist filtering respirator meeting NIOSH standards of at least N-95, R-95, or P-95. Repeated exposure to high concentrations of microbial proteins can cause allergic sensitization.

**2.2****Environmental Hazards**

Do not apply directly to treated, finished drinking water reservoirs or drinking water receptacles when the water is intended for human consumption.

**3.0****DIRECTIONS FOR USE**

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

For use only by federal, state, tribal or local government officials responsible for public health or vector control, or by persons certified in the appropriate category or otherwise authorized by the state or tribal lead pesticide regulatory agency to perform mosquito control applications, or by persons under their direct supervision.

IN CALIFORNIA: This product is to be applied by County Health Department, State Department of Health Services, Mosquito and Vector Control or Mosquito Abatement District personnel, or persons under contract to these entities only.

CONTINUED



## 4.0

**APPLICATION DIRECTIONS****MOSQUITO CONTROL**

VectoMax® FG Biological Larvicide Fine Granule (hereafter referred to as VectoMax FG) is a selective microbial insecticide for use against mosquito larvae in a variety of habitats. VectoMax FG can be applied to areas that contain fish, other aquatic life, and plants. VectoMax FG can be applied to areas used by or in contact with humans, pets, horses, livestock, birds, or wildlife.

**I. For control of mosquito larvae in the following non-crop sites:**

Habitat	Application Rate Range
<b>Wastewater:</b> Sewage effluent, sewage lagoons, oxidation ponds, septic ditches, animal waste lagoons, and impound wastewater associated with fruit and vegetable processing.	5-20 lbs/acre*
<b>Storm Water/Drainage Systems:</b> Drainage ditches, roadside ditches, retention ponds, detention ponds, and seepage ponds.	5-20 lbs/acre*
<b>Marine/Coastal Areas:</b> Tidal water, salt marshes, mangroves, and estuaries.	5-20 lbs/acre*
<b>Water Bodies:</b> Natural and manmade aquatic sites such as lakes, ponds, canals, rivers and streams (including river & stream edges), floodplains, swamps, marshes, irrigation ditches, flood water, woodland pools, snow melt pools and livestock watering ponds and troughs.	5-20 lbs/acre*
<b>Waste Tires:</b> Tires stockpiled in dumps, landfills, recycling plants, and other similar sites.	0.5-2 lbs/ 1000 sq. ft.

**II. For control of mosquito larvae in agricultural/crop sites where mosquito breeding occurs.**

Habitat	Application Rate Range
Rice fields, pastures/hay fields, orchards (including citrus groves, peaches, almonds, dates, and walnuts), asparagus fields, corn fields, cotton fields, alfalfa fields, and vineyards.	5-20 lbs/acre*

Apply VectoMax FG uniformly by aerial or conventional ground equipment. Reapply VectoMax FG as needed (after 1-4 weeks under typical environmental conditions).

\*Use higher application rates (10-20 lbs/acre) in areas where 4th instar *Aedes* or *Ochlerotatus* spp. larvae predominate, or in areas where very high densities of late instar mosquito larvae are present, or under conditions where local experience indicates the need for higher application rates to achieve extended residual control.

## 5.0

**STORAGE AND DISPOSAL**

Do not contaminate water, food or feed by storage or disposal.

**Pesticide Storage:** Store in a cool, dry place.

**Pesticide Disposal:** To avoid wastes, use all material in this container by application according to label directions. If wastes cannot be avoided, offer remaining product to a waste disposal facility or pesticide disposal program (often such programs are run by state or local governments or by industry).

**Container Handling:** Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Then offer for recycling if available or dispose of empty bag in a sanitary landfill or by incineration. Do not burn, unless allowed by State and local ordinances. If burned, stay out of smoke.

## 6.0

**WARRANTY AND DISCLAIMER**

To the extent consistent with applicable law, seller makes no warranty, express or implied, of merchantability, fitness or otherwise concerning the use of this product other than as indicated on this label. To the extent consistent with applicable law, user assumes all risks of use, storage, or handling not in accordance with the accompanying directions.

VectoMax is a registered trademark and BioFuse is a trademark of Valent BioSciences Corporation.



# Altosid<sup>®</sup> XR

## EXTENDED RESIDUAL BRIQUETS

**A SUSTAINED RELEASE PRODUCT TO PREVENT ADULT MOSQUITO EMERGENCE  
(INCLUDING THOSE WHICH MAY TRANSMIT WEST NILE VIRUS)**

## SPECIMEN LABEL

### ACTIVE INGREDIENT:

(S)-Methoprene (CAS #65733-16-6)	2.1%
(Dry Weight Basis): . . . . .	
<b>OTHER INGREDIENTS:</b> . . . . .	97.9%
Total . . . . .	100.0%

EPA Reg. No. 2724-421

EPA Est. No. 2724-TX-1

KEEP OUT OF REACH OF CHILDREN

**CAUTION**

SEE ADDITIONAL PRECAUTIONARY STATEMENTS

### INTRODUCTION

**ALTOSID<sup>®</sup> XR BRIQUETS** are designed to release effective levels of (S)-Methoprene insect growth regulator over a period up to 150 days in mosquito breeding sites. Release of (S)-Methoprene insect growth regulator occurs by dissolution of the briquet. Soft mud and loose sediment can cover the briquets and inhibit normal dispersion of the active ingredient. The product may not be effective in those situations where the briquet can be removed from the site by flushing action.

**ALTOSID<sup>®</sup> XR BRIQUETS** prevent the emergence of adult mosquitoes including: *Anopheles*, *Culex*, *Culiseta*, *Coquillettidia*, and *Mansonia* spp., as well as those of the floodwater mosquito complex (*Aedes*, *Ochlerotatus*, and *Psorophora* spp.) from treated water. Treated larvae continue to develop normally to the pupal stage where they die.

**NOTE:** (S)-Methoprene insect growth regulator has no effect on mosquitoes which have reached the pupal or adult stage prior to treatment.

### PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS - CAUTION

Causes moderate eye irritation. Harmful if absorbed through skin. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling.

#### FIRST AID

Call a poison control center or doctor for treatment advice.

<b>If in eyes</b>	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> </ul>
<b>If on skin or clothing</b>	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15-20 minutes.</li> </ul>

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-248-7763 for emergency medical treatment information.

#### ENVIRONMENTAL HAZARDS

Do not contaminate water when disposing of unused product.

#### DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.



## APPLICATION TIME

Place **ALTOSID® XR BRIQUETS** at or before the beginning of the mosquito season. Apply **ALTOSID® XR BRIQUETS** prior to flooding when sites are dry, or on snow and ice in breeding sites prior to spring thaw. Under normal conditions, one application will last the entire mosquito season, or up to 150 days, whichever is shorter. Alternate wetting and drying will not reduce their effectiveness.

## APPLICATION RATES

**Aedes, Ochlerotatus, and Psorophora spp.:** For control in non-(or low-) flow shallow depressions ( $\leq 2$  feet in depth), treat on the basis of surface area, placing one **ALTOSID® XR BRIQUET** per 200 ft<sup>2</sup>. Place briquets in the lowest areas of mosquito breeding sites to maintain continuous control as the site alternately floods and dries up.

**Culex, Culiseta and Anopheles spp.:** Place one **ALTOSID® XR BRIQUET** per 100 ft<sup>2</sup>.

**Coquillettidia and Mansonia spp.:** For application to cattail marshes and water hyacinth beds. For control of these mosquitoes, place one **ALTOSID® XR BRIQUET** per 100 ft<sup>2</sup>.

**Culex sp. in storm water drainage areas, sewers, and catch basins:** For catch basins, place one **ALTOSID® XR BRIQUET** into each basin. In cases of large catch basins, follow the chart below to determine the number of briquets to use. For storm water drainage areas, place one briquet per 100 ft<sup>2</sup> of surface area up to two ft deep. In areas that are deeper than two feet, use one additional briquet per two feet of water depth.

Water flow pressure increases the potential dissolution of the briquet. Conduct regular inspections (visual or biological) in areas of water flow to determine if the briquet is still present. Adjust the retreatment interval based on the results of an inspection.

### ALTOSID® XR BRIQUETS Application Chart

Number of Briquets	Catch Basin Size (Gallons)	Surface Area/Water Depth (ft)
1	0 – 1500	0 – 2
2	1500 – 3000	2 – 4
3	3000 – 4500	4 – 6
4	4500 – 6000	6 – 8

## APPLICATION SITES

**ALTOSID® XR BRIQUETS** are designed to control mosquitoes in treated areas. Examples of application sites are: storm drains, catch basins, roadside ditches, fish ponds, ornamental ponds and fountains, other artificial water-holding containers, animal watering troughs, cesspools and septic tanks, waste treatment and settling ponds, flooded crypts, transformer vaults, abandoned swimming pools, tires, construction and other manmade depressions, cattail marshes, water hyacinth beds, vegetation-choked phosphate pits, pastures, meadows, rice fields, freshwater swamps and marshes, salt and tidal marshes, treeholes, woodland pools, floodplains, and dredging spoil sites. For application sites connected by a water system, i.e., storm drains or catch basins, treat all of the water-holding sites in the system to maximize the efficiency of the treatment program.

## STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal.

**STORAGE:** Store in a cool place. Do not reuse empty container.

**PESTICIDE DISPOSAL:** Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

**CONTAINER DISPOSAL:** Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Then offer for recycling, if available, or dispose of empty container in a sanitary landfill or by incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke.

## WARRANTY AND CONDITIONS OF SALE

Seller makes no warranty, expressed or implied, concerning the use and handling of this product other than indicated on the label. To the extent permitted by law, Buyer assumes all risks of use and handling of this material when such use and handling are contrary to label instructions.

For information, or in case of an emergency, call 1-800-248-7763.

[www.altosid.com](http://www.altosid.com)

**Wellmark International**  
1501 East Woodfield Road 200W  
Schaumburg, Illinois 60173



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Made in USA

May, 2010  
Schaumburg, IL



# COCOBEAR™

## Mosquito Larvicide Oil

Kills larvae and pupa stages of mosquitoes. Physical control of mosquito broods: kills by suffocation - mosquitoes do not develop resistance. Prevents mosquito emergence.

Standing water treatment. Use on: ponds, pools, ditches, standing water within irrigated croplands and pastures, flood waters, and other listed areas where mosquitoes develop.

### ACTIVE INGREDIENT

Mineral Oil* .....	10.0%
OTHER INGREDIENTS .....	90.0%
TOTAL .....	100.0%

\* Contains petroleum distillate

## KEEP OUT OF REACH OF CHILDREN CAUTION

### FIRST AID

**Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-214-7753 for emergency medical treatment information.**

<b>IF SWALLOWED:</b>	Call a poison control center or doctor immediately for treatment advice. DO NOT induce vomiting unless told to do so by a poison control center or doctor. Do not give ANY liquid to the person. Do not give anything by mouth to an unconscious person.
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**NOTICE TO PHYSICIANS: This product contains petroleum distillate and may pose an aspiration pneumonia hazard.**

### PRECAUTIONARY STATEMENTS

#### HAZARDS TO HUMANS & DOMESTIC ANIMALS

**CAUTION.** Harmful if swallowed. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet.

**Personal Protective Equipment (PPE):** Mixers, loaders, applicators, and other handlers must wear long-sleeved shirt and long pants, and shoes plus socks.

**User Safety Requirements:** Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry. Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them.

**User Safety Recommendations:** Users should wash hands before eating, drinking, chewing gum, tobacco, or using the toilet. Users should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Users should remove PPE immediately after handling this product. As soon as possible, wash thoroughly and change into clean clothing.

### ENVIRONMENTAL HAZARDS

Do not apply directly to water, except as directed for use on this label. Aquatic organisms may be killed in waters where this pesticide is used. Consult with the State or tribal agency with primary authority for regulating pesticides before applying this product to public waters to determine if a permit is needed.

### DIRECTIONS FOR USE

**It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.**

This product may cause injury to plants in the treatment area. Stressed plants may be more susceptible.

COCOBEAR may only be used to control mosquito larvae and pupae. COCOBEAR leaves a thin film on the surface of treated, non-flowing water and kills mosquito larvae and pupae by suffocation. COCOBEAR kills immature mosquitoes where they develop.

This product may be used for surface applications to standing water within irrigated croplands and pastures, drainage areas, ditches, stagnant pools, swamps, marshes, temporary rain pools, sloughs, log ponds, open sewage basins, settling ponds, catch basins, waste tires and intermittently flooded areas.

Apply at uniform rates of 3 gallons per surface acre (for smaller areas, treat at 10 ounces per 1,000 sq. ft. or 1 1/2 quart per 5,000 sq. ft.). Where there is extremely dense vegetation or if the water to be treated is high in organic content, up to 5 gallons per acre (15 ounces per 1,000 sq. ft. or 2 quarts per 5,000 sq. ft.) may be used.

When applying by aerial application, adjust spray volume up to 5 gallons per acre dependent on vegetation and surface conditions. 3 gallons per acre (36 gallons per 100 ft swath mile) is likely to be sufficient for most conditions.

### Spray Drift Management

A variety of factors including weather conditions (e.g. wind direction, wind speed, temperature, and relative humidity) and method of application (e.g. ground, aerial) can influence pesticide drift. The applicator must evaluate all factors and make appropriate adjustments when applying this product.

**Wind Speed:** Do not apply this product at wind speeds greater than 15 mph at the application site.

**Droplet Size:** Apply as a medium or coarser spray (ASABE Standard



# FLIT<sup>®</sup> 10EC

## Broad Spectrum Multi-Use Insecticide

Quick Knockdown. For Use Outdoors and in Non-Food/Feed Areas of Commercial Buildings, Warehouses, and Food/Feed Processing Establishments. For Use on Livestock: Cattle (Beef and Dairy), Goats, Sheep, Swine, Horses, and Poultry.

<b>Active Ingredient:</b>	
Permethrin.....	10.00%
† <b>Other Ingredients:</b> .....	90.00%
	100.00%

†Contains petroleum distillate

### KEEP OUT OF REACH OF CHILDREN WARNING

FIRST AID	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-214-7753 for emergency medical treatment information.	
<b>IF ON SKIN OR CLOTHING</b>	<ul style="list-style-type: none"> <li>Take off contaminated clothing.</li> <li>Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>Call a poison control center or doctor for treatment advice.</li> </ul>
<b>IF IN EYES</b>	<ul style="list-style-type: none"> <li>Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>Remove contact lenses, if present, after the first 5 minutes, then continue rinsing the eye.</li> <li>Call a poison control center or doctor for treatment advice.</li> </ul>
<b>IF INHALED</b>	<ul style="list-style-type: none"> <li>Move person to fresh air.</li> <li>If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible.</li> <li>Call a poison control center or doctor for further treatment advice.</li> </ul>
<b>IF SWALLOWED</b>	<ul style="list-style-type: none"> <li>Call a poison control center or doctor immediately for treatment advice.</li> <li>Do not induce vomiting unless told to do so by a poison control center or doctor.</li> <li>Do not give any liquid to the person.</li> <li>Do not give anything by mouth to an unconscious person.</li> </ul>
<b>Note to Physician:</b> Contains petroleum distillate – vomiting may cause aspiration pneumonia. Do not administer or instill milk, cream or other substances containing vegetable or animal fats which enhance absorption of lipophilic substances.	

### PRECAUTIONARY STATEMENTS

#### HAZARDS TO HUMANS & DOMESTIC ANIMALS

**WARNING.** Causes skin irritation. Do not get on skin, or on clothing. Harmful if inhaled. Avoid breathing vapor or spray mist. Causes moderate eye irritation. Avoid contact with eyes. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Wear Coveralls worn over long sleeved shirt and long pants, socks, chemical resistant footwear, and chemical resistant gloves (barrier laminate, nitrile rubber, neoprene, rubber, Viton, selection category F\*).

**Personal Protective Equipment (PPE):** Some materials that are chemical-resistant to this product are barrier laminate, butyl rubber greater or equal to 14 mils, and nitrile rubber greater or equal to 14 mils. If you want more options, follow the instructions for category F on an EPA chemical-resistance category selection chart.

Applicators using ULV cold foggers or fog/mist generators in indoor spaces must wear:

- Coveralls over long-sleeved shirt and long pants,
- Chemical resistant gloves,
- Chemical-resistant footwear plus socks, and
- Chemical resistant headgear, if overhead exposure.

Applicators using ULV cold foggers and/or fog/mist generators in outdoor spaces must wear:

- Long-sleeve shirt and long pants,
- Shoes plus socks, and
- Chemical-resistant gloves

All other mixers, loaders, applicators, and other handlers must wear:

- Long-sleeve shirt and long pants,
- Shoes plus socks,
- Chemical-resistant gloves for all handlers except for applicators using motorized ground equipment, pilots, and flaggers.
- Chemical resistant apron for mixers/loaders, persons cleaning equipment, and persons exposed to the concentrate and for handlers performing animal dip.

See engineering controls for additional requirements.

**User Safety Requirements:** Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them.

Users should wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.

Users should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

Users should remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

#### Entry Restrictions:

##### For space spray use:

Do not enter or allow others to enter until vapors, mists, and aerosols have dispersed, and the treated area has been thoroughly ventilated.

##### For surface spray use:

Except when applying to livestock, do not enter or allow others to enter treated area until sprays have dried.

#### ENVIRONMENTAL HAZARDS FOR TERRESTRIAL APPLICATIONS

This pesticide is extremely toxic to aquatic organisms, including fish and invertebrates. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean water mark. Do not apply when weather conditions favor drift from treated areas. Drift and runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when disposing of equipment wash waters. This pesticide is

highly toxic to bees exposed to direct treatment on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds while bees are foraging the treatment area.

### ENVIRONMENTAL HAZARDS FOR WIDE AREA MOSQUITO ADULTICIDE APPLICATIONS

This pesticide is extremely toxic to aquatic organisms, including fish and invertebrates. Runoff from treated areas or deposition of spray droplets into a body of water may be hazardous to fish and aquatic invertebrates. When applying as a wide area mosquito adulticide, before making the first application in a season, it is advisable to consult with the state or tribal agency with primary responsibility for pesticide regulation to determine if other regulatory requirements exist.

When applying as a wide area mosquito adulticide, do not apply over bodies of water (lakes, rivers, permanent streams, natural ponds, commercial fish ponds, swamps, marshes or estuaries), except when necessary to target areas where adult mosquitoes are present, and weather conditions will facilitate movement of applied material away from the water in order to minimize incidental deposition into the water body.

### PHYSICAL & CHEMICAL HAZARDS

Do not use or store near heat or open flame. Do not use this product in or on electrical equipment due to the possibility of shock hazard.

### DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

### APPLICATION RESTRICTIONS

- Do not breathe vapors or spray mist.
- Do not use in aircraft cabins.
- Use in a handheld cold or thermal fogger is prohibited.
- Except when applying to livestock or as a wide area mosquito adulticide, do not apply this product in a way that will contact workers or other persons, either directly or through drift.
- Except when applying to livestock or as a wide area mosquito adulticide, only protected handlers may be in the area during application.
- Do not apply when food is present.

### WIDE AREA MOSQUITO CONTROL

For use by federal, state, tribal, or local government officials responsible for public health or vector control, or by persons certified in the appropriate category or otherwise authorized by the state or tribal lead pesticide regulatory agency to perform adult mosquito control applications, or by persons under their direct supervision.

### APPLICATION INSTRUCTIONS

Do not exceed 25 applications at 0.007 lbs. of permethrin per acre or 0.18 lbs. of permethrin per acre in any given season. More frequent treatments may be made to prevent or control a threat to public and/or animal health determined by a state, tribal or local health or vector control agency on the basis of documented evidence of disease causing agents in vector mosquitoes or the occurrence of mosquito-borne diseases in animal or human populations, or if specifically approved by the state or tribe during a natural disaster recovery effort. Apply when wind speed is greater than 1 mph.

### GENERAL

FLIT® 10EC Broad Spectrum Multi-Use Insecticide is designed for application as an Ultra-Low Volume (ULV) aerosol to control adult mosquitoes and flies in residential, industrial, urban, recreational and other areas where adult mosquitoes and flies are found. FLIT® 10EC is also recommended for application with mist-blowers, backpack sprayers, handheld sprayers, and low pressure hand sprayers for barrier or surface applications. FLIT® 10EC is used for control of annoyance flies and mosquitoes, mosquitoes and flies of public health or disease vector importance in areas such as but not limited to residential areas, industrial areas, urban areas, parks, campsites, woodlands, athletic fields, golf courses, playgrounds, recreational and overgrown waste areas, roadsides, and other areas where adult mosquitoes

and flies occur. Apply at a rate not to exceed 0.007 pounds of permethrin per acre in any given 24 hour period.

In the treatment of corrals, feed lots, swine lots, poultry ranges and zoos cover any exposed drinking water, drinking fountains and animal feed before application.

FLIT® 10EC provides effective control of adult mosquitoes, black flies, gnats, biting and non-biting midges, stable flies, horse flies, deer flies, sheep flies, horn flies, and nuisance flying insects such as houseflies.

### SPRAY DROPLET SIZE DETERMINATION

**Ground Equipment:** Spray equipment must be adjusted so that the volume median diameter is less than 30 microns ( $Dv\ 0.5 < 30\ \mu m$ ) and that 90% of the spray is contained in droplets smaller than 50 microns ( $Dv\ 0.9 < 50\ \mu m$ ). Directions from the equipment manufacturer or vendor, pesticide registrant or a test facility using a laser-based measurement instrument must be used to adjust equipment to produce acceptable droplet size spectra. Application equipment must be tested at least annually to confirm that pressure at the nozzle and nozzle flow rate(s) are properly calibrated.

### GROUND APPLICATION

Vehicle-Mounted ULV Cold Aerosol Generators or Vehicle-Mounted Non-Thermal Aerosol (Cold Fog): Dilute 1 part concentrate with 1 part water or suitable oil solvent or at proportional oil dilutions calculated on the basis of vehicle speed and swath width to achieve the target dose. Apply through non-thermal ULV application equipment and base acreage calculations on the equipment manufacturer's recommended swath width. Apply at a rate not to exceed 0.007 pounds of permethrin per acre in any given 24 hour period. An optimum swath is created when FLIT® 10EC is applied from a truck that is being driven perpendicular to the wind direction. Direct the spray head of equipment to ensure even distribution of the spray cloud throughout the area. For best results, apply when insects are most active and meteorological conditions are conducive to keeping the spray cloud in the air column close to the ground. An inversion of air temperatures and a light breeze is preferable. Do not exceed 25 applications at 0.007 pounds of permethrin per acre (not to exceed a total of 0.18 pounds of permethrin per acre) in any given season. More frequent applications may be made to prevent or control a threat to public and/or animal health determined by a state, tribal or local health or vector control agency on the basis of documented evidence of disease causing agents in vector mosquitoes or the occurrence of mosquito-borne disease in animal or human populations, or if specifically approved by the state or tribe during a natural disaster recovery effort. Application during the cooler hours of the night or early morning is recommended.

FLIT® 10EC may be applied through ULV Cold Aerosol Generators, or other equipment designed for non-thermal ULV aerosol applications. The desired application rate may be obtained under different conditions by altering the dilution rate of FLIT® 10EC, the flow rate of the insecticide from the application equipment and the vehicle speed. Where dense vegetation is present, the use of higher rates and/or slower speeds is recommended.

### BARRIER APPLICATIONS

For control and exclusion of resting or flying adult mosquitoes in areas such as animal quarters, roadsides, urban areas, residential areas, industrial areas, golf courses, parks, recreational areas, tire piles and all public areas where adult mosquitoes may occur. May be used to treat aggregation and harborage areas such as the perimeter of residential buildings, storage buildings, empty rail cars, truck transport trailers, abandoned buildings and other areas where adult mosquitoes find harborage. For application to resting or aggregation surfaces using low pressure hand sprayers or other similar equipment which has demonstrated the capacity to deliver an even distribution of the labeled rate over the desired treatment area, mix 1 part concentrate with 1 part of water or suitable oil diluents and apply sufficient spray to dampen surface. For application using backpack or truck-mounted mist blower equipment, apply at a rate not to exceed 36.6 fl. oz. of diluted product per acre or diluted at a rate not to exceed 0.1 lbs. a.i. per acre.



Direct spray onto foliage at the perimeter of areas from which mosquitoes or flies are to be excluded or direct spray into harborage areas or resting areas where adult mosquitoes or flies may be found. When this product is applied as a barrier application using low pressure hand sprayers, hydraulic sprayers, or ground ULV equipment, do not apply within 100 feet (30 meters) of lakes and streams.

Not for use in outdoor residential misting systems.

To prepare dilutions, the concentrate should first be stirred or agitated well. Add the required amount of concentrate to water or oil and blend thoroughly. Do not hold dilutions for more than 24 hours.

For maximum effectiveness, a combination of localized application and space treatment is recommended. Remove pets, birds, and cover fish aquaria before spraying.

#### USE RESTRICTIONS FOR WIDE AREA MOSQUITO USE

Do not allow spray treatment to contaminate cropland, poultry ranges or water supplies. Do not use on crops used for food or forage.

#### USE RESTRICTIONS FOR INDOOR USE

Except when making wide area mosquito adulticide applications or treating livestock, do not apply this product in a way that will contact workers or other persons, either directly or through drift.

Except when making wide area mosquito adulticide applications or treating livestock, only protected handlers may be in the area during application.

Do not breathe dusts, vapors, or spray mist.

#### For applications to food/feed handling and service areas:

Do not apply when food is present.

Do not use in food areas of food handling establishments, restaurants, or other areas where food is commercially prepared or processed.

Do not use in serving areas while food is exposed or facility is in operation. Serving areas are areas where prepared foods are served, such as dining rooms, but excluding areas where foods may be prepared or held. All food processing surfaces and utensils should be covered during treatment or thoroughly washed before use. Exposed food should be covered or removed.

Do not apply indoors at residential sites, including nurseries, day care centers, schools, hospitals, and nursing homes.

Not for broadcast use.

Application is prohibited directly into sewers or drains, or to any area like a gutter where drainage to sewers, storm drains, water bodies, or aquatic habitat can occur. Do not allow the product to enter any drain during or after application.

#### USE RESTRICTIONS FOR OUTDOOR AND ANIMAL QUARTER USE

When used in dairy barns or facilities: Close milk bulk tank lids to prevent contamination from spray and from dead or falling insects. Remove or cover milking utensils before application. Wash teats of animals before milking.

All outdoor applications must be limited to spot or crack-and-crevice treatments only, except for the following permitted uses:

- (1) Treatment to soil or vegetation around structures;
- (2) Applications to lawns, turf, and other vegetation;
- (3) Applications to building foundations, up to a maximum height of 3 feet.

Other than applications to building foundations, all outdoor applications to impervious surfaces such as sidewalks, driveways, patios, porches, and structural surfaces (such as windows, doors, and eaves) are limited to spot and crack-and-crevice applications only.

Do not water the treated area to the point of run-off.

Do not make applications during rain.

#### INDOOR USE AREAS

Bakeries, Flour Mills, Granaries, Meat Packing Plants, Truck Trailers, Beverage Plants, Food Processing Plants, Industrial Installations, Railroad Cars, Warehouses, Canneries, Grain Elevators, Kennels, Ships' Holds

## STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.

**PESTICIDE STORAGE AND SPILL PROCEDURES:** Store upright at room temperature. Avoid exposure to extreme temperatures. In case of spill or leakage, soak up with an absorbent material such as sand, sawdust, earth, fuller's earth, etc. Dispose of with chemical waste.

**PESTICIDE DISPOSAL:** Wastes resulting from the use of this product must be disposed of on site or at an approved waste disposal facility.

#### CONTAINER HANDLING:

**Refillable container.** Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container about 10 percent full with water. Agitate vigorously or recirculate with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times. Then offer for recycling or reconditioning or puncture and dispose of in a sanitary landfill or incineration, or if allowed by State and Local authorities, by burning. If burned, stay out of smoke.

*Rigid, Non-refillable containers, small enough to shake (i.e., with capacities equal to or less than 5 gallons)*

**Non-refillable container.** Do not reuse or refill this container. Offer for recycling, if available. Triple rinse or pressure rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container  $\frac{1}{4}$  full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then offer for recycling or reconditioning or puncture and dispose of in a sanitary landfill or incineration, or if allowed by State and Local authorities, by burning. If burned, stay out of smoke.

#### IMPORTANT: READ BEFORE USE

Read the entire Directions for Use, Conditions, Disclaimer of Warranties and Limitations of Liability before using this product. If terms are not acceptable, return the unopened product container at once. By using this product, user or buyer accepts the following Conditions, Disclaimer of Warranties and Limitations of Liability.

**CONDITIONS:** The directions for use of this product are believed to be adequate and must be followed carefully. However, it is impossible to eliminate all risks associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of Clarke Mosquito Control Products, Inc. All such risks shall be assumed by the user or buyer.

**DISCLAIMER OF WARRANTIES:** TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, CLARKE MOSQUITO CONTROL PRODUCTS, INC. MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, THAT EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of Clarke Mosquito Control Products, Inc. is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, CLARKE MOSQUITO CONTROL PRODUCTS, INC. DISCLAIMS ANY LIABILITY WHATSOEVER FOR SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

**LIMITATIONS OF LIABILITY:** TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT CLARKE MOSQUITO CONTROL PRODUCTS, INC.'S ELECTION, THE REPLACEMENT OF PRODUCT.

FLIT® is a Registered Trademark of Clarke Mosquito Control Products, Inc.

**In Case Of Medical Emergency, Call The International Poison Control Center 1-800-214-7753**

**In Case Of Transportation Emergency, Call Info-Trac 1-800-553-5053**

**For More Information Call: 1-800-323-5727**

Application Sites	Pests Controlled	Use Directions	Diluent	Dilution Rate	Application Rate
LIVESTOCK SPRAY: Dairy & Beef Cattle, Sheep, Goats, Swine, Horses, and Poultry (For swine, do not ship animals for slaughter within 5 days of last treatment).	Horn Flies, House Flies, Mosquitoes, and Gnats	Apply to wet the hair thoroughly, with particular attention to topline, underline, flanks, withers, and other infested areas. Repeat treatment at intervals of 5 to 12 days for small insect populations or as needed when flies are emerging in large numbers.	Water	1 part concentrate in 100 parts water (1.3 fl ounces per gallon)	
	Stable Flies, Horse Flies, and Deer Flies	Apply a quart per adult animal to wet the hair thoroughly with particular attention to the legs, flanks, barrel, topline, and other body areas commonly attacked by these flies. Repeat daily as needed.	Water	1 part concentrate in 100 parts water (1.3 fl ounces per gallon)	
	Face Flies	Apply using spray which produces large wetting droplets. Apply to the face of the animal in the morning before release to pasture. Apply sufficiently to wet the face but not more than 1.5 ounces per animal. Repeat daily as needed.	Water	1 part concentrate in 100 parts water (1.3 fl ounces per gallon)	
	Sheep "ticks" or keds	Thoroughly wet all portions of the body by dipping or by spraying with sufficient pressure and with a nozzle adjustment to give penetration of the wool. Treat at a rate sufficient to wet the animal.	Water	1 part concentrate in 100 parts water (1.3 fl ounces per gallon)	
	Fleas on Livestock (To kill and to protect against reinfestation)	Wet the animal by dipping or spraying	Water	1 part concentrate in 20 parts water (6.5 fl ounces per gallon)	
<u>AS A SPACE SPRAY</u> LIVESTOCK PREMISES: Barns, Milking Parlors, Milk Rooms, Dairies, Poultry Houses, Swine and Livestock Housing. Bakeries, Beverage Plants, Canneries, Flour Mills, Food Processing Plants, Granaries, Industrial Installations, Kennels, Meat Packaging Plants, Railroad Cars, Ships' Holds, Truck Trailers, Warehouses	Fleas, Mosquitoes, and Gnats	Apply as a fog or fine mist, directing the spray toward the ceiling and upper corners until the area is filled with mist, using about 2 ounces per 1000 cubic feet of space. For best results, close doors and windows before spraying and keep them closed for ten to fifteen minutes. Vacate the treated area and ventilate before reoccupying. Repeat treatment daily as needed.	Water	1 part concentrate in 20 parts water (6.5 fl ounces per gallon)	2 ounces per 1000 cubic feet
	House Flies, Fruit Flies, Gnats, Mosquitoes, Skipper Flies, Wasps, Hornets, Bees, Black Flies, Small Flying Moths.	Apply with mechanical or compressed air equipment (non-thermal) adjusted to deliver a fine mist. Close doors and windows and shut off ventilating systems. When using an oil dilution for space spraying extinguish all flames and pilot lights when applying.  For rapid control of Houseflies, Fruit Flies, Gnats, Mosquitoes, Skipper Flies, Wasps, Hornets, Bees, Black flies, Small Flying Moths, direct spray at an upward angle distributing uniformly through the entire area at a rate of 1 ounce per 1000 cubic feet of space. Keep area closed for at least 10 minutes. Vacate areas after treatment and ventilate and sweep up dead insects before reoccupying.  For rapid kill of exposed or accessible stages of other insects named on this label, apply using conventional mechanical or compressed air equipment (non-thermal) following directions for space spraying.	Oil or Water	1 part concentrate in 20 parts oil or water (6.5 fl ounces per gallon)	1 ounce per 1000 cubic feet

MANUFACTURED BY:  
**CLARKE MOSQUITO CONTROL PRODUCTS, INC.**  
159 N. GARDEN AVENUE  
ROSELLE, ILLINOIS 60172 U.S.A.

EPA Reg. No.: 8329-67  
EPA Est. No.:

Lot No.: Marked On Container  
Net Contents: Marked on Container

# Aqua Zenivex™ E20

For use only by federal, state, tribal or local government officials responsible for public health or vector control, or by persons certified in the appropriate category or otherwise authorized by the state or tribal lead pesticide regulatory agency to perform adult mosquito control applications, or by persons under their direct supervision.

- **FOR EFFECTIVE ADULT MOSQUITOES, NON-BITING MIDGE CONTROL AND BLACK FLY CONTROL**
- **FOR USE AS A ULV, THERMAL OR SPACE SPRAY BY AIR AND GROUND APPLICATION TO CONTROL ADULT MOSQUITOES**
- **APPROVED FOR USE OVER AGRICULTURAL CROPS (INCLUDING THOSE INTENDED FOR HUMAN CONSUMPTION), PASTURE AND RANGELAND**
- **CAN BE USED UNDILUTED OR DILUTED**
- **FORMULATION ALLOWS DILUTION WITH WATER RATHER THAN OIL**
- **QUICK PERMANENT KNOCKDOWN OF ADULT MOSQUITOES AND OTHER TARGET INSECTS**
- **CONTROLS NON-BITING MIDGES AND NUISANCE FLIES**
- **CONTROLS ADULT MOSQUITOES THAT MAY CARRY WEST NILE, EASTERN EQUINE ENCEPHALITIS, ST. LOUIS ENCEPHALITIS, AND CHIKUNGUNYA VIRUSES**

## SPECIMEN LABEL

### ACTIVE INGREDIENT:

Etofenprox (CAS #80844-07-1)..... 20%

**OTHER INGREDIENTS:**..... 80%

TOTAL ..... 100%

Contains 1.48 lbs Etofenprox per gallon

EPA Reg. No. 89459-81      EPA Est. No. 2724-TX-1

### KEEP OUT OF REACH OF CHILDREN WARNING

See additional Precautionary Statements

### PRECAUTIONARY STATEMENTS – HAZARDS TO HUMANS & DOMESTIC ANIMALS – WARNING

Causes substantial but temporary eye injury. Do not get in eyes. Avoid contact with skin or clothing. Applicators and other handlers must wear long-sleeved shirt, long pants, socks and shoes. Repeated exposure to etofenprox can cause skin irritation.

### FIRST AID

#### If in eyes

- Hold eye open and rinse slowly and gently with water for 15-20 minutes.
- Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.
- Call a poison control center or doctor for treatment advice.

(continued)

#### If on skin

- Take off contaminated clothing.
- Rinse skin immediately with plenty of water for 15-20 minutes.
- Call a poison control center or doctor for treatment advice.

Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact 1-800-248-7763 for emergency medical treatment information.

### USER SAFETY REQUIREMENTS

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry. Discard clothing and other absorbent materials that have been drenched or heavily contaminated with the product's concentrate. Do not reuse them. Wash thoroughly with soap and water after handling. Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

### USER SAFETY RECOMMENDATIONS

Users should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet. Users should remove clothing/PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

## ENVIRONMENTAL HAZARDS

This pesticide is toxic to aquatic organisms, including fish and aquatic invertebrates. Runoff from treated areas or deposition into bodies of water may be hazardous to fish and other aquatic organisms. Do not apply over bodies of water (lakes, rivers, permanent streams, natural ponds, commercial fish ponds, swamps, marshes or estuaries), except when necessary to target areas where adult mosquitoes are present, and weather conditions will facilitate movement of applied material away from water in order to minimize incidental deposition into the water body. Do not contaminate bodies of water when disposing of equipment rinsate or washwaters.

This product is highly toxic to bees exposed to direct treatment on blooming crops or weeds. Time applications to provide the maximum possible interval between treatment and the next period of bee activity. Do not apply to blooming crops or weeds when bees are foraging the treatment area, except when applications are made to prevent or control a threat to public and/or animal health determined by a state, tribal, or local health or vector control agency on the basis of documented evidence of disease-causing agents in vector mosquitoes or the occurrence of mosquito-borne disease in animal or human populations, or if specifically approved by the state or tribe during a natural disaster recovery effort.

## DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

READ AND FOLLOW ALL LABEL DIRECTIONS. Before making the first application of the season, it is advisable to consult with the state or tribal agency with primary responsibility for pesticide regulation to determine if other regulatory requirements exist.

## PRODUCT INFORMATION

Aqua Zenivex™ E20 is an effective insecticide used at low doses to control adult mosquitoes, non-biting midges, biting and non-biting flies. Use Aqua Zenivex™ E20, either undiluted as Ultra-Low Volume (ULV) or diluted with water, for the control of pest species in or near residential, industrial, commercial, urban, recreational areas, woodlands, golf courses, and other areas where these pests are a problem. Aqua Zenivex™ E20 may be applied over agricultural areas prior to or following harvest for the control of adult mosquitoes within or adjacent to these areas. Apply Aqua Zenivex™ E20 aerially (both fixed and rotary aircraft) for low volume applications or through mist-blowers, backpack, and handheld sprayers for ground applications. Aqua Zenivex™ E20 will control non-biting midges, black flies and mosquitoes and can be used as part of a total integrated pest management program for controlling disease vectors. Apply Aqua Zenivex™ E20 at rates from 0.00175 to 0.00700 pounds of etofenprox per acre. Dilute this product with water. Apply when wind is  $\geq 1$  mph. Do not apply when wind speeds exceed 10

mph. A temperature inversion is preferable to keep the fog close to the ground and apply when labeled insects are most active.

Do not spray more than 0.18 lbs etofenprox per acre per site per year. Do not make more than 25 applications per site per year. More frequent treatments may be made to prevent or control a threat to public and/or animal health determined by a state, tribal, or local health or vector control agency on the basis of documented evidence of disease-causing agents in vector mosquitoes or the occurrence of mosquito-borne disease in animal or human populations, or if specifically approved by the state or tribe during a natural disaster recovery effort.

## GROUND APPLICATION

Use a vehicle-mounted cold aerosol ULV sprayer to apply the product. Direct the spray equipment nozzle to provide even distribution of the product. For best results, apply perpendicular to the wind direction using a swath width of 300 ft. Spray equipment must be adjusted so that the volume median diameter (VMD) is between 7-30 microns ( $10\mu \leq D_{v0.5} \leq 30\mu$ ) and that 90% of the spray is contained in droplets smaller than 50 microns ( $D_{v0.9} < 50\mu$ ). Directions from the equipment manufacturer or vendor, pesticide registrant, or test facility using a laser-based measurement instrument must be used to adjust equipment to produce acceptable droplet size spectra. Application equipment must be tested at least annually to confirm that nozzle flow rate(s) are properly calibrated.

The appropriate application rate can be achieved by altering the dilution rate of Aqua Zenivex™ E20. Refer to the following chart for examples.

Application rate pound AI per acre	Vehicle Speed MPH	Flow rates			
		Undiluted	Diluted 1 to 1	Diluted 1 to 2	Diluted 1 to 4.5
		Oz/minute	Oz/minute	Oz/minute	Oz/minute
0.00175	10	0.9	1.8	2.7	5.0
	15	1.4	2.7	4.1	7.6
	20	1.8	3.6	5.5	10.1
0.00350	10	1.8	3.6	5.5	10.1
	15	2.7	5.4	8.3	15.1
	20	3.6	7.2	11.0	20.2
0.00700	10	3.6	7.2	11.0	20.2
	15	5.4	10.8	16.5	30.3
	20	7.2	14.4	22.0	40.4

Use the higher label rates when spraying areas where dense vegetation is present. Conduct applications when temperatures are between 50-95° F.

**Backpack Sprayer ULV Application:** Apply Aqua Zenivex™ E20 diluted or undiluted through non-thermal ULV backpack sprayer capable of applying the product in the 7 to 30 micron range. Apply product to the area as evenly as possible. Apply at the rate of 0.00175 to 0.00700 pounds etofenprox per acre.

**Urban ULV Mosquito Control Applications:** For control of



resting or flying adult mosquitoes, biting flies and non-biting midges in areas such as utility tunnels, sewers, storm drains and catch basins, pipe chases, underground basements, underground passages, parking decks, crawl spaces or uninhabited buildings, apply Aqua Zenivex™ E20 using mechanical foggers, handheld or truck-mounted ULV equipment, thermal foggers or other spray equipment suitable for this application. Apply Aqua Zenivex™ E20 at rates up to but not exceeding 0.00700 pounds of etofenprox per acre.

**Thermal Fogging Application:** Apply using a truck, dolly mounted, handheld, or other thermal fogging equipment. Following the equipment manufacturer's instructions, apply this product at a rate of 0.00175 to 0.00700 pounds etofenprox per acre. Direct fog to areas where mosquitoes and other pests are located. The volume median diameter (VMD) of droplets produced by thermal foggers is less than 60 microns ( $Dv_{0.5} < 60\mu$ ) and 90% of the spray is contained in droplets smaller than 100 microns ( $Dv_{0.9} < 100\mu$ ).

### AERIAL APPLICATION

Apply Aqua Zenivex™ E20 aerially, either diluted or undiluted, by fixed wing or rotary aircraft. Apply at the rate of 0.00175 to 0.00700 pounds of etofenprox per acre. Apply using ULV equipped and capable aircraft. Spray equipment must be adjusted so that the volume median diameter (VMD) produced is less than 60 microns ( $Dv_{0.5} < 60\mu$ ) and that 90% of the spray is contained in droplets smaller than 100 microns ( $Dv_{0.9} < 100\mu$ ). Directions from the equipment manufacturer or vendor, pesticide registrant, or test facility using a wind tunnel and laser-based measurement instrument must be used to adjust equipment to produce acceptable droplet size spectra. Application equipment must be calibrated annually to confirm that nozzle flow rate(s) are accurate. Do not apply Aqua Zenivex™ E20 at altitudes below 100 feet. Apply at altitudes from 100–300 feet. Apply when wind speed on the ground is  $\geq 1$  mph. Apply when labeled insects are most active. For best results, use Global Positioning System (GPS) equipped aircraft.

### Applications over crops or to areas favoring drift over crops

Aqua Zenivex™ E20 may be applied over crops (including row, tree, fruit, citrus, pasture and other areas where agricultural enterprises take place) or to areas where drift over cropland could occur. Aqua Zenivex™ E20 can be applied to these areas by either ground or aerial application. Use label rates and follow Directions For Use as directed in this label. Applications over crops or where drift may occur over crops are limited to 4 applications per month to the same site but no more than two applications within a seven day interval. Do not apply more than 0.028 pounds of active ingredient per month to the same site within a month. Do not spray more than 0.18 lbs etofenprox per acre per site per year. Do not make more than 25 applications per

site per year.

Attachment XI

**IN FLORIDA:** Aerial applications of this product require trained personnel to perform industry accepted assays to monitor resistance formation in targeted mosquitoes.

### PESTICIDE STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal.

**Storage and Spill Procedures:** Store upright at room temperature, but do not store at temperatures below 50° F. Avoid exposure to extreme temperatures. In case of spill or leakage, soak up with an absorbent material such as sand, sawdust, earth, fuller's earth, etc. Dispose of with chemical waste.

**Pesticide Disposal:** Wastes resulting from the use of this product must be disposed of on site or at an approved waste disposal facility.

**Container Disposal: Refillable 275 Gallon Totes:** Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. If not refilled, offer for recycling if available, or puncture and dispose of in a sanitary landfill, or by incineration. To clean the container before final disposal, triple rinse (or equivalent) promptly after emptying. Triple rinse as follows. Empty the remaining contents into application equipment or a mix tank. Fill the container ¼ full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

In case of an emergency or for product use information, call 1-800-248-7763.

To the extent consistent with applicable law, seller makes no warranty, expressed or implied, concerning the use of this product other than indicated on the label. Buyer assumes all risks of use and handling of this material when such use and handling are contrary to label instructions.

Manufactured for:

**Central Garden & Pet Company**  
1501 East Woodfield Road 200W  
Schaumburg, Illinois 60173



VEC 16-020

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May 2016  
Schaumburg, IL

Board Agenda Item  
March 5, 2024

ACTION - 3

Approval of Comments on Washington Metropolitan Area Transit Authority's (WMATA) Proposed FY 2025 Operating Budget and FY 2025-2030 Capital Improvement Program

ISSUE:

Board approval of comments on WMATA's proposed FY 2025 Operating Budget and FY 2025-2030 Capital Improvement Program.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve a letter (Attachment 1) conveying Fairfax County's comments on the proposed FY 2025 Operating Budget and FY 2025-2030 Capital Improvement Program to WMATA.

TIMING:

Board action is requested on March 5, 2024, to meet the public comment period for the FY 2025 Operating Budget and FY2025-2030 Capital Improvement Program, which ends on March 5, 2024.

BACKGROUND:

The WMATA General Manager's proposed FY 2025 operating budget totals \$1.79 billion, a 23 percent overall decrease from FY 2024. It includes a base operating budget that is within the three percent subsidy growth cap mandated by the Commonwealth of Virginia. The total proposed subsidy for all jurisdictions is \$1.29 billion. However, the proposed budget falls short of the revenues required to maintain existing levels of service. The per rider cost to operate the system has increased significantly due to inflation, collective bargaining agreements, and other factors. To balance the budget as required by the Metro Compact, the General Manager has proposed significant reductions in rail and bus services, as well as fare increases. The proposed FY 2025 Operating Budget makes the following fare and service recommendations.

Metrorail

- Close 10 Metrorail stations
- Expand proposed system operating hours (from 5:00am - 12:00am to 6:00am - 2:00am)
- Increase the base fare from \$2.00 to \$2.50 (and \$.48 per mile after 3 miles)
- Increase max fare from \$6.00 to \$7.50

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- Increase the late night and weekend fares from \$2.00 to \$2.50
- Reduce frequencies systemwide
  - From:
    - Weekdays – 7.5 minutes on the Orange Line and 10 minutes on the Blue and Silver Lines; Weekends – 10 minutes on the Orange Line and 12 minutes on the Blue and Silver Lines
  - To:
    - Weekdays – 15 minutes on all lines; Weekends – 20 minutes on all lines
- Implement Silver Line and Red Line turnbacks (all Silver Line trains would end at Stadium Armory; half of Red Line trains would end at Grosvenor and Silver Spring)

Metrobus

- Increase fare from \$2.00 to \$2.50
- Maintain 12-minute frequencies on 20 lines
- Maintain 20-minute frequencies on 16 lines
- Eliminate service on 67 bus lines/reduce service on 43 bus lines (every route operating in Fairfax County would be impacted)

MetroAccess

- Reduce service areas to within  $\frac{3}{4}$  mile of fixed-route bus service and rail stations
- Reduce service hours to match fixed-route bus and rail service

Although Metrorail and Metrobus ridership continues to rebound, pre-pandemic commuter patterns have not fully returned, even though WMATA is currently providing near pre-pandemic levels of service and customer satisfaction is high. Moreover, costs to operate the system have risen significantly in recent years, even without any legislatively excluded initiatives, far exceeding the three percent growth cap. WMATA initially projected a deficit of \$750 million for FY 2025. Today, thanks to the final \$95 million in federal relief funding, savings through operational efficiencies, and a proposal to maximize the amount of Preventative Maintenance funds used for operating (funds that would ordinarily be spent on capital expenditures), the projected deficit is now \$433 million. To tackle the historic deficit, WMATA has proposed the extreme service cuts and fare increases outlined above.

While the proposed budget for FY 2025 constitutes an extraordinary challenge, FY 2026 and subsequent years are projected to be increasingly worse. Therefore, proposed comments to the WMATA Board from the Fairfax County Board express a strong sense of urgency about the upcoming fiscal year and the need to work with jurisdictional partners, Commonwealth elected leaders, and regional stakeholders to address the long-term financial viability of the system.

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Comments regarding WMATA's proposed FY 2025 Operating Budget and FY 2025-2030 Capital Improvement Program are contained in the attached letter (Attachment 1). Highlights include:

- Encouraging WMATA, state leaders, regional partners, and system stakeholders to work collaboratively to find a permanent solution to WMATA's cost challenges, as well as dedicated system funding.
- Advising against the use of the maximum amount of Preventative Maintenance funds to support operating beyond FY 2025.
- Strongly disagreeing with the closure of 10 Metrorail Stations.
- Supporting the 25 percent fare increase on most Metrorail and Metrobus fares, except the max fare.
- Disagreeing with the proposed increase in the maximum fare for Metrorail riders from \$6.00 to \$7.50 in one year. This fare increase disproportionately impacts Fairfax County residents and others that travel from stations further out from the regional core. Such a dramatic increase may dissuade long-distance commuters from using Metrorail ever again. The Board encourages WMATA to consider gradually phasing this increase over two years.
- Expressing disappointment that the proposed budget did not contemplate a modest reduction in parking fees at Metrorail stations, which would offset the negative impact of maximum fare increases and might also spur additional ridership.
- Strongly disagreeing with the proposal to either eliminate or reduce all Metrobus services operating in Fairfax County. A need to right-size Metrobus service systemwide does exist, but cuts cannot be borne solely by Fairfax County and other outlying jurisdictions.
- Disagreeing with the proposal to reduce service areas for MetroAccess.

EQUITY IMPACT:

The proposed FY 2025 WMATA budget has the potential to exacerbate inequity in Fairfax County. However, an analysis related to equity is forthcoming by WMATA as required by Title VI. Based on the County's Vulnerability Index Map, it is estimated that over fifteen thousand households in Fairfax County have no vehicle available. The potential increase in fare increases will hit low-income populations without an automobile particularly hard. Increased parking rates will also negatively impact County residents, especially low-income passengers. While MetroAccess proposed changes conform to the federally prescribed areas, it may negatively impact access for individuals with disabilities. To mitigate any negative impacts, the Board of Supervisors is recommending that WMATA staff and the WMATA Board examine ways to address equity challenges, including our proposed recommendations to maintain or lower the parking rate, as well as phase the maximum fare increase over two years.

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FISCAL IMPACT:

There is no fiscal impact for providing these comments. However, Fairfax County hopes these comments will foster continued regional collaboration such that costs can be controlled and a permanent funding solution is secured for FY 2025 and beyond.

ENCLOSED DOCUMENTS:

Attachment 1 – Fairfax County Board of Supervisors’ Comments on WMATA’s FY 2025 Operating Budget and Associated Fare and Service Changes, and FY 2025-2030 Capital Improvement Program

STAFF:

Rachel Flynn, Deputy County Executive

Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)

Noelle Dominguez, Chief, Coordination and Funding Division, FCDOT

Brent Riddle, Chief, Coordination Section, FCDOT



JEFFREY C. MCKAY  
CHAIRMAN

COMMONWEALTH OF VIRGINIA  
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BOARD OF SUPERVISORS  
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[chairman@fairfaxcounty.gov](mailto:chairman@fairfaxcounty.gov)

March 5, 2024

Mr. Randy Clarke  
General Manager and Chief Executive Officer  
Washington Metropolitan Area Transit Authority  
300 Seventh Street, S.W.  
Washington, DC 20001

Reference: Washington Metropolitan Area Transit Authority FY 2025 Operating Budget and Associated Fare and Service Changes and FY 2025-2030 Capital Improvement Program

Dear Mr. Clarke:

On behalf of the Fairfax County Board of Supervisors (the Board), I am writing to share our comments and concerns regarding the Washington Metropolitan Area Transit Authority's (WMATA) proposed FY 2025 Operating Budget and Associated Fare and Service Changes, as well as the FY 2025-2030 Capital Improvement Program (CIP). This letter focuses on four areas: the long-term viability of WMATA's operating and capital budgets, the need to maintain the three-percent cap on expenditures, and the FY 2025 proposed service cuts.

The Board is deeply concerned about FY 2025 and future WMATA budgets – both operating and capital. The current financial path is unsustainable, which we have known for some time. Just a few short years ago, the Commonwealth and the County made a historic commitment to fund WMATA's capital program, which would free up funding to support future operating budgets. Unfortunately, the increasing use of these funds to make debt service payments and the need to use Preventative Maintenance funds to support operating expenses, when combined with inflation, is depreciating the annual value of that contribution. Efforts to complete long deferred capital maintenance and to convert the bus fleet to zero emissions are now at risk.

While we were addressing WMATA's capital needs, a three-percent cap on annual operating costs was adopted by the Commonwealth to ensure operating budgets grew in a responsible and predictable manner. The need for the three-percent cap is evident now more than ever, as costs are spiraling out of control. The Board encourages WMATA to redouble efforts to control costs and the cap is an important tool for doing so.

The Board encourages WMATA staff and the WMATA Board to continue to work even more closely with jurisdictional partners about how best to address these historic budget challenges. In addition to controlling costs, we would encourage WMATA to continue efforts to identify and secure non-fare and non-jurisdictional revenues. The region's citizens and our economic viability depend on a fully functional Metro system.

Regarding fare box revenues, the Board understands that fares and parking rates have not risen in many years and are not keeping up with inflation. The Board recommends phasing the increase to the maximum fare from \$6.00 to \$7.50 over two years to smooth the impact. Conversely, the Board encourages WMATA to re-examine maintaining the parking rate, as opposed to raising it from \$3.40 to \$5.95. The impact of raising the parking rates while simultaneously increasing the maximum fare will dissuade ridership when the system is already struggling to regain ridership as it is.

Mr. Randy Clarke  
March 5, 2024  
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Maintaining current levels of service while serving fewer passengers, coupled with an unprecedented budget shortfall, is unsustainable. The proposed FY 2025 Operating Budget, with associated fare and service changes, and the FY 2025-2030 CIP reflect this reality. However, the Board takes issue with elements of WMATA's approach to solving the budget crisis. The use of the maximum amount of Preventative Maintenance funding to support operating expenses for FY 2025 is generally not a sound strategy and should not be used more than one fiscal year. Moreover, service cuts to Metrorail and Metrobus proposed in this budget are severe and not equitably dispersed.

WMATA simply cannot shut down 10 Metrorail Stations, many of which may be on the Silver Line. Eliminating critical transit access for commuters to Washington D.C. will only have negative consequences. Fairfax County commuters, in particular, will be severely impacted by this proposal. Fairfax County reoriented Connector bus routes to serve these new stations. Closures would force the County to re-route Connector services again, which would make trips longer and more time-consuming. Commuters may have little choice but to take their cars, which will further congest roadways and add to poor air quality. Commuters who give up on Metrorail as a viable alternative may never come back to the system.

Proposed cuts to Metrobus service are also equally problematic. Every single Metrobus route in Fairfax County will either be eliminated or reduced, according to this proposed budget. That is not acceptable, especially considering that Metrobus ridership is almost back to pre-pandemic levels. If Metrorail services are cut, low-income passengers, in particular, must have a transit alternative that they can fall back on. This budget proposal would be a disaster for the most vulnerable populations in our County and in the WMATA service area. Also, the Board is concerned that Fairfax County and the other outlying jurisdictions are taking the brunt of the proposed service cuts. Any proposed service cuts should be more equitably distributed among the regional partners. Furthermore, proposed service eliminations or cuts should be explained in greater detail, with justifications provided. This budget offers no such explanations or justifications, it just creates more equity issues. As the largest majority minority jurisdiction in the Commonwealth, Fairfax County's residents who are low income and people of color make up the majority of the county's Metrobus riders, consistent with WMATA rider trends regionally. Unable to afford to live near where they work, Metrobus service is essential and to ignore the needs of these riders could cause further strain as they are key contributors to the regional economy.

WMATA's proposal to reduce the service area of MetroAccess to conform to the federally prescribed area, three-fourths of a mile from fixed route service or a rail station, is also a poor idea. Fairfax County, as well as other counties within the WMATA service area, has transit dependent populations that fall outside of these boundaries. They cannot simply be cut off from critical transportation to jobs, medical appointments, and other important services. On the other hand, the need for MetroAccess service hours to mirror the rest of the fixed-route system is understandable.

In summary, the Fairfax County Board of Supervisors acknowledges that WMATA is confronted with significant challenges after the last several years and is now trying to continue to rebuild ridership and restore confidence in the system. It is imperative that WMATA communicate regularly and often with jurisdictional partners, who are standing ready to work to help fix this problem, and I implore you as the general manager to be present during meetings as we work on a sustainable funding appropriations approach for years to come.

Thank you for your consideration of the Fairfax County Board's comments. We request a formal response to this letter and assurance that you and your staff will make every effort to maintain robust lines of communication throughout the adoption of the FY 2025 budget and beyond. If you have any questions, please call Brent Riddle at (571) 393-0183 or me at (703) 324-2321.



Mr. Randy Clarke  
March 5, 2024  
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Sincerely,

Jeffrey C. McKay  
Chairman

cc: Members, Fairfax County Board of Supervisors  
The Honorable Tim Kaine, Senator, United States Senate  
The Honorable Mark Warner, Senator, United States Senate  
The Honorable Donald Beyer, Congressman, United States House of Representatives  
The Honorable Gerry Connolly, Congressman, United States House of Representatives  
The Honorable Jennifer Wexton, Congresswoman, United States House of Representatives  
Members, Fairfax County Delegation to the Virginia General Assembly  
Bryan J. Hill, County Executive  
Rachel Flynn, Deputy County Executive  
Gregg Steverson, Acting Director, Department of Transportation  
Noelle Dominguez, Chief, Coordination and Funding Division, Department of Transportation  
Brent Riddle, Chief, Coordination Section, Department of Transportation

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March 5, 2024

ACTION – 4

Approval for the Department of Neighborhood and Community Services to Submit a Head Start/Early Head Start Formal Under-Enrollment Plan to the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Head Start

ISSUE:

Board approval for the Department of Neighborhood and Community Services to submit a Head Start/Early Head Start Under-Enrollment Plan to the U.S. Department of Health and Human Services (HHS), Administration for Children and Families, Office of Head Start. Currently the Head Start/Early Head Start program is serving 94 percent of the total funded enrollment. The Head Start/Early Head Start program must maintain 97 percent of the funded enrollment to meet the Head Start Program Performance Standards. Head Start and Early Head Start children are enrolled in center-based programs, home-based programs, and family child care homes throughout the county. The center-based programs are the most popular program option and maintain an active waiting list of families seeking placement.

There has been difficulty in fully enrolling in the family child care program and the home-based program options. While there is a waiting list to enroll in family child care homes, the children on the waiting list do not live near a family child care home partnering with Early Head Start. Recruitment for additional family child care providers that meet the Head Start Program Performance Standards in those areas of need is ongoing but has been a challenge. There is currently one center with a home-based program. The enrollment numbers for that program have been consistently low as parents are more interested in center-based programs so they can seek employment outside their home. Current recruitment efforts to try to increase the home-based program's enrollment number include targeting more pregnant mothers and offering service to children on the center-based program's waiting list until an opening becomes available.

RECOMMENDATION:

The County Executive recommends that the Board approve the Head Start/Early Head Start Under-Enrollment Plan for submission to the HHS, Administration for Children and Families, Office of Head Start.

TIMING:

Board action is requested on March 5, 2024.

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BACKGROUND:

Existing rules and regulations require that the Board of Supervisors, as the County's governing body, review and approve the Head Start/Early Head Start program's Under-Enrollment Plan, including actions that are being taken by the program as a result of the Under-enrollment Plan.

Head Start programs not maintaining at least 97 percent of the funded enrollment for a time period of four or more consecutive months must create and submit a formal Under-enrollment Plan to the HHS, Administration for Children and Families, Office of Head Start describing how the program will achieve 97 percent of the funded enrollment within a year of the plan's implementation. In order for the program to meet the regulations established for the completion of formal under-enrollment plans, maintaining 97 percent of the funded enrollment for an additional six months past the implementation period is required. The program is currently 94 percent enrolled. The largest contributing factors to being under-enrolled is lack of availability in a family's preferred location for a family child care program and lack of family's interest in the home-based program option.

Efforts to increase enrollment include recruiting more pregnant mothers to participate in the home-based program and recruiting more family child care providers in underserved areas of the county to partner with the Family Child Care Early Head Start program. Additionally, there will be a more targeted effort with other health and human services agencies to ensure there is awareness of the Head Start/Early Head Start program as described in the Under-Enrollment plan (attachment I).

FISCAL IMPACT:

There is no fiscal impact associated with the Under-enrollment Plan. The existing program budget is sufficient to address the plan implementation requirements. No additional federal or County resources are required.

ENCLOSED DOCUMENTS:

Attachment I - Fairfax County Head Start/Early Head Start Under-Enrollment Plan

STAFF:

Christopher Leonard, Deputy County Executive  
Lloyd Tucker, Director, Department of Neighborhood and Community Services (NCS)  
Keisha Dotson, Deputy Director, NCS  
Flor Philips, Division Director, Early Childhood Programs and Services, NCS

# Enrollment Plan: Program Year 2023-2024

Fairfax County Neighborhood and Community Services Early Childhood Programs and Services  
Head Start and Early Head Start – 03CH012068

The Enrollment Plan begins December 8, 2023 and will conclude no later than December 8, 2024.

*This enrollment plan and timetable for reducing or eliminating under-enrollment in Head Start (HS) and Early Head Start (EHS) programs has been developed in accordance with Section 641A(H)(3)(B) of the Head Start Act.*

	Dec 2023	Jan 2024	Feb 2024	Mar 2024	Apr 2024	May 2024	Jun 2024	Jul 2024	Aug 2024	Sep 2024	Oct 2024	Nov 2024	Dec 2024
<b>EHS Enrollment</b>													
<b>Funded</b>	280	280	280	280	280	280	280	280	280	280	280	280	280
<b>%</b>													
<b>HS Enrollment</b>													
<b>Funded</b>	434	434	434	434	434	434	434	434	434	434	434	434	434
<b>%</b>													
<b>Notes</b>													

The following staff and leadership participated in the development, review, and implementation of the Enrollment Plan:

Name	Position / Role	Program
Janet Stewart	Head Start Director	<input checked="" type="checkbox"/> EHS <input checked="" type="checkbox"/> HS Fairfax County NCS ECPS Head Start
Duan Shankle	Quality Assurance Specialist	<input checked="" type="checkbox"/> EHS <input checked="" type="checkbox"/> HS Fairfax County NCS ECPS Head Start
Flor Philips	Division Director	<input type="checkbox"/> EHS <input type="checkbox"/> HS Fairfax County NCS Early Childhood Programs & Services (ECPS)
Latisha Howze	Executive Director	<input checked="" type="checkbox"/> EHS <input checked="" type="checkbox"/> HS Higher Horizons Day Care Center, Inc. ( <i>Delegate</i> )
Lisa Pilson	Director of Early Childhood Curriculum & Grant Management	<input checked="" type="checkbox"/> EHS <input checked="" type="checkbox"/> HS Fairfax County Public Schools (FCPS) ( <i>Delegate</i> )
Claudine Christie	Head Start Coordinator	<input checked="" type="checkbox"/> EHS <input checked="" type="checkbox"/> HS Greater Mount Vernon Community Head Start/Early Head Start ( <i>Grantee</i> )
Mai Nguyen	Head Start Coordinator / EHS Family Child Care Manager	<input checked="" type="checkbox"/> EHS <input checked="" type="checkbox"/> HS Fairfax County NCS ECPS Early Head Start Family Child Care ( <i>Grantee</i> )
Susan Goettl	Early Childhood Development and Disabilities Administrator	<input checked="" type="checkbox"/> EHS <input checked="" type="checkbox"/> HS Fairfax County NCS ECPS Head Start
Marelisa Gonzalez, RD	Nutrition Specialist	<input checked="" type="checkbox"/> EHS <input checked="" type="checkbox"/> HS Fairfax County NCS ECPS Head Start
Moises Lanzas	Business Analyst / ERSEA Coordinator	<input checked="" type="checkbox"/> EHS <input checked="" type="checkbox"/> HS Fairfax County NCS ECPS Head Start
Maasoomah Pouravaz	Parent, Family, and Community Engagement Specialist	<input checked="" type="checkbox"/> EHS <input checked="" type="checkbox"/> HS Fairfax County NCS ECPS Head Start
Yukta Regmi, RN	Health Specialist	<input checked="" type="checkbox"/> EHS <input checked="" type="checkbox"/> HS Fairfax County NCS ECPS Head Start
David Walker	Fiscal Specialist	<input checked="" type="checkbox"/> EHS <input checked="" type="checkbox"/> HS Fairfax County NCS ECPS Head Start

## Factors Contributing to Under-enrollment (Cause/Effect)

- Saturation of Options for Care within Service Area:** The increase of Pre-K slots contributed to families enrolling in the public schools instead of community-based HS/EHS programs; families with K-6 students preferred their Pre-K children attend the same school as their siblings.

2. **Workforce:** The program experienced a shortage of qualified staff, resulting in classroom staffing challenges. Staff recruitment and retention have also been an ongoing challenge program wide. Following a change in credential requirements for the public schools, community-based staff were able to gain employment with the public school system. The school year schedule appeals to teachers with children attending public schools.
3. **Family Need:** As more families joined or returned to the workforce, the need for a home-based program option decreased. The need for full day, full year services increased.
4. **Transportation:** Some families lacked transportation to get their child to/from the closest HS/EHS classroom; additionally, community-based HS/EHS transportation service boundaries were limited. If eligible for child care subsidy, families enrolled their children in non-HS/EHS centers or providers in their community.

CORRECTIVE ACTION STEPS	RESOURCES NEEDED	TIMELINE	PERSONS RESPONSIBLE	OUTCOMES*
<p>Explore a change in scope request to reduce, convert and/or reallocate enrollment slots in the following manner:</p> <ul style="list-style-type: none"> <li>• Consider reducing funded enrollment in EHS</li> <li>• Convert EHS home-based slots to HS/EHS center-based slots.</li> <li>• Consider reallocating funded enrollment slots from one program option to another.</li> </ul>	<p>Facilities</p> <ul style="list-style-type: none"> <li>• Request licensing visit to determine if under-utilized room at Higher Horizons would meet requirements to operate as a classroom.</li> <li>• Identify opportunities in other areas throughout the county for additional HS/EHS classrooms.</li> </ul> <p>Data</p> <ul style="list-style-type: none"> <li>• Historical enrollment data for EHS Family Child Care (FCC) and EHS Home Base (HB) options</li> </ul>	<p>Starting January 2024</p> <p>December 2023 <i>(Complete)</i></p>	<p>Program Directors</p> <p>HS/EHS Early Childhood Development and Disability (ECDD) Administrators and HS/EHS Quality Assurance (QA) Specialist</p>	<p>Historical enrollment data for under enrolled program options collected; will use to inform change in scope request.</p>
<p>Utilize partnerships and other agencies to refer families and maintain enrollment. Recruitment efforts will continue with the involvement of the community partners, existing Head Start/Early Head Start families, and faith-based organizations in the community. Partnerships and other agencies include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Opportunity Neighborhoods</li> <li>• Neighborhood School Readiness Project/Teams</li> <li>• Inclusive Support Services</li> <li>• Inclusive Engagement &amp; Targeted Interventions, including Community Resource Development and Social Impact</li> <li>• Health Department</li> <li>• Access &amp; Economic Mobility</li> </ul>	<p>A list of points-of contact at each organization</p> <p>Targeted promotional materials</p> <p>Community Profiles</p> <p>Data Mapping</p> <p>Care Van utilization</p>	<p>Throughout the year</p> <p>Concentrated effort in Spring in preparation to fill slots of children transitioning out of program</p>	<p>HS/EHS staff</p>	

<ul style="list-style-type: none"> <li>• Office to Prevent and End Homelessness</li> <li>• TANF/VIEW</li> <li>• Child Care Assistance &amp; Referral (CCAR)</li> <li>• Foster Care &amp; Adoption</li> <li>• SNAP/WIC</li> <li>• Healthy Families</li> <li>• Child Protective Services (CPS)</li> <li>• Office for Women (Domestic and Sexual Violence Prevention)</li> <li>• Virginia Preschool Initiative (VPI)</li> <li>• INOVA Cares Clinics</li> <li>• NCS Community Centers</li> <li>• SACC (School Age Child Care) staff</li> <li>• Northern Virginia Community College (NVCC)</li> <li>• Community Education and Provider Services (CEPS)</li> </ul>				
<p>Partner with pediatricians and pediatric dentists in the areas eligible families live. Place promotional materials on community resource tables.</p>	<p>List of pediatrician and dental offices that accept Medicaid</p> <p>Targeted promotional materials</p>	<p>February 2024</p>	<p>Health and Nutrition Work Group Members</p>	
<p>Targeted promotional materials at Fairfax County libraries and discuss program with children’s librarians.</p>	<p>A list of library locations</p> <p>Targeted promotional materials</p>	<p>Throughout the year</p>	<p>HS/EHS staff</p>	
<p>Coordinate with Wolf Trap Early Learning Through the Arts to host Family Involvement Workshops at the family shelters throughout Fairfax County.</p> <p>If HS/EHS slot near shelter is not available, support family with CCAR application.</p>	<p>Funding to pay for Wolf Trap workshops; look at increasing current purchase order</p> <p>Targeted promotional materials</p> <p>HS/EHS application packets CCAR application packets</p>	<p>February 2024</p>	<p>HS/EHS ECDD Administrator: contact Wolf Trap regarding FI workshops at shelter sites; if yes . . .</p> <p>HS/EHS QA Specialist contact OPEH regarding space availability at shelters for WT programming and HS/EHS informational table at event</p>	

Send individualized letters and make connections with social workers in public schools.	Targeted promotional materials	April 2024 (coincide with kindergarten registration events)	HS/EHS staff and Early Childhood Coordinators	
Recruit new EHS FCC partners in areas that would serve waitlisted families.	Contact CEPS Child Care Specialists (CCSI) who work with providers in Annandale/Springfield area for recommendations of potential partners	Throughout the year  Concentrate on Annandale/Springfield area	FCC EHS CCSII	
Collaborate with CCAR to identify children currently enrolled with EHS FCC partners through subsidy but may be over 100% FPL. Consider recruiting these families to EHS FCC as part of the 10% over income allowance that is underutilized throughout the HS/EHS program.	List of non-EHS children enrolled with EHS partners who receive CCAR	December 2023 <i>(Complete)</i>	QA specialist, EHS FCC manager, and FCC EHS CCSI in collaboration with CCAR staff	Received list of children from CCAR lead specialist; three children identified as age eligible for EHS FCC. Information passed to FCC EHS CCSI to follow up with families; so far, one family expressed interest in EHS.
Neighborhood distribution of flyers, marketing giveaways, video presentations, and narratives about the program. Locations will include laundromats, grocery stores, pediatric offices, obstetric offices, the Culmore shopping areas and others from the Community Partners list.	Higher Horizons flyer	Throughout the year	Latisha Howze and Higher Horizons staff	
Place yard signs around the community to attract expectant parents and families of children birth to five.	Higher Horizons yard signs	November 10, 2023	Latisha Howze and Higher Horizons staff	
Utilize social media platforms to promote programs. Utilize program marketing videos and testimonials from families.	Marketing videos and testimonials from families	December 8, 2023	Latisha Howze and Higher Horizons staff	
	Check with NCS Communications re: guidelines for social media posts.	February 2024	HS/EHS staff	
	Program write-up to post on social media.	February 2024	HS/EHS staff	
Establish a Diaper Hub for the community by becoming a community distribution center through the DC Diapers organization to attract more EHS families to the program.		January 12, 2024	Latisha Howze and Higher Horizons staff	
Partner with NCS programs for Mobile Recruitment		February 9, 2024	Latisha Howze and Higher Horizons staff	

Outreach to multilingual, multicultural communities via media advertisement.		March 8, 2024	Latisha Howze and Higher Horizons staff	
Host a Community Baby Shower.		March 8, 2024	Latisha Howze and Higher Horizons staff	

*\*Outcomes will be updated throughout the year (during regular checkpoints) and will document results of efforts.*

Plan Progress and Updates

Checkpoint # 1	Checkpoint # 2	Checkpoint # 3	Checkpoint # 4
<p>Click or tap to enter a date.</p> <ul style="list-style-type: none"> <li>• [text]</li> </ul>	<p>Click or tap to enter a date.</p> <ul style="list-style-type: none"> <li>• [text]</li> </ul>	<p>Click or tap to enter a date.</p> <ul style="list-style-type: none"> <li>• [text]</li> </ul>	<p>Click or tap to enter a date.</p> <ul style="list-style-type: none"> <li>• [text]</li> </ul>



CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, as identified below, where discussion in an open session would adversely affect the negotiating or litigating posture of the public body, as well as consultation with legal counsel regarding specific legal matters listed below requiring the provision of legal advice by such counsel, all as permitted by Virginia Code § 2.2-3711(A) (7) and (8).
  - 1. *Kimberly LaFave, et al. v. County of Fairfax, et al.*, Case No. 1:23-cv-1606 (E.D. Va.)
  - 2. *State Farm Fire and Casualty Company as Subrogee of Austin Whynot v. Abdelhakim Hammoudi*, Case No. GV23-018752 (Fx. Co. Gen. Dist. Ct.)
  - 3. *Omnia Benkilani v. Michael Burgoyne, Jr.*, Case No. GV23-022431 (Fx. Co. Gen. Dist. Ct.)
  - 4. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Brent Thomas Burford*, Case No. GV24-000706 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
  - 5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Cuong Tan Nguyen*, Case No. CL-2024-0000612 (Fx. Co. Cir. Ct.) (Dranesville District)
  - 6. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Lloyd Chaisson*, Case No. CL-2023-0000503 (Fx. Co. Cir. Ct.) (Hunter Mill District)
  - 7. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Gayle L. Shura, Trustee of the Gayle L. Shura Living Trust, dated April 22, 2004*, Case No. CL-2023-0002968 (Fx. Co. Cir. Ct.) (Hunter Mill District)
  - 8. *Jay Riat, Building Official for Fairfax County, Virginia v. Mount of Olives of Falls Church, LLC*, Case No. GV24-000293 (Fx. Co. Gen. Dist. Ct.) (Mason District)

Board Agenda Item  
March 5, 2024

9. *Jay Riat, Building Official for Fairfax County, Virginia v. Hector M. Perez Campos and Delmy A. Rodriguez*, Case No. GV23-009211 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
10. *Jay Riat, Building Official for Fairfax County, Virginia v. Wilbert A. Pineda and Maria Beloso*, Case No. GV23-011444 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

Board Agenda Item  
March 5, 2024

3:30 p.m.

Public Hearing on SE 2023-MV-00021 (Margaret Mwikali Mwongela and The Montessori School of Lorton LLC) to Permit a Home Day Care Facility, Located on Approximately 3,564 Square Feet of Land (Mount Vernon District)

This property is located at 8017 George Fox Pl., Lorton, 22079. Tax Map 107-4 (22) ((2)) 35A.

This public hearing was deferred by the Board on February 6, 2024, at 3:30 p.m., to March 5, 2024, at 3:30 p.m.

**PLANNING COMMISSION RECOMMENDATION:**

On December 6, 2023, the Planning Commission voted 11-0 (Commissioner Lagana was not present for the vote) to recommend to the Board of Supervisors approval of SE 2023-MV-00021, subject to the proposed development conditions dated November 22, 2023.

**ENCLOSED DOCUMENTS:**

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

**STAFF:**

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Andrew Stone, Planner, DPD

Board Agenda Item  
March 5, 2024

3:30 p.m.

Public Hearing on SE 2023-FR-00008 (Hirut Tesfaye/Yaya Family Childcare LLC) to Permit a Home Day Care Facility, Located on Approximately 1,700 Square Feet of Land (Franconia District)

This property is located at 6026 Kestner Cir., Alexandria, 22315. Tax Map 91-2 ((15)) (13) 27.

This public hearing was deferred by the Board on February 6, 2024, at 3:30 p.m., to March 5, 2024, at 3:30 p.m.

**PLANNING COMMISSION RECOMMENDATION:**

On December 14, 2023, the Planning Commission voted 10-0 (Commissioners Murphy and Shumate were absent from the meeting) to recommend to the Board of Supervisors approval of SE 2023-FR-00008, subject to the proposed development conditions dated November 29, 2023.

**ENCLOSED DOCUMENTS:**

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

**STAFF:**

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Andrew Stone, Planner, DPD

Board Agenda Item  
March 5, 2024

3:30 p.m.

Public Hearing on SEA 94-D-002-03 (Neighborhood and Community Services) to Amend SEA 94-D-002-02 Previously Approved for Alternative Uses of a Public Facility to Permit a Non-Profit Organization to use the Lewinsville Senior Center and Associated Modifications to the Development Conditions, Located on Approximately 5.58 Acres of Land (Dransville District)

This property is located at 1613 Great Falls St., Mclean, 22101. Tax Map 30-3 ((1)) 42A.

PLANNING COMMISSION RECOMMENDATION:

On January 24, 2024, the Planning Commission voted 10-0 (Commissioners Murphy and Cortina were absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of SEA 94-D-002-03, subject to the proposed development conditions dated January 10, 2024; and
- Reaffirmation of the modifications contained in the handout dated January 24, 2024.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Zach Fountain, Planner, DPD

Board Agenda Item  
March 5, 2024

3:30 p.m.

Public Hearing on RZ 2018-LE-009 (EYA Development LLC) to Rezone from PDH-4 and R-1 Districts to PDH-12 District to Develop 174 Single-Family Attached Dwellings (Inclusive of 18 ADUs) at 10.07 Dwelling Units per Acre, Located on Approximately 17.28 Acres of Land (Franconia District) (Concurrent with PCA-C-448-34 and Associated with PA 2015-IV-RH1)

and

Public Hearing on PCA-C-448-34 (EYA Development LLC) to Amend the Proffers for RZ-C-448, Previously Approved for Mixed Use Development to Remove the Land Area to Permit Proffers and Site Design Modifications at a Density of 10.07 Dwelling Units per Acre, Located on Approximately 6.28 Acres of Land (Franconia District) (Concurrent with RZ 2018-LE-009 and Associated with PA 2015-IV-RH1)

This property is located on the E. side of South Van Dorn St., approx. 190 ft. S. of its intersection with Castlewellan Dr. Tax Map 91-2 ((1)) 35A and 35B.

This property is located on the E. side of South Van Dorn St., approx. 190 ft. S. of its intersection with Castlewellan Dr. Tax Map 91-2 ((1)) 35A (pt.) and 35B.

PLANNING COMMISSION RECOMMENDATION:

On February 14, 2024, the Planning Commission voted 10-0 (Commissioner Murphy was absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of PCA C-448-34;
- Approval of RZ 2018-LE-009, and the associated Conceptual Development Plan, subject to the execution of proffered conditions consistent with those dated January 31, 2024;
- Approval of a waiver of the 200-square-foot privacy yard requirement in favor of that shown on the CDP/FDP; and
- Approval of a waiver of the 600-foot maximum length of private streets.

In a related action, the Planning Commission voted 10-0 (Commissioner Murphy was absent from the meeting) to approve FDP 2018-LE-009.

Board Agenda Item  
March 5, 2024

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Zach Fountain, Planner, DPD

Board Agenda Item  
March 5, 2024

4:00 p.m.

Public Hearing to Lease County-Owned Property at 3601 Firehouse Lane to DISH Wireless, L.L.C. (Mason District)

ISSUE:

Public hearing to enter into a lease with DISH Wireless, L.L.C. (“DISH Wireless”) for the County-owned property at Baileys Fire Station located at 3601 Firehouse Lane for the expansion of telecommunications services for public use.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to finalize the documentation to lease County-owned property located at 3601 Firehouse Lane to DISH Wireless.

TIMING:

On February 6, 2024, the Board authorized the advertisement of a public hearing to consider the lease of County-owned property for telecommunications purposes at Baileys Fire Station.

BACKGROUND:

The Board of Supervisors is the owner of an approximately one acre parcel of land located at 3601 Firehouse Lane and identified as Tax Map Number 0614 01 0020B. The site is currently improved with a 16,000-square-foot fire station and a 128-foot telecommunications monopole positioned at the rear of the property. Originally owned and managed by the Bailey's Crossroads Volunteer Fire Department (Volunteers), the property was conveyed to the Board in exchange for the County's commitment to construct a new building, all as outlined in a memorandum of agreement executed by the parties in 2010. This memorandum also permitted the Volunteers to retain the revenue generated by the monopole, although the Board as landowner would have to negotiate any agreements with the telecom companies.

After negotiating with AT&T, the owner of the monopole, for a platform for its antenna array, DISH Wireless has approached the County about leasing a total of thirty-six (36) square feet of ground space for its telecommunications equipment. The proposed premises will include a 3-foot by 5-foot area for its cabinets and a 3-foot by 7-foot area for its H-frame for fiber storage. As consideration for their use of the property, DISH Wireless will pay the Volunteers \$12,000 per year in rent for the first year with annual increases of two per cent (2%) thereafter.

The Facilities Management Department and the Volunteers have reviewed the site plan and determined that the location of the equipment will not impact fire station operations. As is the current practice with the other telecom providers at the site, DISH Wireless will



Board Agenda Item  
March 5, 2024

coordinate its visits to the compound with station personnel beforehand to avoid any interruption of public safety services.

EQUITY IMPACT:

The greater availability of telecommunications services for public use broadly supports the Board's goal of advancing digital equity in the County.

FISCAL IMPACT:

This lease will generate approximately \$12,000 in rent during the first year the amendment is in effect. All revenue will be deposited into the General Fund and transferred to the Volunteers annually.

ENCLOSED DOCUMENTS:

Attachment 1 – Location Map 0614 01 0020B  
Attachment 2 – Draft Lease

STAFF:

Ellicia L. Seard-McCormick, Deputy County Executive  
Thomas Arnold, Deputy County Executive  
Jeffrey Katz, Volunteer Liaison, Fire and Rescue Department  
José A. Comayagua, Jr., Director, Facilities Management Department  
Mike Lambert, Assistant Director, Facilities Management Department

ASSIGNED COUNSEL:

Joanna Faust, Assistant County Attorney



2024 REAL PROPERTY DEED OF LEASE AGREEMENT  
FOR THE BAILEYS CROSSROADS VOLUNTEER FIRE STATION

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**THIS 2024 REAL PROPERTY DEED OF LEASE AGREEMENT (“Lease”)**, is entered into as of the latter of the signature dates below (the **“Effective Date”**), between **THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY (“Lessor”)**, with an address of 12000 Government Center Parkway, Fairfax, Virginia 22035, and **DISH WIRELESS L.L.C. (“Lessee”** and together with Lessor, the **“Parties,”** each a **“Party”**), a Colorado limited liability company, having an address of 9601 S. Meridian Blvd., Englewood, Colorado 80112, and the parties mutually agree as follows:

WHEREAS, Lessor is the owner of a parcel of land located at 3601 Firehouse Lane (formerly 3601 Madison Lane), Falls Church, in Fairfax County, Virginia and referred to among the Tax Map records of Fairfax County as 0614 01 0020B (hereinafter referred to as the **“Property”**).

WHEREAS, Lessor originally conveyed the Property to the Baileys’ Crossroads Volunteer Fire Department, Inc. (**“BVFD”**) as described in that Deed dated July 18, 1991, and recorded in Book 7858, Page 980 in the Clerk’s Office of the Circuit Court for Fairfax County (**“Land Records”**);

WHEREAS, BVFD and Washington/Baltimore Cellular Limited Partnership, dba Cellular One Washington/Baltimore (**“AT&T”**) entered into a Real Property Lease Agreement dated September 12, 1995 (**“Original Lease”**), whereby BVFD leased to AT&T an approximate thirty (30) foot by forty (40) foot portion of land for the purposes of the construction of a one hundred twenty-eight (128) foot communications monopole (**“Tower”**) and a twelve (12) foot wide by twenty-six (26) foot long by ten (10) foot high accessory equipment building, together with certain access, utility and/or maintenance easements and/or rights of way (**“Tower Premises”**);

WHEREAS, BVFD and Nextel Communications of the Mid-Atlantic, Inc. (**“Nextel”**) entered into that Real Property Lease Agreement dated July 29, 1998, wherein BVFD leased to Nextel approximately 300 square feet of land on the Property for the ground-based equipment associated with the installation of telecommunications antennas on the Tower;

WHEREAS, BVFD and Unison Site Management, LLC (**“Unison”**) entered into an Easement and Assignment Agreement dated January 30, 2004, and recorded on February 13, 2004, in Deed Book 15679, Page 0641 of the Land Records (**“Communications Easement”**), wherein BVFD granted Unison a communications easement over a portion of the Property (**“Easement Area”**) and assigned all the rents under the leases with AT&T and Nextel to Unison; provide, however, that BVFD retained its rights to (i) purchase the monopole from AT&T, and (ii) to enter into a lease with and collect the rents from an entity which needs ground space outside the Easement Area for its telecommunications equipment;

WHEREAS, Unison and Cell Tower Lease Acquisition, LLC (**“CTLA”**) entered into an Assignment of Easement dated June 22, 2004, wherein Unison assigned its rights and obligations under the Communications Easement to CTLA;

WHEREAS, BVFD and Cricket Communications, Inc. (**“Cricket”**) entered into a Real Property Lease Agreement dated February 3, 2009, wherein BVFD leased to Cricket an

approximate 150 square feet of land on the Property for the ground-based equipment associated with the installation of telecommunications antennas on the Tower;

WHEREAS, BVFD and CLTA entered into the First Amendment to Easement and Assignment Agreement dated February 23, 2009, and recorded February 9, 2011, in Deed Book 21346, Page 1393 of the Land Records [recorded after Second Amendment below], wherein BVFD agreed to the expansion of the Easement Area and recognized CLTA as the party to whom the rents under the leases with AT&T, Nextel and Cricket were owed;

WHEREAS, Lessor, BVFD and CLTA entered into that Second Amendment to Easement and Assignment Agreement dated February 19, 2010, and recorded November 24, 2010, in Deed Book 21388, Page 0163 of the Land Records, wherein the parties established a framework for the County purchase from CLTA of the Communications Easement and rents that accrued thereunder, which Second Amendment became null and void when the Communications Easement was not conveyed to Lessor by February 1, 2011;

WHEREAS, Bailey BVFD and Lessor entered into the Agreement dated November 19, 2010, and recorded in the Land Records on November 24, 2010 in Deed Book 21388, Page 0206, wherein BVFD agreed to convey the Property to Lessor subject to BVFD's right to solicit and collect rent from new ground leases that BVFD negotiated with telecommunications providers and subject to Lessor's obligation to finalize the documentation for said ground leases;

WHEREAS, BVFD conveyed the Property to Lessor via a Deed of Gift dated November 22, 2010, and recorded in the Land Records on November 24, 2010, in Deed Book 21388, Page 0219;

WHEREAS, Lessee is entering into a sublease agreement with AT&T to install Lessee's antennas and related equipment on the Tower (the "Tower Lease");

WHEREAS, Lessor and Lessee are entering into this Lease to permit Lessee to install its ground-based equipment to service Lessee's antennas and other tower equipment on land that is located on the Property but outside the Tower Premises; and

WHEREAS, Lessee desires to lease from the Lessor the Premises described below for the purpose of the operations as further described in this Lease.

NOW THEREFORE, in consideration of the mutual agreements set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

**1. Leased Premises.**

A portion of the Property that constitutes approximately thirty-six (36) total square feet of ground space is delineated as two areas labeled as "PROPOSED DISH WIRELESS, LLC. EQUIPMENT five foot (5') H-FRAME WITHIN three feet (3') x seven feet (7') LEASE AREA" and "PROPOSED DISH WIRELESS, LLC. Five foot (5') EQUIPMENT PLATFORM WITHIN three feet (3') x five feet (5') LEASE AREA" (the "Premises") on Sheet Number LE-2 of **Exhibit A** attached hereto and incorporated herein (the "Plat"). Lessor shall permit Lessee to use the



Premises for the purposes set forth in this Lease and in accordance with the terms and conditions set forth in this Lease. Lessee will operate its Facilities, as defined below, on the Premises.

“**Facilities**,” as used herein, means Lessee’s wireless communications facility, which includes an equipment pad, telecommunications equipment, power, and telephone utility pedestals, cabinets, related cables and utility lines, and a location-based system, including without limitation, coaxial cables, base units and other associated antennas, equipment, cables, accessories and improvements, as more specifically described on **Exhibit A** attached hereto.

## 2. Use of Premises.

(a) Lessee’s Facilities shall be installed on the Premises and any modifications to the Facilities must comply with all of the conditions of this Lease, including those requirements set forth in Paragraph 7.

(b) Lessor leases to Lessee the Premises for the purpose of operating the Facilities upon the Premises in the configuration shown on **Exhibit A**. Subject to compliance with all laws, Lessee may at its own cost and expense, use the Premises to install, operate, maintain, repair, replace, protect and secure the Facilities as set forth herein or as subject to the written approval of Lessor.

(c) Lessor grants to Lessee, subject to all conditions herein, including but not limited to Paragraph 6, the right to install and operate underground electric lines from Lessee’s meter to the Facilities, labeled as “PROPOSED DISH WIRELESS, LLC. five feet (5’) NON-EXCLUSIVE UTILITY EASEMENT FOR POWER AND FIBER ROUTING” on the Plat and communication lines from the termination point of the communication utilities supplying communication service to the Facilities, labeled as “PROPOSED DISH WIRELESS, LLC. ± six feet (6’) ICE BRIDGE (TYP.)” on the Plat.

(d) All portions of the Facilities brought onto the Premises by Lessee, whether prior to commencement of this Lease or subsequent to commencement of this Lease, shall remain the Lessee’s personal property and, at Lessee’s option, may be removed by Lessee at any time during the term, as long as Lessee is not in default. Upon termination of this Lease, the Facilities and any foundation shall be removed from the Premises by Lessee up to three (3) feet below grade, no later than one hundred twenty (120) days after the date of the expiration or earlier termination of this Lease. Lessee shall restore the surface of the Premises to an open area to the reasonable satisfaction of Lessor, which is free of any equipment, foundations, concrete mounting pads, and grounding devices. All Facilities shall be vacated at the Lessee’s expense. After the expiration or earlier termination of this Lease, and within one hundred twenty (120) days after receipt of written notice from Lessor, Lessee, at Lessee’s expense, shall use commercially reasonable efforts to remove any utility easements to which Lessee is a party (as shown in the public record) and that are encumbering the Premises.

(e) Lessor grants Lessee a non-exclusive irrevocable license, which will be in effect until the expiration or earlier termination of this Lease, for ingress and egress to the Premises, together with the right to utilize, replace and maintain existing utility wires, poles, cables, conduits and pipes thereon and therein, as may be shown on **Exhibit A**. If Lessee obtains Lessor’s prior written consent, not to be unreasonably withheld, conditioned or delayed, Lessee may install

additional wires, poles, cables, conduits and pipes thereon and therein in the event any such additional utilities are necessary during the term of this Lease, but not otherwise; and Lessor grants Lessee a non-exclusive irrevocable license to the extent of the Lessor's interest therein, which will be in effect until the expiration or earlier termination of this Lease, to any existing access roads, easements or rights of way serving the Premises for access to the Facilities for the purposes of installing, maintaining, operating, repairing, and removing the Facilities. Subject to the foregoing, Lessee shall have twenty-four (24) hour a day, seven (7) day a week access to the Premises and the Facilities for operation, maintenance, unscheduled repairs and emergencies.

(f) Except for the Premises (as described in **Exhibit A**), Lessor reserves the right to continue all existing uses of the Property. Lessor further reserves the right to make or permit any such future additional use and to make or permit any use of the Property as Lessor deems appropriate, provided that Lessee's use of the Premises and the operation of the Facilities are not unreasonably interfered with by such future additional use.

(g) Lessee shall not (i) violate any environmental laws (now or hereafter enacted), in connection with Lessee's use or occupancy of the Premises; or (ii) use, generate, release, manufacture, refine, produce, process, store, or dispose of any hazardous wastes on, under, or about the Premises, or transport to or from the Premises any Hazardous Material (as defined in Paragraph 10); except as allowed by applicable law for the use of sealed batteries for emergency back-up, any fire suppression system, small quantities of cleaning products ordinarily used by commercial businesses and fuel in Lessee's backup generator(s), if any. Lessee will be responsible for all obligations of compliance with any and all environmental laws, including any regulations, guidelines, standards or policies of any governmental authorities regulating or imposing standards of liability or standards of conduct with regard to any environmental conditions or concerns as may now or hereafter be in effect with respect to the Facilities being installed on the Premises by the Lessee. Lessee shall cure, remedy and be responsible to cure or remedy any environmental condition which is created on the Premises by Lessee. Lessor represents that it has no knowledge of any substance, chemical, waste or Hazardous Material in the Premises that is identified as hazardous, toxic or dangerous in any applicable federal, state or local law or regulation. Additionally, Lessor agrees that it will not use, generate, store or dispose of any Hazardous Material on, under, about or within the Property in violation of any law or regulation. This paragraph shall survive the termination of this Lease.

(h) Any modifications of the Facilities or the addition of new Facilities must comply with Paragraph 7 of this Lease and shall be accomplished without materially interfering with the use or development of the Property, existing as of the date of this Lease, by Lessor or any other party and no such modification or addition shall interfere with the necessary day to day operations of the Lessor. Promptly upon completion of the forgoing modifications or maintenance, Lessee shall, at its own cost and expense, repair any damage to the Property resulting from such construction, installation or maintenance.

### 3. Term.

(a) Subject to the terms and conditions of this Lease, the initial term of this Lease hereby granted ("**Term**") shall begin on the first of the month following the start of Lessee's installation ("**Commencement Date**") and will expire on the last day of the month that is five (5)

years after the Commencement Date. Upon thirty (30) days written notice given by Lessee to Lessor, Lessee may terminate this Lease if Lessee determines the Premises has become unsuitable for Lessee because (i) Lessee is unable to obtain or maintain in force all necessary Governmental Approvals (as hereinafter defined); (ii) a material change in government regulations makes it impractical or uneconomic for Lessee to continue to operate the Facilities; (iii) interference by or to Lessee's operation cannot be resolved. Notwithstanding the foregoing, Lessee shall give written notice to Lessor to terminate this Lease within thirty (30) days after the occurrence of any of the foregoing described events which is the basis of termination; or (iv) the Tower Lease expires or otherwise terminates. In addition to the foregoing termination rights, Lessee shall have the right to terminate this Lease at any time with twelve (12) months prior written notice if Lessee is unable to use the Premises or its equipment located thereon due to changes in technology or to changes in Lessee's or any of its customers' networks.

(b) If all or any part of the Premises or if all or any part of the Property or access right of way to the Premises is taken by eminent domain or other action by jurisdictions having the legal right to take said lands and if said taking in the sole opinion of Lessee renders the Premises unusable for its intended purposes hereunder, then, at Lessee's option, this Lease may be terminated upon thirty (30) days prior written notice to Lessor, provided the right to terminate is exercised within ninety (90) days after said taking. In the event of a partial taking and Lessee wishes to maintain its operation, Lessor shall reduce the rental on the Premises by an amount proportionate to the part of the Premises taken by eminent domain or other such legal action and Lessee may continue to use and occupy the Premises under the terms and conditions hereunder, provided Lessor's obligations under this Lease are not altered.

(c) Provided that the Lessee does not breach any of the terms, conditions, covenants, representations or warranties set forth in this Lease, this Lease shall automatically renew subject to the provisions of this Paragraph 3(c) for four (4) additional periods of five (5) years (each a "Renewal Term") upon the same terms and conditions contained herein; provided, however, that the annual lease fee provided for in Paragraph 4 shall be adjusted at the commencement of each Renewal Term as provided in Paragraph 4. This Lease hereby granted shall automatically renew for each Renewal Term unless, at least sixty (60) days prior to expiration of the then existing period, Lessee provides written notification to the other party of its intention not to permit this Lease to renew. If Lessee provides Lessor with such notice, the option(s) remaining shall be rendered null and void and this Lease shall terminate at the end of the then current period. Each Renewal Term shall commence upon the expiration of the immediately preceding Term or applicable Renewal Term. All references in this Lease to the Term hereof shall include, where appropriate, all Renewal Terms so effected. Beginning after the expiration of the first Renewal Term, Lessor shall have the right to terminate this Lease if Lessor's governing body makes a determination at a public meeting of which Lessee has been provided notice and an opportunity to be heard that the Premises is needed for a public use such that it can no longer be used by Lessee for the uses permitted in this Lease. Such termination cannot be related to pecuniary considerations. Upon making such determination as provided for above, Lessor may terminate this Lease upon delivering one (1) year prior written notice to Lessee.



#### 4. Rent.

(a) The annual rent amount owed by Lessee for the first year of the Initial Term, shall be equal to the amount of Twelve Thousand and 00/100 Dollars (\$12,000.00) (the “**Annual Rent**”).

(b) Commencing on the Commencement Date and on the anniversary of the Commencement Date each year thereafter, the Annual Rent shall be paid in one annual payment. However, the Parties agree that Lessee’s initial Annual Rent payment shall be due within forty-five (45) days after the Commencement Date.

(c) Commencing on the first anniversary of the Commencement Date, and every year thereafter (each an “**Adjustment Date**”), the Annual Rent shall increase by an amount equal to **two percent (2%)** of the Annual Rent in effect for the year immediately preceding the Adjustment Date.

(d) If Lessee fails to pay any annual installment of rent within fifteen (15) business days of the date on which it is due, Lessee shall also pay to Lessor a late fee equal to five percent (5%) of the late payment. If at the time of assessing any late fee, the applicable interest rate exceeds that which Lessor may lawfully assess, the interest rate for that late fee shall be the maximum that the Lessor may lawfully assess.

#### 5. Administrative Fee.

Lessee shall pay Lessor’s reasonable administrative fees for preparing, reviewing and negotiating this Lease in the sum of Two Thousand and 00/100ths Dollars (\$2,000.00), which shall be due and payable on or before thirty (30) days following execution of this Lease by both parties.

#### 6. Modification of the Premises.

(a) Lessor has approved all existing plans, specifications, drawings, renderings, permits, applications and descriptions provided for in **Exhibit A** and no additional approval of same is necessary because the Facilities are constructed and operational as of the Commencement Date of this Lease.

(b) Lessee shall have full responsibility and shall pay all costs for plan preparation and procurement of all necessary permits and other approvals from the appropriate governmental agencies.

(c) From the Effective Date of this Lease and before commencement of any modifications of the Facilities Lessee shall submit to Lessor for Lessor’s written approval, which approval shall not be unreasonably withheld, conditioned, delayed or denied, the following:

- (i) a set of modification construction plans certified by a professional engineer which states that the modifications will be in compliance with all applicable laws, rules and regulations.

- (ii) copies of all applicable approved permits and Governmental Approvals, if any are required.
- (iii) if required, approved Department of Planning and Zoning 2232 and 6409 Application (or status letter) or administrative review. The permits and approvals required in Paragraph 7(c)(iii) and (iv), together with all other applicable permits, licenses and other approvals that may be required by any federal, state or local authorities for the purpose of operating the Facilities, are defined as “Governmental Approvals.”

All of the preceding documents required to receive Lessor’s approval shall be referred to as the “**Modification Documents**.” The Parties agree that Lessee shall not need Lessor’s consent to add, swap, or remove equipment and/or technologies within the Facilities provided such equipment and/or technologies are installed wholly within an existing cabinet on the Premises.

(d) After Lessee’s submission of the Modification Documents, Lessor shall notify Lessee within thirty (30) days whether it deems the Modification Documents to be satisfactory. If the Modification Documents are deemed satisfactory, Lessor shall provide a signed letter consenting to the equipment modifications at the time of its notification. Should the Lessor determine the Modification Documents are unsatisfactory, Lessor shall provide a written explanation of the defects with its notification. Lessee shall then revise the Modification Documents to remedy the defects noted by Lessor and re-submit the Modification Documents for Lessor’s review pursuant to this paragraph.

(e) The Modification Documents will not be considered approved until Lessor provides a signed letter consenting to the equipment modifications. Lessee agrees that no modification to the Facilities will be performed until Lessor provides such letter.

(f) All modifications will comply with the terms set forth in this Lease and with all applicable laws, codes, ordinances (including the Fairfax County Zoning Ordinance as it applies to telecommunication facilities) and regulations.

(g) Lessee shall not cause any damage or material interference with any equipment or structures located within the Property while conducting any modifications. If Lessee causes damage to the Property, equipment, or both, then Lessee shall within sixty (60) days of its receipt of written notice of such damage, repair the damage and return the Property to the condition existing before the damage occurred, normal wear and tear excepted.

(h) If the modification of the Facilities should require the relocation of any facilities or equipment presently located at the Premises owned by the Lessor, such facilities or equipment may be relocated by Lessee only with Lessor’s prior written consent and at Lessee’s sole cost and expense.

(i) Notwithstanding the prior terms of this Paragraph 6, Lessee shall be permitted to make modifications, operational, maintenance, and emergency repairs without Lessor’s consent so long as said maintenance and repairs do not change the footprint of Premises. Notwithstanding sub-paragraphs (a) through (h) above, if a 6409(a) or 2232 application is required pursuant to the

applicable laws, codes, ordinance or regulations, then Lessee must obtain approval of such application as provided above.

**7. Interference.**

(a) Lessee agrees not to permit any use of the Facilities after the Commencement Date that will interfere with Lessor's operations or use of the Property or the use of the Property by any parties to whom Lessor has granted rights prior to the date of the Original Lease.

(b) Lessee agrees to install equipment of a type and frequency which will not cause frequency interference with Lessor's "Public Safety Grade" (Manufacturers High Tier) radio frequency communications equipment used by Lessor. In the event the Facilities cause such interference, Lessee agrees it will take all steps necessary to correct and eliminate the interference consistent with appropriate government rules and regulations upon notification to Lessee's Authorized Representative of the interference. Lessee shall be obligated to respond to the problem of interference within four (4) hours after receipt of written notification, from the Lessor and if the interference is not corrected within forty-eight (48) hours after receipt of written notification, the Lessee shall turn off the Facilities or reduce the power sufficiently to minimize the interference until such interference can be remedied.

(c) Lessee agrees to install equipment of a type and frequency which will not cause frequency interference with other forms of radio frequency communications equipment existing, or previously approved on the Property as of the Effective Date of this Lease. In the event the Facilities cause such interference, Lessee agrees it will take all steps necessary to correct and eliminate the interference consistent with appropriate government rules and regulations upon receipt of written notification of the interference. Lessee shall be obligated to respond to the problem of interference within forty-eight (48) hours of receipt of written notice from Lessor, and if the interference is not corrected within ten (10) days of receipt of written notification (or such time as may reasonably be required with exercise of the due diligence provided such repairs are begun within said ten (10) days), Lessee shall power down the Facilities that are suspected of causing interference (except for intermittent testing to determine the cause of such interference) until the interference has been corrected.

(d) After the Effective Date, Lessor will not grant a lease or any other interest in the Property to permit any use of the Property which would cause interference with Lessee's Facilities at the Premises.

**8. Condition of the Premises.**

Lessee and Lessor acknowledge and agree that Lessee has accepted the Premises "as is" and Lessor shall have no obligation to improve or modify the Premises in any manner whatsoever.

**9. Maintenance and Repairs of Facilities.**

Lessee shall be responsible for all maintenance and repair of the Facilities and any appurtenant equipment or facilities of Lessee during the Term of this Lease. Lessee shall diligently respond as soon as practicable to any reasonable request by Lessor for any such maintenance or repair.

## **10. Indemnification.**

(a) Lessee indemnifies and holds Lessor and its agents, employees, volunteers, officers and directors harmless from and against all claims, demands, costs, losses, liabilities, fines and penalties, including but not limited to reasonable attorney's fees and costs of defense, arising from (i) the condition of the Facilities; (ii) any activities undertaken on, in, under or near the Premises by, for or at the direction of Lessee or the Lessee's subtenants, agents, contractors, employees or invitees; (iii) any default or Event of Default (as defined below) by Lessee under this Lease; and (iv) the presence, storage, use, placement, treatment, generation, transport, release or disposal on, in, under or near the Premises by Lessee or any of Lessee's Agents of (1) oil, petroleum or other hydrocarbon derivatives, additives or products, (2) hazardous wastes, (3) hazardous or toxic substances or chemicals, (4) fungicides, rodenticide or insecticides, (5) asbestos or (6) urea formaldehyde, in each case as defined by any applicable state, federal or local law, rule or regulation (collectively, "Hazardous Material").

(b) Lessee hereby agrees to indemnify and hold harmless Lessor, its officers, directors, agents, and all employees and volunteers from any and all claims for bodily injury, death, personal injury, theft, and/or property damage, including cost of investigation, all expenses of litigation, including reasonable attorney's fees, and the cost of appeals arising out of any claims or suits that result from the errors, omissions, or negligent or willful acts of the Lessee and its subcontractors and each of their agents and employees or invitees.

(c) Nothing contained in this Lease shall be deemed to obligate Lessee to indemnify or hold Lessor harmless for claims solely arising out of the negligence or intentional wrongful acts of the Lessor or Lessor's agents, employees or contractors.

## **11. Insurance.**

(a) Lessee shall acquire, maintain and pay for commercial liability insurance against claims for personal injury, including bodily injury or death, and property damage, occurring upon the Premises and arising from Lessee's use thereof. Insurance shall provide coverage of at least Two Million Dollars (\$2,000,000) combined single limit for both bodily injury and property damage, shall name Lessor as an additional insured, and shall provide thirty (30) days prior written notice of cancellation by the insurer for any reason other than non-payment of premium to Lessor, and shall otherwise be reasonably satisfactory to Lessor. The required limits may be met by a combination of primary and excess or umbrella insurance. Such insurance may be included within the coverage of a blanket or umbrella policy, and must be issued by an insurance company authorized to do business in the Commonwealth of Virginia and shall have a general policyholder's rating of at least A and a Financial rating of at least VIII in the current edition of Best's Insurance Reports. Lessee shall provide Lessor an original certificate evidencing such insurance upon (i) the Commencement Date of the Term of this Lease, (ii) each anniversary of the policy renewal date, (iii) a change in coverage, and (iv) at any other time during the Term of this Lease upon the request of the Lessor.

(b) Lessee shall carry hazard insurance to cover damage to or destruction of its Facilities. In the event of damage to or destruction of the Facilities, neither Lessee nor Lessor shall have any obligation to restore, replace or rebuild the Facilities for any reason. If the Premises or

Facilities are destroyed or damaged and rendered unsuitable for normal use, Lessee may terminate this Lease upon providing thirty (30) days written notice to Lessor. In such event, with the exception of liabilities that arise prior to such termination and liabilities that survive termination of the Agreement as provided in Paragraph 16 herein, all rights and obligations of the parties shall cease as of the date of the damage or destruction, without further liability hereunder. Notwithstanding the foregoing, Lessee shall remain responsible for removal of the Facilities and for restoration of the Premises in accordance with Paragraph 3(d) and this provision shall not limit such obligation.

(c) After the initial Term, and no more than once in any Renewal Term, Lessor may reasonably require Lessee to cover higher limits of insurance or additional insurance coverage against other hazards for which insurance is reasonably obtainable and which, at the time, are commonly insured against in the case of similar properties conducting similar activities within the geographic area of the Property, whether or not such additional insurance requirements are otherwise described or contemplated herein.

(d) Liability insurance may be arranged by a combination of primary and excess or umbrella policies. Any deductibles and/or self-insured retentions greater than \$50,000 must be disclosed to and approved by the Lessor's Risk Manager prior to the Effective Date. Use of large deductibles and/or self-insured retentions will require proof of financial ability as determined by the Lessor. Lessor's Risk Manager and reviewed and approved Lessee's self-insured retention, which is Five Hundred Thousand Dollars (\$500,000.)

## **12. Liens.**

Lessee shall promptly pay for all work, labor, services or material supplied by or on behalf of Lessee at the Premises or in connection with the Facilities. If any mechanics' or materialmen's liens shall be filed affecting the Property and arising from work, labor, services, or materials supplied by or on behalf of Lessee, Lessee shall cause the same to be released of record by payment, bond, court order or otherwise, within thirty (30) days after notice of filing thereof.

## **13. Compliance with Laws.**

Lessee shall, at its expense, throughout the Term of this Lease, obtain all building permits and other governmental or quasi-governmental licenses, permits, consents and approvals required for the construction, installation, operation and use of the Facilities in compliance with all applicable laws, rules, orders, ordinances and requirements, including but not limited to, all laws, rules, orders, ordinances and requirements which relate to the Federal Aviation Administration, Federal Communications Commission, health, safety, environment or land use. In the event of Lessee's failure to comply with this paragraph, Lessor may, but is not obligated to, take such actions as may be necessary to comply with any such laws, rules, regulations, order, ordinances or requirements, and Lessee shall immediately reimburse Lessor for all costs and expenses incurred thereby. Lessor agrees to cooperate with Lessee at Lessee's expense as is reasonably possible in any necessary applications or submissions required to permit construction and operation of Lessee's equipment and provided that Lessor's cooperation shall not affect Lessor in its regulatory or legislative functions.

#### **14. Representations and Warranties.**

(a) Lessee represents and warrants to Lessor that (i) it is a limited liability company duly organized and validly existing under the laws of the State of Colorado, (ii) it has all corporate power and authority necessary to own its properties and conduct its business, as presently conducted, and to enter into and perform its obligations under this Lease, (iii) the person executing this Lease on its behalf has been duly authorized to do so, and (iv) that it has not dealt with, nor is any brokerage commission due to, any broker in connection with this Lease.

(b) Lessor represents to Lessee (i) it has all power and authority necessary to own its properties and conduct its business, as presently conducted, and to enter into and perform its obligations under this Lease, (ii) the person executing this Lease on its behalf has been duly authorized to do so, and (iii) that it has not dealt with, nor is any brokerage commission due to, any broker in connection with this Lease. The Premises is owned by Lessor free and clear of any mortgage, deed of trust, or lien.

#### **15. Termination.**

Upon the expiration or earlier termination of this Lease, Lessee shall remove the Facilities and any foundation from the Premises as provided in Paragraph 2(d) of this Lease and shall repair any damage to the Premises and associated public utility areas caused by the installation, operation or removal of the Facilities. If Lessee remains on the Premises more than one hundred twenty (120) days after the expiration or termination of this Lease, Lessee shall pay to Lessor for such holding over a hold over fee per month equal to ten and half percent (10.5%) of the annual installment of the rent that was in effect immediately prior to such expiration or termination. The fee for such holding over shall remain in effect until Lessee removes the Facilities. If the Facilities are not removed within one hundred twenty (120) days after expiration or earlier termination of this Lease, Lessor shall at its option complete the removal and restoration at the Lessee's expense. Acceptance of the holdover fees upon termination shall not be a waiver by Lessor of any of its other remedies at law or in equity. Paragraphs 2(g), 11, 12, 16, 18, 19 and 22 of this Lease shall survive termination of this Lease.

#### **16. Default.**

(a) If Lessee shall fail to pay when due any of the installments of the rent provided for herein or any other sum accruing pursuant to the terms of this Lease, and such failure shall continue for thirty (30) days after written notice from Lessor, or if Lessee shall be in default or fail to perform in a timely manner any other obligation herein provided, other than the payment of rent installments, and such failure shall continue for thirty (30) days after written notice from Lessor, or if a petition in bankruptcy shall be filed by or against Lessee, or if Lessee shall be adjudicated insolvent, or if Lessee shall make a general assignment for the benefit of its creditors, or if a receiver or trustee shall be appointed to take charge of and wind up Lessee's business, or if the Lessee abandons or vacates the Facilities for more than twelve (12) consecutive months prior to the termination of this Lease, then Lessee shall be considered to have caused an event of default ("**Event of Default**") hereunder and Lessor may elect to terminate this Lease at its sole discretion and pursue its remedies hereunder, at law or in equity. Termination shall be effective upon providing written notice to Lessee.

(b) Lessor and Lessee agree that Lessee's failure to comply with the Facility modification process as outlined in Paragraph 6 will be considered an Event of Default and Lessor may terminate this Lease at its sole discretion and pursue its remedies at law or in equity.

(c) The failure of either party to this Lease to enforce or exercise at any time any of its rights or remedies or other provisions of this Lease will not be construed to be a waiver thereof, nor affect the validity of any part of this Lease or the right of either party thereafter to enforce each and every such right or remedy or other provision.

## 17. Authorized Representative

(a) Lessee and Lessor shall provide the email addresses and direct telephone numbers of their qualified persons employed by Lessor and Lessee ("Authorized Representatives") who can, from time-to-time, and as needed, answer questions and assist in any accounting discrepancies. Lessee and Lessor agree that communication with the Authorized Representative shall not constitute notice in the event of an alleged Event of Default. The Authorized Representative is:

### LESSOR:

Name: Mike Lambert  
Title: Assistant Director, Real Estate Services  
Email Address: [Michael.Lambert@fairfaxcounty.gov](mailto:Michael.Lambert@fairfaxcounty.gov)  
Direct Phone Line: 703-324-2836

### LESSEE:

Name: Landlord Relations Team  
Email Address: [LandlordRelations@dish.com](mailto:LandlordRelations@dish.com)  
Direct Phone Line: 844-924-41863

## 18. Notices.

Unless specifically noted otherwise, all notices required hereunder or in respect hereof shall be in writing and shall be transmitted by postage prepaid certified mail, return receipt requested, delivered by hand, or transmitted by overnight courier to the following addresses:

### Lessor:

Board of Supervisors of Fairfax County, Virginia  
Attn: Director  
12000 Government Center Parkway, Suite 424  
Fairfax, VA. 22035



And:

County Attorney's Office  
12000 Government Center Parkway, Suite 549  
Fairfax, VA 22035

Lessee:

DISH Wireless L.L.C.  
Attn: Lease Administration / Site ID: DCWDC00743A  
5701 South Santa Fe Drive  
Littleton, Colorado 80120

Notices shall be deemed given upon delivery or mailing by certified mail with return receipt requested thereof to the address specified above. Either party may change its address or any address for copies by giving ten (10) days prior notice of such change in the manner described above.

**19. Assignment and Subletting.**

Neither party may assign or otherwise transfer any of its rights or obligations under this Lease to any third party without the prior written approval of the other party, which consent shall not be unreasonably withheld, conditioned or delayed. Notwithstanding the foregoing, either party may, upon notice to the other party, assign or transfer some or all of its rights and/or obligations under the Lease to: (i) an Affiliate; (ii) a successor entity to its business, whether by merger, consolidation, reorganization, or by sale of all or substantially all of its assets or stock; (iii) any entity in which a party or its Affiliates have any direct or indirect equity investment; and/or (iv) any other entity directly or indirectly controlling, controlled by or under common control with any of the foregoing, and in each case, such assignment, transfer or other such transaction shall not be considered an assignment under this Section 19(a) requiring consent and the non-assigning party shall have no right to delay, alter or impede such assignment or transfer. "Affiliate(s)" means, with respect to a party, any person or entity, directly or indirectly, controlling, controlled by, or under common control with such party, in each case for so long as such control continues. For purposes of this definition, "control" shall mean (i) the ownership, directly or indirectly, or at least fifty percent (50%) of either: (a) the voting rights attached to issued voting shares; or (b) the power to elect fifty percent (50%) of the directors of such entity, or (ii) the ability to direct the actions of the entity. Notwithstanding the preceding, for purposes of this Lease, EchoStar Corporation and its direct and indirect subsidiaries shall not be deemed to be "Affiliates" of Tenant unless after the Effective Date any such entity qualifies as a direct or indirect subsidiary of DISH Network Corporation.

(a) Lessee may sublease any portion or all of the Premises, upon Lessor's prior written consent, which consent shall not be unreasonably withheld, delayed, conditioned or denied.



**20. Quiet Enjoyment.**

Lessee shall be entitled to use and occupy the Premises during the Term hereof for the purposes herein permitted and subject to the terms and conditions herein contained, without molestation or interference by Lessor.

**21. Miscellaneous.**

(a) This Lease contains the entire agreement between the parties with respect to the subject matter hereof and may not be amended except by a writing signed by the parties hereto. The invalidation of any of the provisions hereof shall not affect any of the other provisions hereof, which shall remain in full force.

(b) All of the provisions hereof shall inure to the benefit of and be binding upon Lessor and Lessee, and their personal representatives, heirs, successors and assigns.

(c) Lessee shall have the right to record a memorandum of this Lease with the appropriate recording officer. Lessor shall execute and deliver such memorandum, for no additional consideration, promptly upon Lessee's request. Within thirty (30) days from the expiration or earlier termination of this Lease, Lessee shall record a unilateral termination of any such memorandum with the appropriate recording officer. If Lessee fails to record the termination prior to the end of such thirty (30) day period and such failure is not remedied within fifteen (15) days following Lessee's receipt of written notice from Lessor requesting the same ("Notice Period"), Lessee shall pay to Lessor a monthly payment equal to one twelfth (1/12th) of the annual installment of the rent that was in effect immediately prior to such expiration or termination for each month thereafter during which a termination of the memorandum is not recorded pursuant to this Paragraph 21(c). Any such payment shall be prorated for any partial month on a per diem basis. Lessor may, but is not required to, record a unilateral termination of the memorandum with the appropriate recording officer at any time following the expiration of the Notice Period. This Paragraph 21(c) shall survive termination of this Lease.

**22. Applicable Law.**

This Lease shall be executed, constructed and enforced in accordance with the laws of the Commonwealth of Virginia, disregarding those laws pertaining to conflicts of law. The only proper jurisdiction and venue for any lawsuit arising out of or relating to this Lease shall be the Circuit Court of Fairfax County or the United States District Court for the Eastern District of Virginia.

**23. Limitation of Liability.**

EXCEPT FOR EACH PARTY'S INDEMNIFICATION OBLIGATIONS SET FORTH IN THIS LEASE, NEITHER PARTY NOR ANY OF ITS AGENTS, CONTRACTORS OR EMPLOYEES, SHALL BE LIABLE TO THE OTHER PARTY OR ANY PERSON CLAIMING THROUGH THAT PARTY FOR ANY EXEMPLARY, SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES FOR ANY CAUSE WHATSOEVER, INCLUDING, WITHOUT LIMITATION, CLAIMS CAUSED BY OR RESULTING FROM THE

NEGLIGENCE, GROSS NEGLIGENCE OR WILLFUL MISCONDUCT OF THAT PARTY,  
ITS AGENTS, CONTRACTORS OR EMPLOYEES.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have caused this Lease to be executed under seal on the day and year first written above.

LESSOR:

Board Of Supervisors of Fairfax County,  
Virginia

By: \_\_\_\_\_ (SEAL)  
Name: Ellicia L. Seard-McCormick  
Title: Deputy County Executive of  
Administration

LESSEE:

DISH WIRELESS L.L.C.,  
a Colorado limited liability company

By:

By: \_\_\_\_\_ (SEAL)  
Name: Satish Sharma  
Title: EVP, Network Deployment

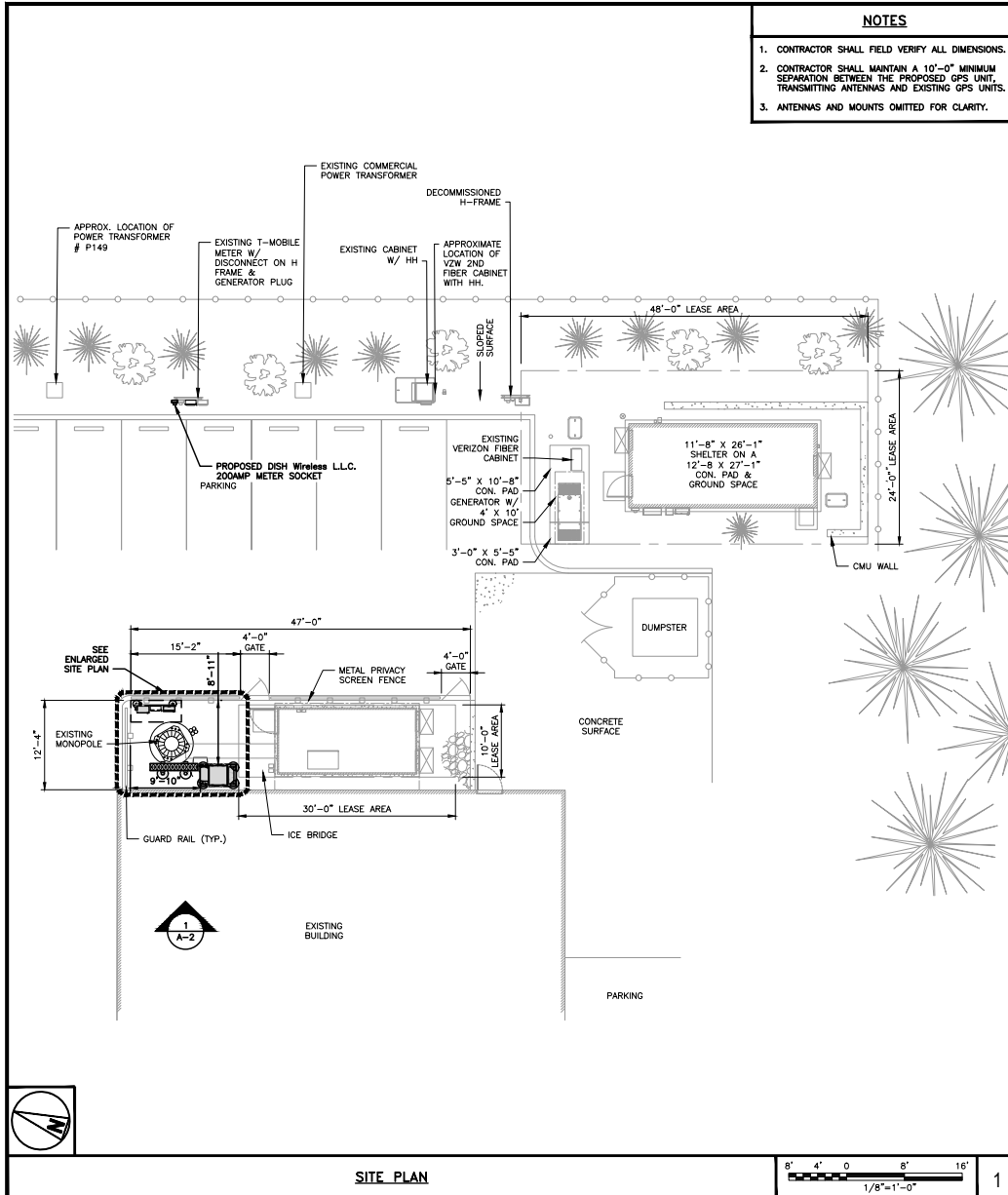
Exhibit A

Lessee Site ID: DCWDC00743A  
Baileys Fire Station

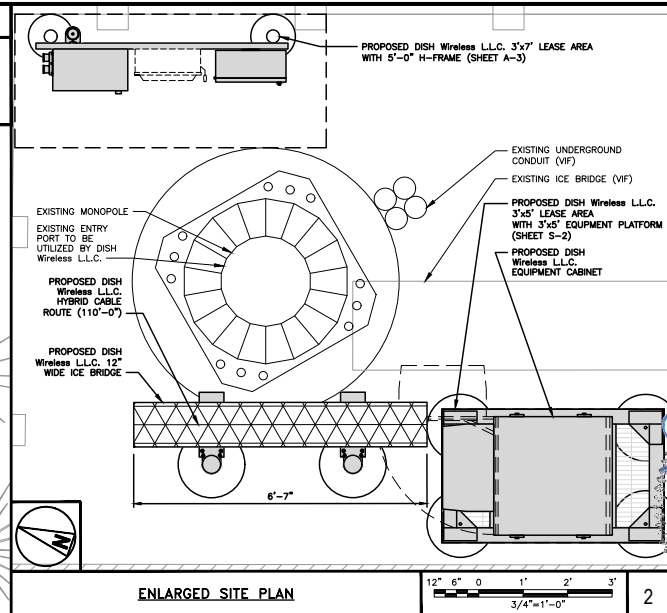
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LPD



- NOTES**
1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
  2. CONTRACTOR SHALL MAINTAIN A 10'-0" MINIMUM SEPARATION BETWEEN THE PROPOSED GPS UNIT, TRANSMITTING ANTENNAS AND EXISTING GPS UNITS.
  3. ANTENNAS AND MOUNTS OMITTED FOR CLARITY.



5701 SOUTH SANTA FE DRIVE  
LITTLETON, CO 80120

**INFINIGY**  
ZERO TO INFINIGY  
the solutions are endless

PROFESSIONAL ENGINEER  
EDWARD J. POULIN  
Lic. No. 017061

01/17/24

---

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

DRAWN BY: \_\_\_\_\_ CHECKED BY: \_\_\_\_\_ APPROVED BY: \_\_\_\_\_

DB	PP	CW
----	----	----

RFDS REV #: \_\_\_\_\_

**CONSTRUCTION DOCUMENTS**

REV	DATE	DESCRIPTION
A	08/12/2021	ISSUED FOR REVIEW
0	10/14/2021	ISSUED FOR CONSTRUCTION
1	02/22/2022	ISSUED FOR CONSTRUCTION
2	06/14/2022	REVISED CONSTRUCTION
3	10/20/2022	REVISED CONSTRUCTION
4	05/22/2023	REVISED CONSTRUCTION
5	01/17/2024	REVISED CONSTRUCTION

A&E PROJECT NUMBER  
**310076-13702031**

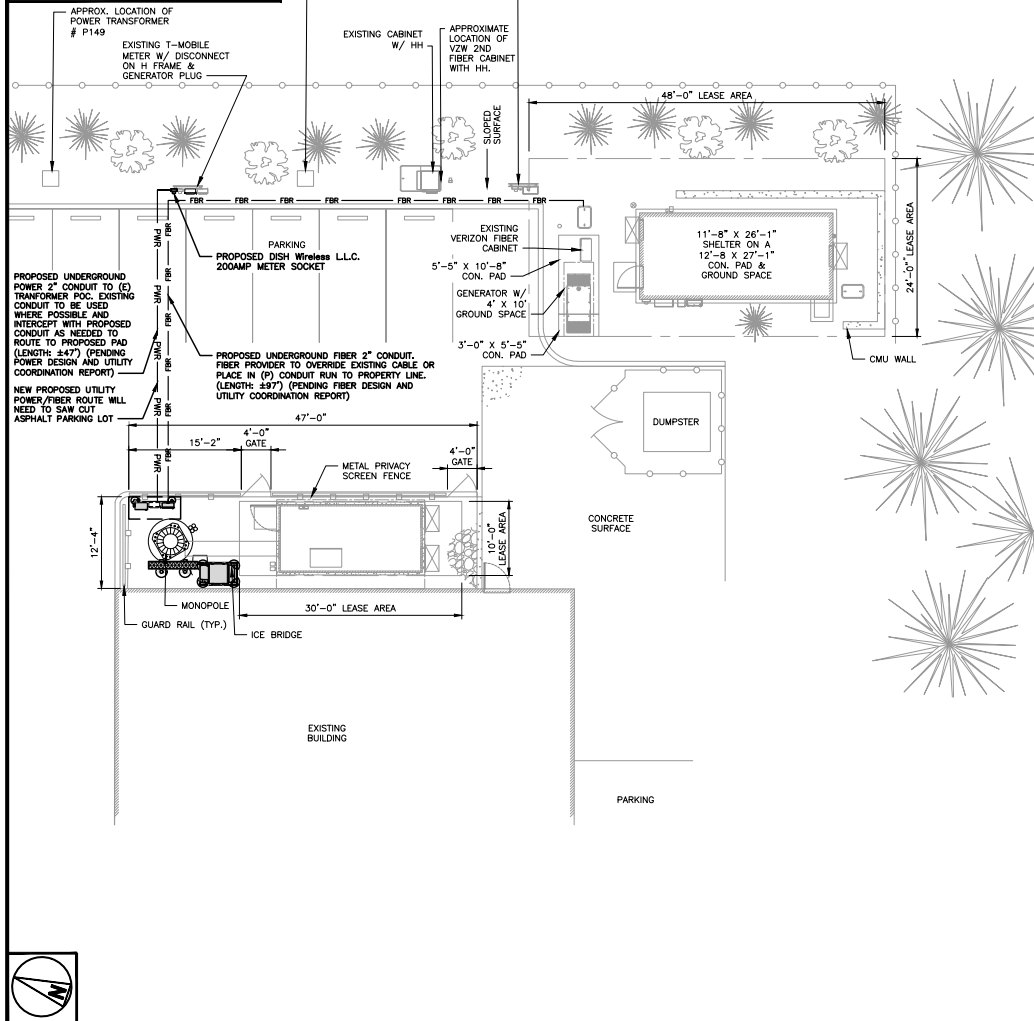
DISH Wireless L.L.C.  
PROJECT INFORMATION  
**DCWDC00743A**  
**BAILEYS CROSSROADS**  
3601 MADISON LANE  
FALLS CHURCH, VA 22041

SHEET TITLE  
**OVERALL AND ENLARGED SITE PLAN**

SHEET NUMBER  
**A-1**

**NOTES**

- IF NO BREAKER IS INSTALLED THE CONTRACTOR IS TO INSTALL A NEW 200A, 2-POLE MAIN BREAKER. THE BREAKER IS TO BE THE SAME TYPE AND AIC RATING AS THE (C) BRAKERS. 2. ANTENNA AND MW DISH SPECIFICATIONS REFER TO ANTENNA SCHEDULE AND TO FINAL CONSTRUCTION RFDS FOR ALL RF DETAILS
- EXISTING EMPTY METER SOCKET TO BE UTILIZED BY DISH WIRELESS (IF NEEDED) OR INSTALL A NEW 200A, 2-POLE MAIN BREAKER WITH PROPOSED 200A METER SOCKET ON EXISTING METER BOARD



**UTILITY ROUTE PLAN**

8' 4' 0' 8' 16'

1/8"=1'-0"

**1**

DISH Wireless L.L.C. TEMPLATE VERSION 39 - 08/06/2021

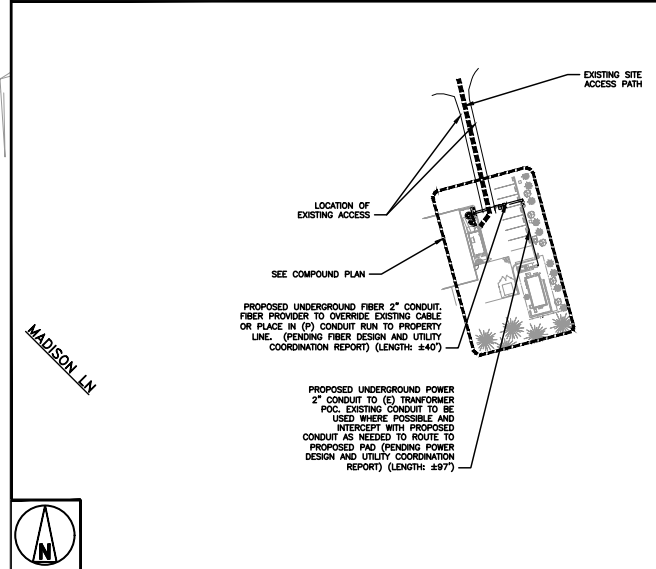
**NOTES**

- CONTRACTOR SHALL FIELD VERIFY ALL PROPOSED UNDERGROUND UTILITY CONDUIT ROUTE.
- ANTENNAS AND MOUNTS OMITTED FOR CLARITY.

- DC POWER WIRING SHALL BE COLOR CODED AT EACH END FOR IDENTIFYING +24V AND -48V CONDUCTORS. RED MARKINGS SHALL IDENTIFY +24V AND BLUE MARKINGS SHALL IDENTIFY -48V.
- CONTRACTOR SHALL INSPECT THE EXISTING CONDITIONS PRIOR TO SUBMITTING A BID. ANY QUESTIONS ARISING DURING THE BID PERIOD IN REGARDS TO THE CONTRACTOR'S FUNCTIONS, THE SCOPE OF WORK OR ANY OTHER ISSUE RELATED TO THIS PROJECT SHALL BE BROUGHT UP DURING THE BID PERIOD WITH THE PROJECT MANAGER FOR CLARIFICATION, NOT AFTER THE CONTRACT HAS BEEN AWARDED.
  - ALL ELECTRICAL WORK SHALL BE DONE IN ACCORDANCE WITH CURRENT NATIONAL ELECTRICAL CODES AND ALL STATE AND LOCAL CODES, LAWS, AND ORDINANCES. PROVIDE ALL COMPONENTS AND WIRING SIZES AS REQUIRED TO MEET NEC STANDARDS.
  - LOCATION OF EQUIPMENT, CONDUIT AND DEVICES SHOWN ON THE DRAWINGS ARE APPROXIMATE AND SHALL BE COORDINATED WITH FIELD CONDITIONS PRIOR TO CONSTRUCTION.
  - CONDUIT ROUGH-IN SHALL BE COORDINATED WITH THE MECHANICAL EQUIPMENT TO AVOID LOCATION CONFLICTS. VERIFY WITH THE MECHANICAL EQUIPMENT CONTRACTOR AND COMPLY AS REQUIRED.
  - CONTRACTOR SHALL PROVIDE ALL BREAKERS, CONDUITS AND CIRCUITS AS REQUIRED FOR A COMPLETE SYSTEM.
  - CONTRACTOR SHALL PROVIDE PULL BOXES AND JUNCTION BOXES AS REQUIRED BY THE NEC ARTICLE 314.
  - CONTRACTOR SHALL PROVIDE ALL STRAIN RELIEF AND CABLE SUPPORTS FOR ALL CABLE ASSEMBLIES. INSTALLATION SHALL BE IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS AND RECOMMENDATIONS.
  - ALL DISCONNECTS AND CONTROLLING DEVICES SHALL BE PROVIDED WITH ENGRAVED PHENOLIC NAMEPLATES INDICATING EQUIPMENT CONTROLLED, BRANCH CIRCUITS INSTALLED ON, AND PANEL FIELD LOCATIONS FED FROM.
  - INSTALL AN EQUIPMENT GROUNDING CONDUCTOR IN ALL CONDUITS PER THE SPECIFICATIONS AND NEC 250. THE EQUIPMENT GROUNDING CONDUCTORS SHALL BE BONDED AT ALL JUNCTION BOXES, PULL BOXES, AND ALL DISCONNECT SWITCHES, AND EQUIPMENT CABINETS.
  - ALL NEW MATERIAL SHALL HAVE A U.L. LABEL.
  - PANEL SCHEDULE LOADING AND CIRCUIT ARRANGEMENTS REFLECT POST-CONSTRUCTION EQUIPMENT.
  - CONTRACTOR SHALL BE RESPONSIBLE FOR AS-BUILT PANEL SCHEDULE AND SITE DRAWINGS.
  - ALL TRENCHES IN COMPOUND TO BE HAND DUG

**ELECTRICAL NOTES**

**2**



**OVERALL UTILITY ROUTE PLAN**

**3**

**dish wireless.**

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EMMANUEL POULIN  
Lic. No. 017061

01/17/24

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

DRAWN BY: CHECKED BY: APPROVED BY:

DB PP CW

RFDS REV #: 0

**CONSTRUCTION DOCUMENTS**

REV	DATE	DESCRIPTION
A	08/12/2021	ISSUED FOR REVIEW
0	10/14/2021	ISSUED FOR CONSTRUCTION
1	02/22/2022	ISSUED FOR CONSTRUCTION
2	06/14/2022	REVISED CONSTRUCTION
3	10/20/2022	REVISED CONSTRUCTION
4	05/22/2023	REVISED CONSTRUCTION
5	01/17/2024	REVISED CONSTRUCTION

A&E PROJECT NUMBER  
310076-13702031

DISH Wireless L.L.C.  
PROJECT INFORMATION  
DCWDC00743A  
BAILEYS CROSSROADS  
3601 MADISON LANE  
FALLS CHURCH, VA 22041

SHEET TITLE  
ELECTRICAL/FIBER ROUTE  
PLAN AND NOTES

SHEET NUMBER  
**E-1**

Board Agenda Item  
March 5, 2024

4:00 p.m.

Public Hearing on, and Approval of, the Proposed Sale of Sewer Revenue Bonds, 2024A and Sewer Revenue Refunding Bonds, Series 2024B

ISSUE:

Board approval is needed to sell Sewer Revenue Bonds, Series 2024A in an estimated maximum amount of \$175,000,000 during the week of March 11, 2024. The proceeds from this bond Series will be used to fund a portion of the County's share of construction costs for Capital Improvement Programs (CIP) at the following Wastewater Treatment Plants (WTPs):

1. The County's Noman M. Cole, Jr. Pollution Control Plant (NMCCPCP)
2. The District of Columbia Water and Sewer Authority (DCWASA) Blue Plains Advanced WTP
3. Alexandria Renew Enterprises (ARE) WTP
4. Arlington County's WTP
5. Loudoun Water's Broad Run WTP
6. Upper Occoquan Service Authority

Proceeds from this bond Series will also be used for upgrades to meet current environmental regulations, renovations, the sewer reimbursement program and replacements of aging System infrastructure, to purchase additional treatment capacity if needed by the Integrated Sewer System (System), and to fund required deposits to bond reserves.

Board of Supervisors' approval is also needed to authorize the sale of Sewer Revenue Refunding Bonds, Series 2024B, in one or more series in an aggregate principal amount not to exceed \$400 million. The proceeds from the Series 2024B will be used to refund a portion of outstanding sewer revenue bonds pending market conditions at the time of the bond sale. Virginia law does not require advertisement of a public hearing prior to the issuance of refunding bonds, however, because both Series of Bonds may be part of one deal, and for administrative efficiency, the Series 2024B refunding bonds are included as part of this public hearing.

RECOMMENDATION:

The County Executive recommends that the Board hold a public hearing and then adopt the attached Series Resolution that will authorize the sale of Sewer Revenue Bonds Series 2024A and the attached Series Resolution that will authorize the sale of Sewer Revenue Refunding Bonds, Series 2024B.

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Lastly, the Office of the Clerk to the Board of Supervisors is directed to file certified copies of the Series Resolutions with the Circuit Court.

**TIMING:**

Immediate. On February 6, 2024, the Board authorized advertisement of a public hearing to be held on March 5, 2024, at 4:00 PM. The public hearing was advertised on February 20, and February 27, 2024. The bond sale is anticipated to occur during the week of March 11, 2024, and close during the week of April 1, 2024.

**BACKGROUND:**

On May 12, 2021, the County conducted a bond sale for the Sewer Revenue Bonds, Series 2021A to generate \$231.8 million in new money bond proceeds, and an \$8.7 million deposit to the Debt Service Reserve Fund. In addition, on May 12, 2021, the County conducted a refunding bond sale for the Sewer Revenue Refunding Bonds, Series 2021B in the total amount of \$28.7 million.

Related to this bond sale, County staff received Board approval on May 4, 2021, to solicit bondholder consent to proposed amendments to the Sewer 1985 General Bond Resolution as part of this Sewer bond sale. The primary amendment sought to reduce or eliminate the Debt Service Reserve Fund (DSRF) requirement, which equates to including an additional year of debt service in the overall financing for the life of the bonds. The County's Sewer Revenue Bonds hold triple-A bond ratings from all three bond rating agencies, and the County's Financial Advisor views this as an unnecessary requirement given the strong financial status of the Sewer Fund. The bondholder consent process requires a majority of outstanding bondholders, more than 50 percent, to approve these changes within a three-year period that expires in May 2024. As a condition to buying the Series 2021A and Series 2021B, all bondholders provided written consent to the proposed amendments. This translated to 43 percent of outstanding bondholders.

County staff recommend proceeding with the same bondholder consent process for the Sewer Revenue Bonds, Series 2024A (and if market conditions permit, the Sewer Revenue Refunding Bonds, Series 2024B). This approach would allow the County to surpass the majority of outstanding bond holder requirement at an estimated 58 percent to eliminate the DSRF provided bondholders again consent to the proposed amendments.

**Sewer Revenue Bonds Series 2024 A – \$175 million (new money)**

County staff are recommending the Sewer Fund pursue the Series 2024A bond sale to finance up to \$175 million of capital projects over the next several years. Bond proceeds will support the County's share of capital improvement projects at regional



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Wastewater Treatment Plants (WTPs) that provide wastewater capacity to meet the needs of the County's Integrated Wastewater System ("System"). Project funding requirements are driven by environmental regulations as mandated by the Commonwealth of Virginia, Department of Environmental Quality, and renovation and replacement of aging infrastructure. These WTPs include the County's Noman M. Cole, Jr. Pollution Control Plant, the District of Columbia Water and Sewer Authority Blue Plains Advanced Wastewater Treatment Plant, Alexandria Renew Enterprises WTP, Arlington County's WTP, Upper Occoquan Service Authority, and Loudoun Water's Broad Run WTP. Bond proceeds will also be used to fund the required estimated \$4 million deposit to the DSRF.

Sewer Revenue Refunding Bonds Series 2024B (refinancing)

In addition, County staff and its Financial Advisor are monitoring opportunities to refund existing sewer revenue bonds for savings. Under current market conditions, the estimated refunding savings do not meet the County's standard minimum savings threshold of 3% of the refunded par amount; however, if interest rates decline approximately 0.45%, the County could refund a portion of the Series 2014 Bonds and generate approximately \$600,000 in savings. The resolution would position the County to capture savings on any of the outstanding sewer revenue bonds if future market conditions change. The total maximum amount of refunding bonds in the Series 2024B resolution will reflect \$400 million for refinancing flexibility. The term of this bond resolution allows for these bonds to be refunded on or before June 30, 2025.

County staff will proceed with planning efforts relating to the proposed sale of the bonds. If the additional bond holder consent requirements are achieved as part of the bond sale, staff would return to the Board with an Action Item on April 16, 2024. This item will request the full release of the DSRF, which is estimated to be \$38 million (approximately \$34 million currently with the trustee and the additional \$4 million associated with the Series 2024A). These funds will be deposited into the County's Sewer Funds and utilized in the same manner as the Series 2024A for capital improvements to the County's system and regional WTPs. Absent the release of the DSRF, the bond sale would fund \$175 million in capital project costs. Assuming a full release of the DSRF, the bond sale would fund an estimated \$137 million in capital project costs (\$175 million less the anticipated DSRF release of \$38 million).

EQUITY IMPACT:

This board action has no adverse equity impact. The sewer rates are a significant part of the County's award-winning wastewater management program which protects public health and the environment. They are also the primary revenue source for repayment of the proposed sewer revenue bonds to be sold, and current as well as out year estimated rates are included in annual County budget documents. Untreated wastewater causes diseases to proliferate, including hepatitis, tetanus, typhoid, cholera,

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enterovirus, and others, that thrive in untreated human sewage. Untreated wastewater also ruins water quality and kills aquatic life. The U.S. Environmental Protection Agency (U.S. EPA) has identified inequitable nationwide trends where communities “allow continued discharges of raw sewage into waters used for drinking, recreation, and/or ecological habitat—depending on the ability of a wastewater system and its customers to pay for necessary infrastructure upgrades (Attachment 9).”

DPWES administers an integrated sewer system, with fees dedicated to capital improvements county-wide, regardless of the amount of fees contributed. Fairfax County also surpasses the U.S. EPA national average for good control of its sewer system by controlling sanitary sewer overflows with aggressive cleaning of sewers Countywide (Attachment 7).

The Fairfax County Wastewater Management Program also ensures proper conveyance and treatment of sewage away from 91 percent of households with high vulnerability index ratings, and 100 percent of households with a vulnerability index greater than 4. The Sewer Service area map (Attachment 3) shows Fairfax County Approved Sewer Service Area (ASSA) in comparison to the vulnerability index scores.

<b>Vulnerability Index</b>	<b>Number of Households in ASSA</b>	<b>Number of Households Not in ASSA</b>	<b>% IN</b>	<b>% OUT</b>
<b>0-1</b>	1,501	181	89%	11%
<b>1-2</b>	133,782	21,021	86%	14%
<b>2-3</b>	133,687	5,299	96%	4%
<b>3-4</b>	34,169	4,684	88%	12%
<b>4-5</b>	2,037	-	100%	0%
	305,176	31,185	91%	9%

The sewer rates are structured to be equivalent across all customers of the County. The quarterly sewer bills have two components, a Sewer Service (or volumetric) Charge and Base Charge. The volumetric charge is based on the amount of water consumed by a customer, providing customers the ability to reduce the amount of water they use and thereby reduce the amount they are charged. In addition, the volumetric charge is capped at the volume of water used during winter quarter months. So, residential customers are not charged a wastewater fee for water used outside of the house (e.g., for landscape irrigation, washing cars) during warmer months. Commercial customers are charged based on all the water consumed. However, commercial customers may install a “deduct water meter” to measure and subtract from the total water consumed the amount of water that does not enter the sewer system.

The County’s sewer charge is well below the Environmental Protection Agency’s

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Financial Capability Assessment Guidance. One common measure of rate affordability is to evaluate the typical residential bill (annualized) relative to the annual median household income (“MHI”) within the service area. Industry standards consider a wastewater bill at 1 percent or lower of the MHI as a low potential economic impact on residents. The proposed residential wastewater charges for the County for 2024 would be 0.5 percent of MHI, well below the lowest industry threshold.

The sewer rate equity impact is further addressed by the county-wide programs that assist low-income households and those living in vulnerable communities, Fairfax Water’s policy for providing water service, and the current Fairfax Water Low-Income Household Water Assistance Program (LIHWAP) (Attachment 8). Fairfax Water bills ratepayers on behalf of the Department of Public Works and Environmental Services (DPWES) wastewater management program. Customers who do not pay their water bills on time receive a grace period to come into compliance. Fairfax Water directs customers to the following assistance options, provided in multiple languages:

- Set up a Payment Plan. Customers may establish a payment plan with Fairfax Water.
- Request payment assistance through local community organizations that may assist with utility bill payment.
- Refers customers to:
  - Fairfax County Department of Family Services - 703.324.7450;
  - Fairfax Department of Housing - 703.324.8122;
  - Fairfax County Coordinated Services Planning - 703.222.0880.

When Fairfax Water refers the nonpaying community to Coordinated Services Planning, community members can rely on several County-wide programs. Ratepayers who are struggling to pay their water and sewer bills are typically experiencing other hardships, and several Fairfax County departments focus on providing a holistic solution to improve the food and water security for vulnerable households through the Community Consolidated Funding Pool and Coordinated Services Planning:

- Offers 17 languages on staff.
- Provides a CAREVAN, which targets areas of food insecurity, and Title I schools to provide food pantry availability.
- Community Services Planning (CSP) does outreach to the community as part of a program. They have a long-standing relationship with the community and the partners in the community.
- The Community Partner Strategy Team (CPST) represents a collaborative network of community/county health and human services providers representative of Fairfax County's diversity. The CPST strategically works to increase a collective capacity to serve and meet urgent and ongoing basic needs in the Fairfax County community.

In addition, the Department of Neighborhood and Community Services operates

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community centers throughout the County that can assist ratepayers. The Department of Housing and Community Development provides Section 8 housing and administers a Home Improvement Loan Program.

Finally, DPWES has sought opportunities to improve equitable service delivery, because the LIHWAP is a federally funded program that will expire when funding is expended. Under current state law, DPWES is not empowered by state law to establish a sewer fee to assist low-income and vulnerable households. As a county in the Commonwealth of Virginia, Fairfax County is subject to the Dillon Rule, and can only establish programs and ordinances expressly empowered by Virginia. As a result, the best improvement currently available is for DPWES to perform outreach by contributing wastewater ratepayer information to the NCS and CPST outreach programs.

FISCAL IMPACT:

Assuming market conditions as of February 5, 2024, annualized debt service payments for the Series 2024A will be approximately \$7.84 million. Funding will be available in Fund 69000, Sewer Revenue, with no General Fund impact. This bond sale is in conformance with the Sewer Revenue Fund's 10-year Capital Improvement Program and the January 2024 Revenue Sufficiency and Rate Analysis study.

Based on market conditions as of February 5, 2024, the Series 2024B estimated refunding savings do not meet the County's standard minimum savings threshold of 3% of the refunded par amount; however, if interest rates decline approximately 0.45%, the County could refund a portion of the Series 2014 Bonds and generate approximately \$600,000 in savings. The resolution would position the County to capture savings on any of the outstanding sewer revenue bonds if future market conditions change. The total maximum amount of refunding bonds in the Series 2024B resolution will reflect \$400 million for refinancing flexibility. The term of this bond resolution allows for these bonds to be refunded on or before June 30, 2025.

ENCLOSED DOCUMENTS:

- Attachment 1 - Series 2024A Resolution
- Attachment 2 - Series 2024B Resolution
- Attachment 3 - Sewer Service Area in Vulnerable Communities
- Attachment 4 - Bond Purchase Agreement
- Attachment 5 - Sewer Bond Sale Schedule of Events
- Attachment 6 - Preliminary Official Statement
- Attachment 7 - [Fairfax County Sewer Certification Report](#)
- Attachment 8 - [Fairfax County Low-Income Household Water Assistance Program](#)
- Attachment 9 - [NRDC Comments on FCA Guidance](#) & [NRDC - EDA Press Release](#)

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March 5, 2024

STAFF:

Christina Jackson, Deputy County Executive/Chief Financial Officer

Rachel Flynn, Deputy County Executive

Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)

Eleanor Ku Coddling, Deputy Director, Stormwater and Wastewater Division, DPWES

Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, DPWES

Anand Goutam, Financial Manager, Wastewater Management, DPWES

Philip A. Hagen, Director, Department of Management and Budget

Joseph LaHait, Deputy Director, Department of Management and Budget

ASSIGNED COUNSEL:

Emily Smith, Assistant County Attorney

At a regular meeting of the Board Supervisors of Fairfax County, Virginia, held in the Board auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on March 5, 2024, at which meeting a quorum was present and voting, the following resolution was adopted:

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Fairfax County,

Virginia

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SERIES RESOLUTION

**SERIES RESOLUTION SUPPLEMENTING AND AMENDING THE GENERAL BOND RESOLUTION OF THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, AUTHORIZING THE ISSUANCE OF SEWER REVENUE BONDS, TO PROVIDE FOR THE ISSUANCE OF AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$180,000,000 SEWER REVENUE BONDS, IN ONE OR MORE SERIES; DELEGATING TO THE CHAIRMAN AND VICE CHAIRMAN OF THE BOARD, THE COUNTY EXECUTIVE AND THE CHIEF FINANCIAL OFFICER OF THE COUNTY AUTHORITY TO DETERMINE CERTAIN DETAILS OF SUCH BONDS, DESIGNATING A PAYING AGENT AND BOND REGISTRAR AND DEPOSITARY FOR THE BONDS; APPROVING THE FORM AND AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A FINAL OFFICIAL STATEMENT RELATING TO SUCH BONDS; APPROVING THE EXECUTION OF A BOND PURCHASE AGREEMENT RELATING TO THE PURCHASE OF SUCH BONDS OR THE USE OF A NOTICE CALLING FOR BIDS TO PURCHASE SUCH BONDS; APPROVING THE MAKING OF A CONTINUING DISCLOSURE AGREEMENT; AND DIRECTING THE AUTHENTICATION AND DELIVERY OF SUCH BONDS.**

**WHEREAS**, the Board of Supervisors (the “Board of Supervisors” or “Board”) of Fairfax County, Virginia (“County”), has adopted a General Bond Resolution authorizing the issuance initially of not exceeding \$179,000,000 Sewer Revenue Bonds and thereafter the issuance of additional and refunding sewer revenue bonds (such resolution as initially adopted on July 29, 1985, amended and restated on July 21, 1986, further amended on January 9, 1989, further amended and restated on June 26, 1989, further amended and restated on May 18, 2009, effective July 1, 2009, and, as further supplemented and amended from time to time, herein called the “General Bond Resolution”); and

**WHEREAS**, the Board of Supervisors has determined to issue additional bonds authorized pursuant to the provisions of Section 209 of the General Bond Resolution for the purpose of providing funds, with any other available funds, for paying a portion of costs of improvements to the County’s sanitary sewer system including capital improvements to regional systems in which County has acquired capacity, as more fully described in Exhibit A hereto (the “Project”), such bonds to be payable solely from the funds provided under the General Bond Resolution and this Series Resolution; and

**WHEREAS**, the Board has determined to delegate, pursuant to the terms of this Series Resolution, to each of the Chairman and Vice Chairman of the Board and the County Executive and the Chief Financial Officer of the County (each a “Delegate”) authority to determine whether a competitive sale or negotiated sale of the bonds to be issued pursuant to this Series Resolution is in the best interest of the County; and

**WHEREAS**, the Board has found and determined that the issuance and sale of the bonds authorized hereby on the terms contemplated hereby are in the public interest and otherwise beneficial to the County; and

**WHEREAS**, Section 209 of the General Bond Resolution contemplates that the County will fix in this Series Resolution the aggregate principal amount of the additional bonds and the details thereof and describe the Project to be financed; and

**WHEREAS**, the Board has found and determined that it is in the public interest and otherwise beneficial to the County to amend, in the manner described herein, the definition of the term “Defeasance Obligations” in the General Bond Resolution with respect to bonds issued pursuant to this Series Resolution and that such amendment will not adversely affect the security for the bonds previously issued pursuant to the General Bond Resolution; and

**WHEREAS**, County staff has presented to the Board a draft of the Preliminary Official Statement to be furnished for use in connection with a sale of the bonds authorized hereby upon the terms set forth therein and will prepare a final Official Statement to be furnished to the purchasers or underwriters of the bonds for their use in connection with a bona fide public offering of the bonds;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, AS FOLLOWS:**

**Section 1. Authorization of Bonds.** Pursuant to Section 209 of the General Bond Resolution, bonds of Fairfax County, Virginia, are hereby authorized to be issued as Current

Interest Bonds, in one or more series, in the maximum aggregate principal amount not to exceed \$180,000,000 to provide funds, with any other available funds, for paying a portion of the cost of financing, acquiring, constructing and placing into service the Project specified in Exhibit A hereto. The bonds authorized hereby shall be designated “Sewer Revenue Bonds, Series 2024 [A]” (the “Bonds”), or otherwise as determined by a Delegate. The definitive Bonds shall be issuable as fully registered bonds without coupons, in the denominations of \$5,000 and any whole multiple thereof, shall be dated, and shall be numbered from R-1 upwards. The Bonds will be issued by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York, and immobilized in its custody.

All of the Bonds shall mature on July 15 of such years and in such principal amounts, and shall bear interest, payable on January 15 and July 15 of each year unless such different dates are determined pursuant to Section 2 hereof.

**Section 2. Delegation.** The Board of Supervisors hereby delegates to each of the Delegates the powers and duties to determine the following, such delegation to be effective only if the Board of Supervisors shall not then be in session (the Board not to be deemed in session if less than a quorum is present and voting):

(a) The aggregate principal amount of the Bonds, which is not to exceed \$180,000,000 required to provide financing for the Project, make a deposit to the Reserve Subfund and pay costs of issuance for the Bonds;

(b) Subject to the provisions of Section 5 hereof, whether the Bonds shall be sold in a negotiated sale to one or more underwriters or in a competitive sale process;

(c) The respective annual maturity dates and any mandatory redemption dates of the Bonds, and the respective principal amounts of the Bonds to mature or be redeemed on such dates, provided that the first maturity date shall occur no later than December 1, 2027, and the final maturity date shall not be later than December 1, 2055;

(d) The dated date of the Bonds, provided, however, that the Bonds shall be dated their date of issue or as of a customary date preceding their date of issue;

(e) The semi-annual interest payment dates, or such other interest payment dates deemed applicable, for the Bonds and the record date for the Bonds, provided that the first interest payment date shall be not more than ten (10) months after the dated date of the Bonds;

(f) The status of the Bonds as Serial Bonds or Term Bonds or a combination thereof, whichever is most likely to be best received by purchasers of or bidders for the Bonds; and

(g) The optional redemption provisions of the Bonds, provided that Bonds shall be made subject to redemption at the option of the County on a date or dates and at the price of par plus accrued interest plus a redemption premium, if any, not in excess of three percent (3%), the first such date on which such a redemption may occur to be no later than the eleventh (11th) anniversary of the dated date of the Bonds.



**Section 3. Designations.** Pursuant to the General Bond Resolution, the County hereby appoints U.S. Bank Trust Company, National Association, Richmond, Virginia, as (i) Paying Agent and Bond Registrar for the Bonds and (ii) Depository for the Bonds.

**Section 4. Redemption Provisions.** (a) When the Bonds become subject to redemption as determined in accordance with Section 2(g), they may be redeemed prior to their respective maturities, at the option of the County, from any money that may be made available for such purpose other than money set aside in respect of the Sinking Fund Requirement, either in whole or in part on any date, at the applicable redemption prices expressed as a percentage of the principal amount of Bonds to be redeemed, together with the interest accrued thereon to the date fixed for redemption.

Any notice of optional redemption of the Bonds may state that it is conditioned upon there being available an amount of money sufficient to pay the redemption price plus interest accrued and unpaid to the redemption date, and any conditional notice so given may be rescinded at any time before the payment of the redemption price if any such condition so specified is not satisfied. If a redemption does not occur after a conditional notice is given due to an insufficient amount of funds on deposit by the County, the corresponding notice of redemption shall be deemed to be revoked.

If the County gives an unconditional notice of redemption, then on the redemption date the Bonds called for redemption will become due and payable. If the County gives a conditional notice of redemption, and the amount of money to pay the redemption price of the affected Bonds shall have been set aside with the Paying Agent or a depository (either, a “depository”) for the purpose of paying such Bonds, then on the redemption date the Bonds will become due and payable. In either case, if on the redemption date the County holds money to pay the Bonds called for redemption, thereafter no interest will accrue on those Bonds, and a bondholder’s only right will be to receive payment of the redemption price upon surrender of those Bonds.

The County shall give a redemption notice as contemplated by Securities Exchange Act of 1934 Release No. 34-23856, dated December 3, 1986, including the requirement that notice be given to The Electronic Municipal Market Access (“EMMA”) system administered by the Municipal Securities Rulemaking Board.

(b) The following provisions shall apply to any Term Bond or Bonds:

Any Term Bond or Bonds shall be called for redemption, in part, on July 15, or date determined pursuant to the delegation in Section 2 hereof, in such years and in the principal amounts equal to the respective Sinking Fund Requirements for such Term Bonds, which Sinking Fund Requirement shall correspond to the maturities of the Serial Bonds subsumed in such Term Bond or Bonds (less the principal amount of any Term Bond retired by purchase and otherwise subject to adjustment as herein provided in this Section) from money in the Debt Service Subfund at a redemption price equal to par plus accrued interest thereon to the date fixed for redemption.

Amounts accumulated for each Sinking Fund Requirement may be applied by the County prior to the giving of notice of redemption of the Bonds on account of such Sinking Fund

Requirement to the purchase for cancellation of Bonds at a cost not exceeding the principal amount thereof plus accrued interest, and upon any such purchase, an amount equal to the principal amount thereof shall be credited toward the applicable Sinking Fund Requirement. The accrued interest on any Bonds so purchased shall be paid from money in the appropriate special account in the Debt Service Subfund established in respect of the interest accrued on the Bonds.

If at the close of any Principal Payment Date the total principal amount of the Term Bonds of any maturity of each Series retired by purchase or redemption or called for redemption under the provisions of this Series Resolution prior to such Principal Payment Date shall be in excess of the total amount of the Sinking Fund Requirements for the Term Bonds of such maturity and Series on such Principal Payment Date, then, the total amount of the Sinking Fund Requirements for the Term Bonds of such maturity and Series for all subsequent Principal Payment Dates shall be reduced by the amount of such excess. The amount of the reduction in the Sinking Fund Requirement for each such subsequent Principal Payment Date shall be specified in a certificate of a County Representative filed with the Clerk to the Board of Supervisors.

It shall be the duty of the Department of Finance of the County, on or before the 1st day of December, to compute the Sinking Fund Requirements for all subsequent Principal Payment Dates for the Term Bonds of each Series then Outstanding. The Sinking Fund Requirements for the next succeeding Principal Payment Date shall continue to be applicable and no further adjustment shall be made therein by reason of Bonds purchased or redeemed prior to the next succeeding Principal Payment Date.

Any such redemption, either in whole or in part, shall be made in the manner and under the terms and conditions provided in the General Bond Resolution.

#### **Section 5. Sale of the Bonds.**

(a) Sale. The Bonds shall be offered in a negotiated sale or for competitive bidding to one or more underwriters on such dates as a Delegate determines in consultation with the County's Financial Advisor, such dates to be not later than December 31, 2024.

(b) (i) Negotiated Sale Delegation. Each Delegate is hereby authorized to sell the Bonds in a negotiated sale to one or more underwriters through the execution of a Bond Purchase Agreement (as defined below) on one or more dates not later than December 31, 2024, subject to the following conditions: (A) the true interest cost of the Bonds sold shall not exceed 5.50%, and (B) the underwriters of the Bonds shall have been chosen pursuant to County guidelines.

(ii) Competitive Sale Delegation. Each Delegate is hereby authorized to accept the lowest bid (determined in accordance with the Notice of Sale (described herein)) for the Bonds, being offered for sale by the County at competitive bidding on one or more dates not later than December 31, 2024, subject to the following conditions: (A) the Financial Advisor to the County shall have recommended that due to financial market conditions such a competitive sale best serves the interest of the County, (B) a Delegate shall have determined that the bid conforms in all material respects to the requirements of the Notice of Sale (defined below), (C) a

Delegate shall have determined that the bid to be accepted is the lowest bid conforming to the terms of the Notice of Sale, (D) the Financial Advisor to the County shall have recommended that the lowest conforming bid be accepted, and (E) the true interest cost of such bid shall not exceed 5.50%.

In the event of a competitive sale by the County the distribution of an Official Notice of Sale (the "Notice of Sale"), substantially in the form previously used for County bond sales, is hereby authorized. County staff is also authorized to take any actions necessary or appropriate for selling the Bonds in a competitive sale pursuant to bids received electronically via the BiDCOMP/Parity Competitive Bidding System or similar electronic based competitive bidding system. The award of the Bonds as contemplated by Section 5(b)(ii) of this Series Resolution shall be conclusive evidence of the approval of the terms of the Notice of Sale.

(c) Bond Purchase Agreement. The form of the Bond Purchase Agreement (the "Bond Purchase Agreement") presented to this meeting is hereby approved, and each of the Delegates is authorized to execute and deliver, in the name and on behalf of the County, the Bond Purchase Agreement in such form and containing substantially the same terms and provisions, with such additions, deletions and modifications as shall be approved by the Delegate executing the Bond Purchase Agreement, the execution thereof by such officers being conclusive evidence of such approval.

**Section 6. Official Statement.** The Preliminary Official Statement of the County relating to the Bonds, and the final preparation and circulation thereof, the completion thereof with the results of the sale and the printing and delivery to the winning bidder or underwriter of a reasonable number of copies thereof as so completed (the "final Official Statement") are hereby approved and authorized, and the Chairman or Vice Chairman of the Board of Supervisors is hereby authorized and directed to execute and deliver the final Official Statement, both the Preliminary Official Statement and the final Official Statement to be in substantially the form of the draft Preliminary Official Statement presented at this meeting, with the changes contemplated hereby and such other changes as the Chairman or Vice Chairman may approve, his or her signature on the final Official Statement to be conclusive evidence of his or her approval thereof.

**Section 7. Continuing Disclosure Agreement.** The form of the Continuing Disclosure Agreement (the "Continuing Disclosure Agreement") presented to this meeting is hereby approved, and each of the Delegates is authorized to execute and deliver, in the name and on behalf of the County, the Continuing Disclosure Agreement in such form and containing substantially the same terms and provisions, with such additions, deletions and modifications as shall be approved by the Delegate executing the Continuing Disclosure Agreement, the execution thereof by such officers being conclusive evidence of such approval.

**Section 8. Manner of Execution of Bonds.** The Bonds shall be executed with the facsimile signatures of the Chairman or the Vice Chairman of the Board of Supervisors and the Clerk of the Board, and a facsimile of the official seal of the Board shall be imprinted on the Bonds. The Bonds shall be authenticated by the Bond Registrar for the Bonds and shall be delivered to or for the account of the purchasers of the Bonds upon receipt of the purchase price of the Bonds.

**Section 9. Application of Proceeds of Bonds.** The proceeds of the Bonds shall be deposited in accordance with the provisions of Section 209 of the General Bond Resolution as follows:

(1) accrued interest, if any, on the Bonds shall be paid to the Depository thereof for deposit to the Debt Service Subfund;

(2) such amount, if any, shall be paid to the Depository thereof for deposit to the credit of the Reserve Subfund as shall be required to make the balance to the credit of the Reserve Subfund equal to the amount of the Reserve Subfund Requirement on account of all series of bonds outstanding immediately after the issuance of the Bonds; and

(3) the balance shall be retained by the County and deposited to the credit of a special account within the Construction Subfund.

Money deposited in each of the Subfunds shall be held in trust and disbursed in accordance with the General Bond Resolution.

**Section 10. Tax Covenant.** The County covenants that it will comply with the provisions of the Internal Revenue Code of 1986, as amended, to the extent necessary so that interest on the Bonds will remain excludable from gross income from existing federal income tax to the same extent as it is excludable on the date of the issuance of the Bonds.

**Section 11. Amendment of General Bond Resolution-Defeasance Obligations with Respect to Bonds Issued Pursuant to this Series Resolution.** Pursuant to Section 1101(g) of the General Bond Resolution, the definition of “Defeasance Obligations” in Section 101 of the General Bond Resolution is hereby amended, solely with respect to the defeasance, pursuant to Section 1201 of the General Bond Resolution and for purposes of Section 307 of the General Bond Resolution, of Bonds issued pursuant to this Series Resolution, to read as follows:

“Defeasance Obligations” means (i) Government Obligations, (ii) obligations unconditionally guaranteed by the United States of America, or evidences of indirect ownership of such obligations, and (iii) the obligations described in clause (D) of the definition of “Investment Obligations.”

**Section 12. Definitions.** All terms not otherwise defined herein shall have the meanings ascribed thereto by the General Bond Resolution.

**Section 13. Authority of Officers.** The officers and agents of the County are hereby authorized and directed to do all the acts and things required of them by the bonds and by this Series Resolution for the full, punctual and complete performance of all of the terms, covenants, provisions and agreements contained in the bonds and in this Series Resolution.

**Section 14. Effectiveness.** This Series Resolution shall take effect immediately upon its adoption. This Series Resolution shall also serve as a supplemental resolution to the General Bond Resolution pursuant to Section 1101 of the General Bond Resolution.

A Copy - Teste:

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Jill G. Cooper,  
Clerk for the Board of Supervisors

**EXHIBIT A**

**Project**

Construction costs for capital improvement programs at the following wastewater treatment plants:

1. Noman M. Cole, Jr. Pollution Control Plant;
2. The District of Columbia Water and Sewer Authority Blue Plains Advanced Wastewater Treatment Plant;
3. Alexandria Renew Enterprises Wastewater Treatment Plant;
4. Arlington County Wastewater Treatment Plant;
5. Loudoun Water's Broad Run Wastewater Treatment Plant; and
6. The County's share of capital costs relating to Upper Occoquan Service Authority wastewater treatment plant facilities.

Project costs also include upgrades to meet current environmental regulations, extensions, improvements or additions to, and renovations and replacements of County sanitary sewer system infrastructure and to purchase additional treatment capacity if needed.

At a regular meeting of the Board Supervisors of Fairfax County, Virginia, held in the Board auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on March 5, 2024, at which meeting a quorum was present and voting, the following resolution was adopted:

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FAIRFAX COUNTY

Virginia

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SERIES RESOLUTION

**SERIES RESOLUTION SUPPLEMENTING AND AMENDING THE GENERAL BOND RESOLUTION OF THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, AUTHORIZING THE ISSUANCE OF SEWER REVENUE BONDS, TO PROVIDE FOR THE ISSUANCE OF AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$400,000,000 SEWER REVENUE REFUNDING BONDS, IN ONE OR MORE SERIES; DELEGATING TO THE CHAIRMAN AND VICE CHAIRMAN OF THE BOARD, THE COUNTY EXECUTIVE AND THE CHIEF FINANCIAL OFFICER OF THE COUNTY AUTHORITY TO DETERMINE CERTAIN DETAILS OF SUCH BONDS; DESIGNATING A PAYING AGENT AND BOND REGISTRAR AND DEPOSITARY FOR THE BONDS; APPROVING THE FORM AND AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A FINAL OFFICIAL STATEMENT RELATING TO SUCH BONDS; APPROVING THE EXECUTION OF A BOND PURCHASE AGREEMENT RELATING TO THE PURCHASE OF SUCH BONDS; APPROVING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT AND AN ESCROW DEPOSIT AGREEMENT; AND DIRECTING THE AUTHENTICATION AND DELIVERY OF SUCH BONDS.**

**WHEREAS**, the Board of Supervisors (the “Board of Supervisors” or “Board”) of Fairfax County, Virginia (“County”), has adopted a General Bond Resolution authorizing the issuance initially of not exceeding \$179,000,000 Sewer Revenue Bonds and thereafter the issuance of additional and refunding sewer revenue bonds (such resolution as initially adopted on July 29, 1985, amended and restated on July 21, 1986, further amended on January 9, 1989, further amended and restated on June 26, 1989, further amended and restated on May 18, 2009 effective July 1, 2009, and as further supplemented and amended from time to time, herein called the “General Bond Resolution”); and

**WHEREAS**, the County has determined, based on the advice of its Financial Advisor (the “Financial Advisor”) and subject to favorable market conditions, that it is advantageous to the County to refund on their earliest redemption dates all, or a portion of, its outstanding Sewer Revenue Refunding Bonds, Series 2014 (the “2014 Bonds”), stated to mature on or after July 15, 2025, that are subject to optional redemption by the County; and

**WHEREAS**, 2014 Bonds in the aggregate principal amount of \$21,935,000 stated to mature on and after July 15, 2025 (the “2014 Refunding Candidates”), are subject to redemption at the option of the County on or after their July 15, 2024, redemption date at the redemption price of 100% thereof; and

**WHEREAS**, the County has determined, based on the advice of its Financial Advisor and subject to favorable market conditions, that it is advantageous to the County to refund on their earliest redemption dates all, or a portion of, its outstanding Sewer Revenue Refunding Bonds, Series 2016A (the “2016 Bonds”) stated to mature on or after July 15, 2027, that are subject to optional redemption by the County; and

**WHEREAS**, 2016 Bonds in the aggregate principal amount of \$121,935,000 stated to mature on and after July 15, 2027 (the “2016 Refunding Candidates”), are subject to redemption at the option of the County on their July 15, 2026, redemption date at the redemption price of 100% thereof; and

**WHEREAS**, the County has determined, based on the advice of its Financial Advisor and subject to favorable market conditions, that it is advantageous to the County to refund on their earliest redemption dates all, or a portion of, its outstanding Sewer Revenue Bonds, Series 2017 (the “2017 Bonds”) stated to mature on or after July 15, 2028, that are subject to optional redemption by the County; and

**WHEREAS**, 2017 Bonds in the aggregate principal amount of \$69,645,000 stated to mature on and after July 15, 2028 (the “2017 Refunding Candidates), are subject to redemption at the option of the County on their July 15, 2027, redemption date at the redemption price of 100% thereof; and

**WHEREAS**, the County has determined, based on the advice of its Financial Advisor and subject to favorable market conditions, that it is advantageous to the County to refund on their earliest redemption dates all, or a portion of, its outstanding Sewer Revenue Bonds, Series 2021A (the “2021A Bonds”) stated to mature on or after July 15, 2032, that are subject to optional redemption by the County; and



**WHEREAS**, 2021A Bonds in the aggregate principal amount of \$157,285,000 stated to mature on and after July 15, 2032 (the “2021A Refunding Candidates”), are subject to redemption at the option of the County on their July 15, 2031, redemption date at the redemption price of 100% thereof; and

**WHEREAS**, the County has determined, based on the advice of its Financial Advisor and subject to favorable market conditions, that it is advantageous to the County to refund on their earliest redemption dates all, or a portion of, its outstanding Sewer Revenue Bonds, Series 2021B (the “2021B Bonds”) stated to mature on or after July 15, 2032, that are subject to optional redemption by the County; and

**WHEREAS**, 2021B Bonds in the aggregate principal amount of \$24,210,000 stated to mature on and after July 15, 2036 (the “2021B Refunding Candidates” and, together with the 2012 Refunding Candidates, the 2014 Refunding Candidates, the 2016 Refunding Candidates, the 2017 Refunding Candidates, and the 2021A Refunding Candidates, the “Refunding Candidates”), are subject to redemption at the option of the County on their July 15, 2031, redemption date at the redemption price of 100% thereof; and

**WHEREAS**, the County has determined to provide for the issuance of one or more series of refunding bonds pursuant to Section 210 of the General Bond Resolution (the “Refunding Bonds”) for the purpose of providing funds, with any other available funds, for refunding all or any of the Refunding Candidates (the Refunding Candidates actually refunded, the “Refunded Bonds”), including the payment of the redemption price thereon and interest that will accrue on the Refunded Bonds to their respective redemption dates and the expenses in connection with such refunding; and

**WHEREAS**, the Board has determined to delegate, pursuant to the terms of this Series Resolution, to each of the Chairman and Vice Chairman of the Board and the County Executive and the Chief Financial Officer of the County (each a “Delegate”) authority to make certain determinations for such obligations to be issued pursuant to this Series Resolution that are in the best interest of the County; and

**WHEREAS**, the Board has found and determined that the issuance and sale of the Refunding Bonds authorized hereby on the terms contemplated hereby are in the public interest and otherwise beneficial to the County; and

**WHEREAS**, Section 210 of the General Bond Resolution contemplates that the County will fix in this Series Resolution the aggregate principal amount of the Refunding Bonds and the details thereof and describe the indebtedness to be refunded; and

**WHEREAS**, County staff has prepared a draft of the Preliminary Official Statement to be furnished for use in connection with a sale of the bonds authorized hereby upon the terms set forth therein and will prepare a final Official Statement to be furnished to the purchasers or underwriters of the bonds for their use in connection with a bona fide public offering of the bonds; and

**WHEREAS**, the Board has found and determined that it is in the public interest and otherwise beneficial to the County to amend, in the manner described herein, the definition of the

term “Defeasance Obligations” in the General Bond Resolution with respect to bonds issued pursuant to this Series Resolution and that such amendment will not adversely affect the security for the bonds previously issued pursuant to the General Bond Resolution;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, AS FOLLOWS:**

**Section 1. Authorization of Refunding Bonds.** Pursuant to Section 210 of the General Bond Resolution, Bonds of Fairfax County, Virginia, are hereby authorized to be issued as Current Interest Bonds, in one or more series at one or more times, in an aggregate principal amount not to exceed \$400,000,000 to provide funds, with any other available funds, for refunding the Refunded Bonds, including the payment of the redemption price thereon and interest that will accrue on such Refunded Bonds to their earliest respective redemption dates and the expenses in connection with such refunding. The Refunding Bonds authorized hereby shall be designated “Sewer Revenue Refunding Bonds, Series 2024[B]” or otherwise as determined by a Delegate. The definitive Refunding Bonds shall be issuable as fully registered bonds without coupons, in the denominations of \$5,000 and any whole multiple thereof, shall be dated, and shall be numbered from R-1 upwards. The Refunding Bonds will be issued by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York, and immobilized in its custody.

All of the Refunding Bonds shall mature on July 15 of such years and in such principal amounts, and shall bear interest, payable on January 15 and July 15 of each year unless such different dates are determined pursuant to Section 2(e) hereof.

**Section 2. Delegation.** The Board of Supervisors hereby delegates to each of the Delegates the powers and duties to determine the following, such delegation to be effective only if the Board of Supervisors shall not then be in session (the Board not to be deemed in session if less than a quorum is present and voting):

(a) The aggregate principal amount of the Refunding Bonds, such amount not to exceed the lesser of (i) \$400,000,000 and (ii) the amount required to fund an escrow sufficient to defease the Refunded Bonds in accordance with the General Bond Resolution and pay the costs of issuance of the Refunding Bonds and defeasing the Refunded Bonds;

(b) The respective annual maturity dates and any mandatory redemption dates of the Refunding Bonds, and the respective principal amounts of the Refunding Bonds to mature or be redeemed on such dates, provided that the final maturity date shall not be later than one year after the final maturity date of the Refunded Bonds;

(c) Subject to the provisions of Section 5 hereof, whether the Refunding Bonds shall be sold in a negotiated sale to one or more underwriters or in a competitive sale process;

(d) The dated date of the Refunding Bonds; provided, however, the Refunding Bonds shall be dated their date of issue or as of a customary date preceding their date of issue;

(e) The semi-annual interest payment dates, or such other interest payment dates deemed applicable, for the bonds and the record date for the Refunding Bonds, provided that the

first interest payment date shall be not more than ten (10) months after the dated date of the Refunding Bonds;

(f) Whether or not the Refunding Bonds are to be issued as obligations the interest on which is intended to be excluded from the gross income of the beneficial owners thereof for federal income tax purposes;

(g) The status of the Refunding Bonds as Serial Bonds or Term Bonds or a combination thereof;

(h) The amount to release from the Debt Service Subfund and Reserve Subfund, if any, as an additional source of funds to defease the Refunded Bonds; provided that the amount on deposit in the Reserve Subfund after such release shall not be less than the Reserve Subfund Requirement;

(i) The optional redemption provisions of the Refunding Bonds, provided that the Refunding Bonds shall be made subject to redemption at the option of the County on a date or dates and at the price of par plus accrued interest plus a redemption premium, if any, not in excess of three percent (3%), the first such date on which such a redemption may occur to be no later than the eleventh (11th) anniversary of the dated date of the Bonds, provided, however, that a Delegate, upon the recommendation of the Financial Advisor to the County, may determine that Refunding Bonds issued as taxable bonds shall not be subject to optional redemption prior to their maturity or upon the recommendation of the Financial Advisor, notwithstanding the maximum redemption price referred to above, a make-whole or cost-of-funds premium redemption shall be permitted for such taxable Refunding Bonds;

(j) The particular Escrow Securities (as defined in the Escrow Deposit Agreement hereinafter mentioned), if any, and the form thereof and the terms of any related agreement with respect thereto that in his judgment will improve the efficiency of the Escrow Securities in defeasing the Refunded Bonds; and

(k) The particular Refunding Candidates to be refunded if less than all of the Refunding Candidates are selected to be refunded.

**Section 3. Designations.** Pursuant to the General Bond Resolution, the County hereby appoints U.S. Bank Trust Company, National Association, Richmond, Virginia, as (i) Paying Agent and Bond Registrar for the Refunding Bonds, (ii) Depositary for the Refunding Bonds and (iii) Escrow Agent under the Escrow Deposit Agreement.

**Section 4. Redemption Provisions.** (a) When the Refunding Bonds become subject to redemption as determined in accordance with Section 2(i), they may be redeemed prior to their respective maturities, at the option of the County, from any money that may be made available for such purpose other than money set aside in respect of the Sinking Fund Requirement, either in whole or in part on any date, at the applicable redemption prices expressed as a percentage of the principal amount of Refunding Bonds to be redeemed, together with the interest accrued thereon to the date fixed for redemption.

Any notice of optional redemption of the Refunding Bonds may state that it is conditioned upon there being available an amount of money sufficient to pay the redemption price plus interest accrued and unpaid to the redemption date, and any conditional notice so given may be rescinded at any time before the payment of the redemption price if any such condition so specified is not satisfied. If a redemption does not occur after a conditional notice is given due to an insufficient amount of funds on deposit by the County, the corresponding notice of redemption shall be deemed to be revoked.

If the County gives an unconditional notice of redemption, then on the redemption date the Refunding Bonds called for redemption will become due and payable. If the County gives a conditional notice of redemption, and the amount of money to pay the redemption price of the affected Refunding Bonds shall have been set aside with the Paying Agent or a depository (either, a “depository”) for the purpose of paying such Refunding Bonds, then on the redemption date the Refunding Bonds will become due and payable. In either case, if on the redemption date the County holds money to pay the Refunding Bonds called for redemption, thereafter no interest will accrue on those Refunding Bonds, and a bondholder’s only right will be to receive payment of the redemption price upon surrender of those Refunding Bonds.

The County shall give redemption notice as contemplated by Securities Exchange Act of 1934 Release No. 34-23856, dated December 3, 1986, including the requirement that notice be given to The Electronic Municipal Market Access (“EMMA”) system administered by the Municipal Securities Rulemaking Board.

(b) The following provisions shall apply to any Term Bond or Bonds:

Any Term Bond or Bonds shall be called for redemption, in part, on July 15, or date determined pursuant to the delegation in Section 2 hereof, in such years and in the principal amounts equal to the respective Sinking Fund Requirements for such Term Bonds, which Sinking Fund Requirement shall correspond to the maturities of the Serial Bonds subsumed in such Term Bond or Bonds (less the principal amount of any Term Bond retired by purchase and otherwise subject to adjustment as herein provided in this Section) from money in the Debt Service Subfund at a redemption price equal to par plus accrued interest thereon to the date fixed for redemption.

Amounts accumulated for each Sinking Fund Requirement may be applied by the County prior to the giving of notice of redemption of the Refunding Bonds on account of such Sinking Fund Requirement to the purchase for cancellation of Refunding Bonds at a cost not exceeding the principal amount thereof plus accrued interest, and upon any such purchase, an amount equal to the principal amount thereof shall be credited toward the applicable Sinking Fund Requirement. The accrued interest on any Refunding Bonds so purchased shall be paid from money in the appropriate special account in the Debt Service Subfund established in respect of the interest accrued on the Refunding Bonds.

If at the close of any Principal Payment Date the total principal amount of the Term Bonds of any maturity of each series retired by purchase or redemption or called for redemption under the provisions of this Series Resolution prior to such Principal Payment Date shall be in excess of the total amount of the Sinking Fund Requirements for the Term Bonds of such

maturity and Series on such Principal Payment Date, then, the total amount of the Sinking Fund Requirements for the Term Bonds of such maturity and series for all subsequent Principal Payment Dates shall be reduced by the amount of such excess. The amount of the reduction in the Sinking Fund Requirement for each such subsequent Principal Payment Date shall be specified in a certificate of a County Representative filed with the Clerk to the Board of Supervisors.

It shall be the duty of the Department of Finance of the County, on or before the 1st day of December, to compute the Sinking Fund Requirements for all subsequent Principal Payment Dates for the Term Bonds of each Series then Outstanding. The Sinking Fund Requirements for the next succeeding Principal Payment Date shall continue to be applicable and no further adjustment shall be made therein by reason of Refunding Bonds purchased or redeemed prior to the next succeeding Principal Payment Date.

Any such redemption, either in whole or in part, shall be made in the manner and under the terms and conditions provided in the General Bond Resolution.

#### **Section 5. Sale of the Refunding Bonds.**

(a) Sale. The Refunding Bonds shall be offered in a negotiated sale or for competitive bidding to one or more underwriters on such dates as a Delegate determine in consultation with the County's Financial Advisor, such dates to be not later than June 30, 2025.

(b) (i) Negotiated Sale Delegation. Each Delegate is hereby authorized to sell the Refunding Bonds in a negotiated sale to one or more underwriters through the execution of a Bond Purchase Agreement (as defined below) on one or more dates not later than June 30, 2025, subject to the following conditions: (A) the true interest cost of the Refunding Bonds sold shall not exceed 5.0%, (B) the underwriters of the Refunding Bonds shall have been chosen pursuant to County guidelines, and (C) the present value of the debt service savings, as calculated by the Financial Advisor, to be obtained from the issuance of the Refunding Bonds and the refunding of the Refunded Bonds is not less than 3.0% of the principal amount of the Refunded Bonds.

(ii) Competitive Sale Delegation. Each Delegate is hereby authorized to accept the lowest bid (determined in accordance with the Notice of Sale (described herein)) for the Refunding Bonds, being offered for sale by the County at competitive bidding on one or more dates not later than June 30, 2025, subject to the following conditions: (A) the Financial Advisor to the County shall have recommended that due to financial market conditions such a competitive sale best serves the interest of the County, (B) a Delegate shall have determined that the bid conforms in all material respects to the requirements of the Notice of Sale, (C) a Delegate shall have determined that the bid to be accepted is the lowest bid conforming to the terms of the Notice of Sale, (D) the Financial Advisor to the County shall have recommended that the lowest conforming bid be accepted, (E) the true interest cost of such bid shall not exceed 5.0% and (F) the present value of the debt service savings, as calculated by the Financial Advisor, to be obtained from the issuance of the Refunding Bonds and the refunding of the Refunded Bonds is not less than 3.0% of the principal amount of the Refunded Bonds.

In the event of a competitive sale by the County the distribution of an Official Notice of Sale (the “Notice of Sale”), substantially in the form previously used for County bond sales, is hereby authorized. County staff is also authorized to take any actions necessary or appropriate for selling the Bonds in a competitive sale pursuant to bids received electronically via the BiDCOMP/Parity Competitive Bidding System or similar electronic based competitive bidding system. The award of the Bonds as contemplated by Section 5(b)(ii) of this Series Resolution shall be conclusive evidence of the approval of the terms of the Notice of Sale.

(c) **Bond Purchase Agreement.** The form of the Bond Purchase Agreement (the “Bond Purchase Agreement”) presented to this meeting is hereby approved, and each of the Delegates is authorized to execute and deliver, in the name and on behalf of the County, the Bond Purchase Agreement in such form and containing substantially the same terms and provisions, with such additions, deletions and modifications as shall be approved by the Delegate executing the Bond Purchase Agreement, the execution thereof by such officers being conclusive evidence of such approval.

**Section 6. Official Statement.** A Preliminary Official Statement of the County relating to the Refunding Bonds shall be prepared, and the preparation and circulation thereof, the completion thereof with the results of the sale and the printing and delivery to the underwriter(s) of a reasonable number of copies thereof as so completed (the “final Official Statement”) are hereby approved and authorized, and the Chairman or Vice Chairman of the Board of Supervisors is hereby authorized and directed to execute and deliver the final Official Statement, both the Preliminary Official Statement and the final Official Statement to be in substantially the form of the draft Preliminary Official Statement presented at this meeting, with the changes contemplated hereby and such other changes as the Chairman or Vice Chairman may approve, his or her signature on the final Official Statement to be conclusive evidence of his or her approval thereof.

**Section 7. Continuing Disclosure Agreement.** The form of the Continuing Disclosure Agreement (the “Continuing Disclosure Agreement”) presented to this meeting is hereby approved, and each of the Delegates is authorized to execute and deliver, in the name and on behalf of the County, the Continuing Disclosure Agreement in such form and containing substantially the same terms and provisions, with such additions, deletions and modifications as shall be approved by the Delegate executing the Continuing Disclosure Agreement, the execution thereof by such officers being conclusive evidence of such approval.

**Section 8. Manner of Execution of Refunding Bonds.** The Refunding Bonds shall be executed with the facsimile signatures of the Chairman or the Vice Chairman of the Board of Supervisors and the Clerk of the Board, and a facsimile of the official seal of the Board shall be imprinted on the Refunding Bonds. The Refunding Bonds shall be authenticated by the Bond Registrar for the Refunding Bonds and shall be delivered to or for the account of the purchasers of the Refunding Bonds upon receipt of the purchase price of the Refunding Bonds.

**Section 9. Escrow Deposit Agreement.** The execution and delivery of one or more escrow deposit agreements (each, an “Escrow Deposit Agreement”) between the County and U.S. Bank Trust Company, National Association, Richmond, Virginia, which will act as escrow agent for the Refunded Bonds, is hereby authorized, each such Escrow Deposit Agreement to be

substantially in the form presented to this meeting, with such additions, deletions and modifications as shall be approved by the Delegate executing such Escrow Deposit Agreement, the execution thereof by such officers being conclusive evidence of such approval.

**Section 10. Application of Proceeds of Refunding Bonds.** The proceeds of the Refunding Bonds shall be deposited in accordance with the provisions of the General Bond Resolution as follows:

(1) the accrued interest, if any, on the Refunding Bonds shall be paid to the Depository thereof for deposit to the Debt Service Subfund;

(2) an amount that taking into account the amount described in the following paragraph, together with the interest that shall accrue and the principal that shall mature on the Escrow Securities, if any, shall be sufficient to pay the principal of and redemption premium, if any, and the interest on the Refunded Bonds to their redemption date shall be paid to the Escrow Agent, for deposit to the credit of an escrow fund, to be held in trust by such Escrow Agent for the sole and exclusive purpose of paying such principal, redemption premium and interest;

(3) to the credit of a separate account within the Revenue Subfund, the estimated amount of the cost of issuing such Refunding Bonds; and

(4) any balance of such proceeds shall be paid to the Depository for deposit to the credit of the Debt Service Subfund.

In the event that after a valuation by the Depository or the County, as appropriate, of the amounts to the credit of the Reserve Subfund or any other Subfund or account created pursuant to the General Bond Resolution, the Depository determines that the balance of the credit of such Subfund or account exceeds the amount required to be on deposit therein on account of all Bonds and Parity Indebtedness outstanding after the issuance of the Refunding Bonds, such excess shall be paid to the Escrow Agent for deposit to the credit of the escrow for the Refunded Bonds or for any other purpose allowed by the General Bond Resolution.

Money deposited in each of the Subfunds shall be held in trust and disbursed in accordance with the General Bond Resolution.

**Section 11. Tax Covenant.** The County covenants that it will comply with the provisions of the Internal Revenue Code of 1986, as amended, to the extent necessary so that interest on the Refunding Bonds will remain excludable from gross income from existing federal income tax to the same extent as it is excludable on the date of the issuance of the Refunding Bonds.

**Section 12. Amendment of General Bond Resolution-Defeasance Obligations with Respect to Refunding Bonds Issued Pursuant to this Series Resolution.** Pursuant to Section 1101(g) of the General Bond Resolution, the definition of “Defeasance Obligations” in Section 101 of the General Bond Resolution is hereby amended, solely with respect to the defeasance, pursuant to Section 1201 of the General Bond Resolution and for purposes of Section 307 of the General Bond Resolution, of Refunding Bonds issued pursuant to this Series Resolution, to read as follows:

“Defeasance Obligations” means (i) Government Obligations, (ii) obligations unconditionally guaranteed by the United States of America, or evidences of indirect ownership of such obligations, and (iii) the obligations described in clause (D) of the definition of “Investment Obligations.”

**Section 13. Definitions.** All terms not otherwise defined herein shall have the meanings ascribed thereto by the General Bond Resolution.

**Section 14. Authority of Officers.** The officers and agents of the County are hereby authorized and directed to do all the acts and things required of them by the bonds and by this Series Resolution for the full, punctual and complete performance of all of the terms, covenants, provisions and agreements contained in the bonds and in this Series Resolution.

**Section 15. Effectiveness.** This Series Resolution shall take effect immediately upon its adoption. This Series Resolution shall also serve as a supplemental resolution to the General Bond Resolution pursuant to Section 1101 of the General Bond Resolution.

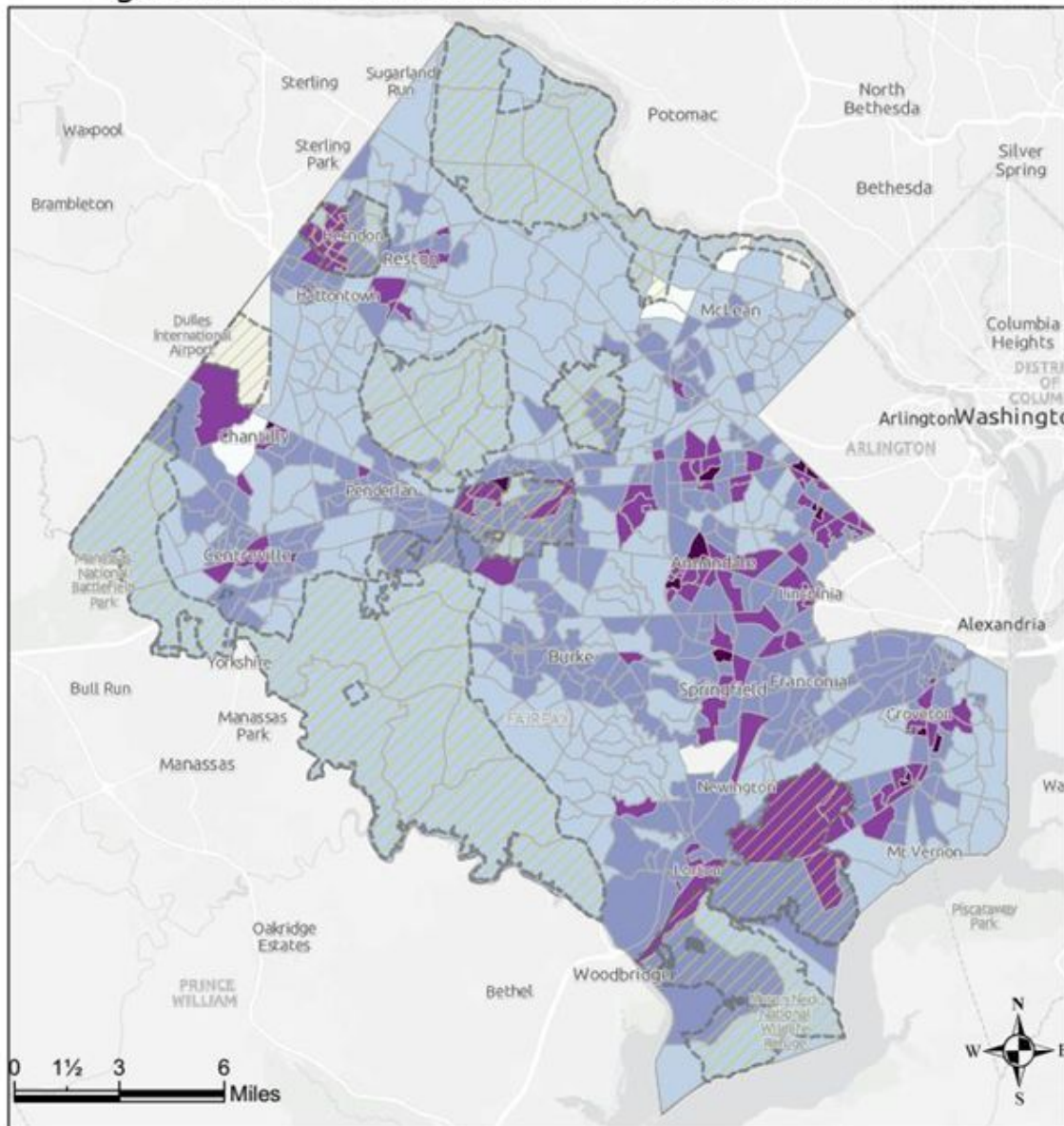
A Copy - Teste:

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Jill G. Cooper,  
Clerk for the Board of Supervisors



Figure 1. Sewer Service Area in Vulnerable Communities



**Legend**

 Outside ASSA

Vulnerability Index	# of households inside the ASSA	# of households outside of the ASSA	Total # of households
0 - 1	1,501	181	1,682
1 - 2	133,782	21,021	154,803
2 - 3	133,687	5,299	138,986
3 - 4	34,169	4,684	38,853
4 - 5	2,037	0	2,037
<b>Total</b>	<b>305,176</b>	<b>31,185</b>	<b>336,361</b>



Date: 3/3/2023

**BOND PURCHASE AGREEMENT**

**FAIRFAX COUNTY, VIRGINIA**  
**\$ \_\_\_\_\_**  
**SEWER REVENUE BONDS, SERIES 2024A**  
**(THE “2024A BONDS”)**

**AND**

**\$ \_\_\_\_\_**  
**SEWER REVENUE REFUNDING BONDS, SERIES 2024B**  
**(THE “2024B BONDS”)**

March \_\_, 2024

Fairfax County, Virginia  
12000 Government Center Parkway, Suite 561  
Fairfax, Virginia 22035  
Attention: Chief Financial Officer

The undersigned, Morgan Stanley & Co. LLC (the “Representative”), on its own behalf and on behalf of BofA Securities, Inc., and Raymond James & Associates, Inc. (collectively, the “Underwriters”), hereby agrees to purchase the above-captioned 2024A Bonds and 2024B Bonds (collectively, the “Bonds”) from Fairfax County, Virginia (the “County”), pursuant to the terms and conditions of this Bond Purchase Agreement (this “Agreement”).

The Bonds will be issued pursuant to, and secured under, the General Bond Resolution adopted by the Board of Supervisors of Fairfax County (the “Board of Supervisors”) on July 29, 1985, as amended and restated on July 21, 1986, as further amended on January 9, 1989, as further amended and restated on June 26, 1989, and as further amended and restated on May 18, 2009, effective July 1, 2009 (as so amended and restated, the “General Bond Resolution”). The General Bond Resolution, as supplemented by a separate Series Resolution for each series of the Bonds, each adopted by the Board of Supervisors on March [5], 2024 (together with the General Bond Resolution, the “Resolution”), provides for the issuance of the Bonds. The General Bond Resolution was adopted pursuant to Article 3, Chapter 21, Title 15.2, Code of Virginia, 1950, as amended, and Chapter 26, Title 15.2, Code of Virginia, 1950, as amended (collectively, the “Act”).

This offer is made subject to the acceptance hereof by the County evidenced by the County’s execution and delivery (manually or by facsimile or electronic (PDF) transmission) of this Agreement (or the signature page) to the Representative or counsel to the Underwriters, at or prior to 11:00 p.m., Eastern Time, today. If not so accepted, this offer shall expire upon written notice sent by the Underwriters to the County at any time prior to acceptance. The 2024A Bonds are being issued to provide funds for (i) paying the costs of certain additions, extensions and improvements to the County’s sewage collection, treatment and disposal systems, and paying capital improvement costs allocable to the County at certain wastewater treatment facilities for

the benefit of the County, (ii) making a deposit to the Reserve Subfund established pursuant to the Resolution pending the adoption of the Proposed General Bond Resolution Amendments, as defined herein, and (iii) paying costs of issuing the 2024A Bonds. The 2024B Bonds are being issued to provide funds for (i) refunding certain outstanding sewer revenue bonds of the County and (ii) paying costs of issuing the 2024B Bonds.

Capitalized terms used in this Agreement and not otherwise defined shall have the meanings ascribed to them in the Preliminary Official Statement (as defined herein).

**Section 1. Offer and Sale of the Bonds; Good Faith Deposit**

(a) On the basis of the representations, warranties, covenants and agreements contained in this Agreement, and in the other agreements referred to herein, and subject to the terms and conditions described in this Agreement, the Underwriters, jointly and severally, agree to purchase the Bonds for the purchase price of \$\_\_\_\_\_, representing the principal amount of the Bonds of \$\_\_\_\_\_, plus net original issue premium of \$\_\_\_\_\_, less an underwriting discount of \$\_\_\_\_\_.

The Bonds shall be dated their date of issuance and shall be payable as to principal and interest on the dates and in the amounts and at the rates as shown on Exhibit A.

(b) The Underwriters acknowledge that the County has not authorized or consented to any of the following:

(i) the sale of the Bonds to any purchaser in connection with the initial public offering of the Bonds unless the Underwriters have complied with Rule G-32 of the Municipal Securities Rulemaking Board (the “MSRB”);

(ii) the offer or sale of Bonds in any jurisdiction where any such offer or sale would be in violation of such jurisdiction’s securities laws;

(iii) making any representations or providing any information to prospective purchasers of the Bonds in connection with the public offering and sale of the Bonds other than the information set forth in the Preliminary Official Statement, the Official Statement (as defined herein) and any amendment thereto approved in writing by the County; or

(iv) any actions in connection with the offering and sale of the Bonds in violation of applicable requirements of federal and state securities laws and any applicable requirements of the MSRB or the Financial Industry Regulatory Authority.

The Underwriters agree that in their offering of the Bonds they will comply with the applicable rules of the MSRB.

(c) On the date hereof, \$\_\_\_\_\_, which amount is the payment in good faith on account of the purchase price of the Bonds (the “Good Faith Deposit”), shall be delivered by wire transfer of immediately available funds from the Underwriters to the account identified in writing by the County. In the event the County does not accept this offer, such Good Faith

Deposit shall be immediately returned to the Underwriters by wire transfer to the account designated in writing by the Representative. If the Underwriters fail (other than for a reason permitted herein) to accept and pay for the Bonds on the Closing Date (as defined herein) as herein provided, the amount of such Good Faith Deposit plus any interest earned thereon shall be retained by the County as and for full liquidated damages for such failure and for any defaults hereunder on the part of the Underwriters, and such retention shall constitute a full release and discharge of all claims by and any rights of the County against the Underwriters arising out of the transactions contemplated hereby. Accordingly, the Underwriters hereby waive any right to claim that the actual damages of the County are less than such sum, and the acceptance of this offer by the County shall constitute a waiver of any right that the County may have to additional damages from the Underwriters. In the event of the County's failure to deliver the Bonds on the Closing Date, or if the County shall be unable to satisfy the conditions to the obligations of the Underwriters contained herein (unless such conditions are waived by the Underwriters), or if the obligations of the Underwriters shall be terminated for any reason permitted herein, the County shall immediately return to the Underwriters the Good Faith Deposit, by wire transfer of immediately available funds to the account designated in writing by the Representative.

***Section 2. Establishment of Issue Price of Bonds***

(a) The Representative, on behalf of the Underwriters, agrees to assist the County in establishing the issue price of the Bonds and shall execute and deliver to the County on the Closing Date an "issue price" or similar certificate, together with the supporting pricing wires or equivalent communications, substantially in the form attached hereto as Exhibit B, with such modifications as may be appropriate or necessary, in the reasonable judgment of the Representative, the County and Bond Counsel, to accurately reflect, as applicable, the sales price or prices or the initial offering price or prices to the public of the Bonds.

(b) The Representative confirms that the Underwriters have offered all of the Bonds to the public on or before the date hereof for purchase at the offering price or prices, or priced to yield as, set forth in Exhibit A attached hereto (the "initial offering price").

(c) The County and the Representative, on behalf of the Underwriters, agree that the restrictions set forth in the next sentence shall apply to each maturity of the Bonds, which will allow the County to treat the initial offering price to the public of each maturity of the Bonds as of the date hereof as the issue price of that maturity (the "hold-the-offering-price rule"). So long as the hold-the-offering-price rule remains applicable to any maturity of the Bonds, the Underwriters will neither offer nor sell any Bonds of that maturity to any person at a price that is higher than the initial offering price to the public during the period starting on the date hereof and ending on the earlier of the following:

- (1) the close of the fifth (5th) business day after the date hereof; and
- (2) the date on which the Underwriters have sold at least 10% of that maturity of the Bonds to the public at a price that is no higher than the initial offering price to the public.

The Representative shall promptly advise the County when the Underwriters have sold 10% of that maturity of the Bonds to the public at a price that is no higher than the initial offering price to the public, if that occurs prior to the close of the fifth (5th) business day after the date hereof.

Initial disclosure of maturities that have met the 10% test will be made after the signing of this Agreement, at the earlier of (1) all tickets having been entered by the Representative and (2) 5:00 p.m. Eastern Time, on March \_\_, 2024.

The County acknowledges that, in making the representation set forth in this subsection, the County will rely on (i) the agreement of each Underwriter to comply with the requirements for establishing the issue price of the Bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, as set forth in an agreement among underwriters and the related pricing wires, (ii) in the event a selling group has been created in connection with the initial sale of the Bonds to the public, the agreement of each dealer that is a member of the selling group to comply with the requirements for establishing the issue price of the Bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, as set forth in a selling group agreement and the related pricing wires, and (iii) in the event that an Underwriter or a dealer that is a member of the selling group is a party to a third-party distribution agreement that was employed in connection with the initial sale of the Bonds to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the requirements for establishing the issue price of the Bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, as set forth in the third-party distribution agreement and the related pricing wires. The County further acknowledges that each Underwriter shall be solely liable for its failure to comply with its agreement regarding the requirements for establishing the issue price of the Bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, and that no Underwriter shall be liable for the failure of any other Underwriter or of any dealer that is a member of a selling group, or of any broker-dealer that is a party to a third-party distribution agreement, to comply with its corresponding agreement to comply with the requirements for establishing the issue price of the Bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule.

(d) The Representative confirms that:

(i) any agreement among underwriters, any selling group agreement and each third-party distribution agreement (to which the Representative is a party) relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each Underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such third-party distribution agreement, as applicable, (A) to comply with the hold-the-offering-price rule in each case if and for so long as directed by the Representative and as set forth in the related pricing wires, (B) to promptly notify the Representative of any sales of Bonds that, to its knowledge, are made to a purchaser who is a related party to an underwriter participating in the initial sale of the Bonds to the public (each such term being used as defined below), and (C) to acknowledge that, unless otherwise advised by the Underwriter, dealer, or

broker-dealer, the Representative shall assume that each order submitted by the Underwriter, dealer, or broker-dealer is a sale to the public, and

(ii) any agreement among underwriters or selling group agreement relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each Underwriter or dealer that is a party to a third-party distribution agreement to be employed in connection with the initial sale of the Bonds to the public to require each broker-dealer that is a party to such third-party distribution agreement to comply with the hold-the-offering-price rule if and for so long as directed by the Representative or the Underwriter or dealer and as set forth in the related pricing wires.

(e) The Underwriters acknowledge that sales of any Bonds to any person that is a related party to an underwriter participating in the initial sale of the Bonds to the public (each such term being defined below) shall not constitute sales to the public for purposes of this section. Further, for purposes of this section:

(i) “maturity” means Bonds with the same credit and payment terms; Bonds with different maturity dates, or with the same maturity date but different stated interest rates, are treated as separate maturities,

(ii) “public” means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an underwriter or a related party,

(iii) “underwriter” means (A) any person that agrees pursuant to a written contract with the County (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the Bonds to the public (including a member of a selling group or a party to a third-party distribution agreement participating in the initial sale of the Bonds to the public), and

(iv) a purchaser of any of the Bonds is a “related party” to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (A) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (B) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (C) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other).

***Section 3. Official Statement***

(a) Prior to the date hereof, the County has provided to the Underwriters a Preliminary Official Statement, dated March \_\_, 2024 (the “Preliminary Official Statement”),

that the County deemed final as of its date in accordance with Rule 15c2-12 (“Rule 15c2-12”) of the Securities and Exchange Commission (the “SEC”) under the Securities Exchange Act of 1934, as amended (the “1934 Act”), except for the omission of pricing and other information allow to be omitted pursuant to Rule 15c2-12. The County provided the Underwriters with the opportunity to review such Preliminary Official Statement prior to the execution of this Agreement.

(b) The County will prepare the Official Statement (the “Official Statement”) in final form, including the completion of all information required pursuant to Rule 15c2-12. The execution of the Official Statement in final form by the Chairman of the County’s Board of Supervisors shall be conclusive evidence that the County has deemed it final as of its date. As soon as practicable after the date hereof and, in any event within seven business days of the date hereof (and no later than two business days before the Closing Date, as defined herein), the County shall, so as to enable the Underwriters to comply with the provisions of Rule 15c2-12, deliver to the Underwriters a sufficient number of copies of the Official Statement incorporating the pricing terms of the Bonds, dated the date hereof, together with all supplements and amendments thereto, substantially in the form of the Preliminary Official Statement, with such changes therein as shall have been accepted by the Underwriters, executed on behalf of the County by the Chairman of the Board of Supervisors.

(c) At or prior to the Closing Date, the Representative shall file, or cause to be filed, the Official Statement with the MSRB’s Electronic Municipal Market Access System (“EMMA”).

(d) The County hereby authorizes the Underwriters to use the forms or copies of the Resolution, the Continuing Disclosure Agreement (as herein defined), and the Official Statement and the information contained therein in connection with the public offering and sale of the Bonds. The County ratifies and confirms its authorization of the distribution and use by the Underwriters prior to the date hereof of the Preliminary Official Statement in connection with such public offering and sale.

***Section 4. Representation of the Underwriters to the County; Underwriters not Acting as Agents or Fiduciaries***

The Underwriters hereby represent to the County that the Representative is duly authorized to execute this Agreement on behalf of the Underwriters and has been duly authorized to act hereunder in connection with the issuance of the Bonds.

The County acknowledges and agrees that: (i) the Underwriters are not acting as municipal advisors within the meaning of Section 15B of the 1934 Act; (ii) the primary role of the Underwriters, as underwriters, is to purchase securities, for resale to investors, in an arm’s length commercial transaction between the County and the Underwriters, and the Underwriters have financial and other interests that differ from those of the County; (iii) the Underwriters are acting solely as principals and are not acting as municipal advisors, financial advisors or fiduciaries to the County and have not assumed any advisory or fiduciary responsibility to the County with respect to the transaction contemplated hereby and the discussions, undertakings and procedures leading thereto (irrespective of whether any Underwriter has provided other

services or is currently providing other services to the County on other matters); (iv) the only obligations the Underwriters have to the County with respect to the transaction contemplated hereby expressly are set forth in this Agreement; and (v) the County has consulted its own financial and municipal, legal, accounting, tax and other advisors, as applicable, to the extent it has deemed appropriate.

**Section 5. County's Representations, Warranties, Covenants and Agreements**

The County hereby represents, warrants, covenants and agrees as follows:

(a) The County is, and will be at the Closing Time (as defined herein), (i) duly organized in the urban county executive form of government as political subdivision of the Commonwealth of Virginia (the "Commonwealth") possessing all power and authority granted to counties so organized under the Constitution and laws of the Commonwealth, (ii) authorized to enter into and adopt and perform its obligations under the Resolution, this Agreement, a Continuing Disclosure Agreement delivered by the County, dated the Closing Date (the "Continuing Disclosure Agreement"), and an escrow deposit agreement between the County and U.S. Bank Trust Company, National Association (the "Escrow Agreement") (collectively, the "County Documents"), and (iii) authorized to issue and sell the Bonds.

(b) The County has complied with all provisions of the Commonwealth's Constitution and laws pertaining to the County's adopting or entering into the County Documents and has full power and authority to consummate all transactions contemplated by the County Documents and the Official Statement and any and all other agreements relating thereto to which the County is a party.

(c) as of the date of the Preliminary Official Statement, at the time of the County's delivery of this Agreement and (unless an event occurs of the nature described in Section 5(i) below) at all subsequent times up to and including the Closing Time (defined herein), the information contained in the Preliminary Official Statement and the Official Statement (excluding the information under the headings "DESCRIPTION OF THE 2024 BONDS – Book-Entry-Only System," "FINANCIAL ADVISOR" and "UNDERWRITING"), and in any amendment or supplement to the Official Statement that the County may authorize for use with respect to the Bonds was, is and will be true and correct and did not contain, does not contain and will not contain any untrue statement of a material fact and does not omit and will not omit to state a material fact necessary to make the statements in such document, in the light of the circumstances under which they were made, not misleading. If the Official Statement is supplemented or amended pursuant to Section 5(i) below, at the time of each supplement or amendment thereto and (unless subsequently again supplemented or amended pursuant to Section 5(i) below) at all times subsequent thereto up to and including the Closing Time, the County shall take all steps necessary to ensure that the Official Statement as so supplemented or amended does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading.

(d) The Board of Supervisors has duly adopted and authorized, at one or more public meetings duly called and held at which quorums were present and acting throughout, (i) the



distribution and use of the Official Statement, (ii) the adoption or authorization, execution, delivery and due performance of the County Documents and any and all such other agreements and documents as may be required to be executed and delivered by the County in order to carry out, give effect to and consummate the transactions contemplated by the County Documents and by the Official Statement, and (iii) the carrying out, giving effect to and consummation of the transactions contemplated by the County Documents and the Official Statement including the issuance of the Bonds. Upon the Closing Date, the County shall have duly adopted or authorized, executed and delivered each County Document, if applicable, and the Official Statement.

(e) Except as and to the extent described in the Preliminary Official Statement and the Official Statement, to the County's knowledge, there is no action, proceeding or investigation before or by any court or other public body pending or, threatened against or affecting the County or any County officer or employee in an official capacity (or, to the County's knowledge, any basis therefor), with respect to the completeness or accuracy of the Preliminary Official Statement or the Official Statement, or wherein an unfavorable decision, ruling or finding would materially adversely affect the transactions contemplated or described herein or in the Official Statement, or the validity of the County Documents or of any other agreement or instrument to which the County is or is expected to be a party and which is used or contemplated for use in the consummation of the transactions contemplated or described herein or in or by the Official Statement, or the ability of the County to perform its obligations under any of the County Documents, including the issuance and sale of the Bonds and the operation of the Sewer System (as defined below).

(f) The County's adoption or execution and delivery of the County Documents and other agreements contemplated by the County Documents and by the Official Statement, the compliance with the provisions thereof, and the issuance and sale of the Bonds will not constitute on the County's part a material breach of or a default under any existing law, court or administrative regulation, decree or order or any material contract, agreement, loan or other instrument to which the County is subject or by which the County is or may be bound. No event has occurred or is continuing that, with the lapse of time or the giving of notice, or both, would constitute an event of default under any such agreement, including the County Documents.

(g) The County will not take or omit to take any action the taking or omission of which will in any way cause the proceeds from the sale of the Bonds to be applied in a manner other than as described in the Official Statement and as permitted by the Resolution and that would cause the interest on the Bonds to be includable in the gross income of the recipients thereof for federal or Commonwealth income tax purposes.

(h) The audited financial statements of the County's Integrated Sewer System (the "Sewer System") for the fiscal year ended June 30, 2023, set forth as Appendix A to the Official Statement, present fairly the Sewer System's financial position as of June 30, 2023, and such statements have been prepared in conformity with generally accepted accounting principles applied on a consistent basis. The Official Statement presents fairly the financial information purported to be shown as of the indicated dates. There has been no material adverse change in the financial condition of the Sewer System as a whole since June 30, 2023.

(i) If between the date of this Agreement and the date that is 25 days after the “end of the underwriting period,” as defined below, any event shall occur that might or would cause the Official Statement, as then supplemented or amended, to contain any untrue statement of a material fact or to omit to state a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading, the County shall promptly notify the Representative. If, in the reasonable opinion of the Underwriters, such event requires the preparation and publication of a supplement or amendment to the Official Statement, the County will, at the County’s expense, supplement or amend the Official Statement in a form and in a manner approved by the Representative.

The “end of the underwriting period” is the time that is the later of (i) the Closing Time and (ii) the first time the Underwriters do not retain, directly or as members of an underwriting syndicate, an unsold balance of the Bonds for sale to the public. Unless the Underwriters shall otherwise advise the County in writing prior to the Closing Date, the County may assume that the end of the underwriting period is the Closing Time.

(j) The County is not required to obtain any further consent, approval, authorization or order of any governmental or regulatory authority as a condition precedent to its adoption or authorization, execution and delivery of the County Documents, including the issuance and sale of the Bonds, or the Official Statement, or the County’s performance hereunder and thereunder (provided no representation or warranty is expressed as to any action required under federal or state securities or Blue Sky laws in connection with the Underwriters’ offers or sales of the Bonds).

(k) The County agrees to take all reasonable steps as requested to cooperate with the Underwriters and their counsel in order to qualify the Bonds for offering and sale under the securities or “Blue Sky” laws of such jurisdictions of the United States as the Underwriters may request, provided that the County need not consent to jurisdiction or service of process in any state other than the Commonwealth.

(l) In the past five years, the County has not been in default in the payment of principal or interest on any general obligation indebtedness or any indebtedness issued under the General Bond Resolution, has not exercised any rights of nonappropriation or similar rights with respect to any indebtedness, and has not borrowed for general fund cash-flow purposes. No proceedings have ever been taken, are being taken, or are contemplated by the County under the United States Bankruptcy Code or under any similar law or statute of the United States or the Commonwealth.

(m) The County is not in violation of any existing law, rule or regulation applicable to it and is not in default in any material respect under any indenture, mortgage, deed of trust, lien, lease, contract, note, order, judgment, decree or other agreement, instrument or restriction of any kind to which the County is a party or by which it is bound or to which any of its assets are subject, which default would affect materially and adversely the execution and delivery by the County of the County Documents or the transactions contemplated thereby, and the execution and delivery by the County of the Bonds and the County Documents, and compliance with the terms and conditions thereof, will not in any material respect conflict with or result in such a breach or constitute such a default under any of the foregoing.

(n) In order to permit compliance by the Underwriters with Rule 15c2-12, the County agrees to execute the Continuing Disclosure Agreement, which shall be in substantially the form of the Continuing Disclosure Agreement attached as Appendix F to the Official Statement, and to perform all of its obligations set forth therein, including the provision of certain annual financial information and the timely notice of certain events through EMMA, as required under Rule 15c2-12. The County represents that, except as otherwise described in the Preliminary Official Statement and the final Official Statement, for the five years preceding the date of this Agreement, it has complied in all material respects with each of its prior continuing disclosure obligations under Rule 15c2-12.

#### ***Section 6. Delivery of Bonds***

The Bonds shall be delivered through The Depository Trust Company in New York, New York, by 12:00 noon, Eastern Time, on April \_\_, 2024, or such other place, time or date as shall be mutually agreed on in writing by the County and the Underwriters. Simultaneously, the Underwriters shall make the payment required pursuant to Section 1 above, in immediately available funds, to the County or at its direction. In this Agreement, the date of such delivery and payment is called the “Closing Date,” and the hour and date of such delivery and payment is called the “Closing Time.”

The Bonds shall be delivered in fully registered form, in the form of one Bond for each maturity, bearing CUSIP numbers (provided neither the inclusion of a wrong CUSIP number on any Bond nor the failure to include a CUSIP number thereon shall constitute cause to refuse delivery of any Bond).

#### ***Section 7. Conditions to Underwriters’ Obligations***

The Underwriters’ obligations hereunder are subject to the following conditions:

(a) The County Documents and the Official Statement shall have been duly authorized or adopted and shall be in full force and effect, and, if applicable, executed and delivered in the forms heretofore approved by the Underwriters with only such changes as are mutually agreed on by the County and the Underwriters.

(b) The performance by the County of its obligations and adherence to its covenants hereunder to have been performed at or prior to the Closing Time.

(c) The representations and warranties contained in this Agreement by the County are true and correct today and as of the Closing Time as if made at the Closing Time.

(d) There has been no material change in the condition of the County or the Sewer System (financial or otherwise) between the most recent dates as to which information is given in the Official Statement and the Closing Time or any development involving a material adverse change in the condition of the County or Sewer System (financial or otherwise), other than as reflected in or contemplated by the Official Statement, and there are at the Closing Time no material transactions or obligations (not in the ordinary course of business) entered into by the County subsequent to the date of the Official Statement, other than as reflected in or contemplated by the Official Statement.

(e) All necessary approvals, whether legal or administrative, have been obtained from such federal, state and local entities or agencies as are appropriate and are required in connection with the financing and the operation of the Sewer System.

(f) At the Closing Time, the Underwriters shall have received:

(i) An opinion dated the Closing Date of Norton Rose Fulbright US LLP, Bond Counsel, in substantially the form of Appendix E to the Official Statement.

(ii) An opinion of Elizabeth D. Teare, Esq., County Attorney, dated the Closing Date and addressed to the Underwriters, to the effect that (A) the County is a political subdivision of the Commonwealth, duly organized and validly existing under the Constitution and laws of the Commonwealth and vested with all the rights, powers and privileges conferred upon it by the Constitution and laws of the Commonwealth, (B) the Resolution was duly adopted by the Board of Supervisors of the County and is in full force and effect, (C) the County has all necessary power and authority (1) to adopt or execute and deliver, as applicable, the County Documents and (2) to consummate all of the actions contemplated by the County Documents, (D) the County Documents have been duly authorized and, if applicable, executed and delivered by the County and constitute valid and legally binding obligations of the County, enforceable (subject to customary exceptions) against the County in accordance with their terms, (E) no further approval, consent or withholding of objection on the part of any regulatory body, federal, Commonwealth or local, is required for the County to execute and deliver and perform its obligations under the County Documents, (F) the adoption by the Board of Supervisors of the Resolution and the execution and delivery by the County of the other County Documents and the consummation by the County of the transactions contemplated by them are not prohibited by, and do not violate any provision of and will not result in the breach of any law, rule, regulation, judgment, decree, order or other requirement applicable to the County, any ordinance or resolution of the County, or any material contract, indenture or agreement to which the County is a party or by which the County is bound, and have not resulted, and will not result, in the creation or imposition of any lien, encumbrance, mortgage or other similar conflicting ownership or security interest in favor of any third person in or to the County's revenues, assets, properties or funds except as contemplated in the County Documents, and (G) to her knowledge, there is no legal action or other proceeding, or any investigation or inquiry (before any court, agency, arbitrator or otherwise), pending or threatened against the County or any of its officials, in their respective capacities, (1) to restrain or enjoin the issuance, sale or delivery of the Bonds or the application of proceeds of the Bonds as provided in the Official Statement or (2) that may reasonably be expected to have a material and adverse effect upon the due performance by the County of the transactions contemplated by the County Documents and the Official Statement or the validity or enforceability of the Bonds or the County Documents.

(iii) A supplemental opinion of Bond Counsel, dated the Closing Date and in form and substance acceptable to the Underwriters, that authorizes the Underwriters to rely on the approving opinion of Bond Counsel and, additionally, is to the effect that

(A) (i) the information contained in those portions of the Preliminary Official Statement and the Official Statement entitled **“INTRODUCTION,” “DESCRIPTION OF THE 2024 BONDS (excluding Book-Entry-Only System),” “SECURITY FOR AND SOURCES OF PAYMENT OF THE 2024 BONDS,” “APPROVAL OF LEGAL PROCEEDINGS,” “TAX MATTERS,” “CONTINUING DISCLOSURE,”** and **Appendices C, D, E, F and G**), insofar as such information summarizes provisions of the Documents or the County Documents or is a description of opinions rendered by Bond Counsel, is a fair and accurate summary of the information purported to be summarized and (ii) nothing has come to Bond Counsel’s attention that has caused such counsel to believe that the Preliminary Official Statement, as of its date, and the Official Statement (excepting information relating to the Depository Trust Company and any statistical and financial data included in the Official Statement) contains any untrue statement of material fact or omits any statement of a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading;

(B) the Bonds do not require registration under the Securities Act of 1933, as amended (the “Securities Act”);

(C) the Trust Indenture Act of 1939, as amended (the “Trust Indenture Act”), does not require the qualification of the Resolution thereunder; and

(D) this Agreement has been duly authorized, executed and delivered and constitutes a valid and binding obligation of the County.

(iv) Evidence satisfactory to the Underwriters that the Bonds have received ratings of “Aaa” from Moody’s Investors Service, Inc., “AAA” from Fitch Ratings, Inc., and “AAA” from S&P Global Ratings, a division of Standard & Poor’s Financial Services LLC, and that such ratings are in effect at the Closing Time.

(v) Certified copies of all relevant proceedings of the Board of Supervisors of the County.

(vi) Certified copies of the County Documents.

(vii) Signed copies of a certificate or certificates, dated the Closing Date, signed by the County Executive to the effect that (A) the representations and warranties of the County contained herein are true and correct in all material respects on and as of the Closing Date as if made on the Closing Date; (B) to the knowledge of such officer, the Official Statement does not contain any untrue statement of material fact or omit any statement of a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading; (C) to the knowledge of such officer, no litigation is pending against the County or pending against any other entity or person or threatened in any court in any way adversely affecting the legal existence of the County or seeking to restrain or enjoin the issuance, sale, execution or delivery of the Bonds, or materially and adversely affecting the ability of the County to

pay principal and interest on the Bonds, or in any way materially and adversely contesting or affecting the validity or enforceability of the Bonds, the Resolution, the Escrow Agreement, or this Agreement, or contesting the completeness or accuracy of the Preliminary Official Statement or the Official Statement, or contesting the power of the County or its authority with respect to the County Documents, including the issuance and sale of the Bonds and the operation of the Sewer System; (D) to the knowledge of such officer, no event materially and adversely affecting the County or the transactions contemplated by the Official Statement has occurred since the date of the Official Statement that, in the reasonable opinion of the County, is required to be set forth in an amendment or supplement to the Official Statement (whether or not the Official Statement shall have been amended or supplemented to set forth such event); (E) the County has the full legal right, power and authority to carry out and consummate the transactions contemplated to be carried out by the County by the Official Statement; and (F) the County has complied with all the requirements and satisfied all the conditions on its part to be performed or satisfied at or prior to the Closing Date.

(viii) Receipt by the Underwriters and Bond Counsel of a tax certificate of the County.

(ix) An opinion of Bond Counsel, in form and substance satisfactory to the Representative, with respect to the defeasance of the Refunded Bonds, as defined in the Official Statement.

(x) An opinion of Kaufman & Canoles, a Professional Corporation, Richmond, Virginia, counsel to the Underwriters, in form and substance acceptable to the Representative.

(xi) Such additional certificates and other documents, in such form and substance as the Underwriters, their counsel or Bond Counsel may request, to evidence performance of or compliance with the provisions of the County Documents or the Official Statement and the transactions contemplated hereby and thereby, the truth and accuracy as of the Closing Time of the County's representations herein and in the Official Statement, and the County's due performance at or prior to the Closing Time of all agreements then to be performed by the County.

The delivery of the above documents shall be made on the Closing Date, at or prior to the Closing Time, at the offices of Norton Rose Fulbright US LLP, Washington, D.C., or at such other place as the County and the Underwriters may hereafter determine.

The County shall exercise its reasonable best efforts to fulfill such of the foregoing conditions as may be under its control or direction. In no event shall the failure of any such condition to be met constitute a default on the part of any party (except any party who had such condition under its control or direction). The provisions of Section 1(c) shall apply whether or not the failure of any such condition to be met constitutes a default on the part of any party.

**Section 8. Underwriters' Right to Cancel**

The Underwriters have the right to cancel their obligations hereunder and terminate this Agreement by written notification from the Representative to the County of the Underwriters election to do so between today and the Closing Time, if at any time before the Closing Time:

(a) legislation shall have been enacted or introduced by the Congress of the United States or the legislature of the Commonwealth or legislation shall have been reported out of committee of either body or be pending in committee of either body, or a decision shall have been rendered by a court of the United States or the Commonwealth or the Tax Court of the United States, or a ruling, resolution, regulation, or temporary regulation, release, or announcement shall have been made or shall have been proposed to be made by the Treasury Department of the United States or the Internal Revenue Service, or other federal or Commonwealth authority, with respect to federal or Commonwealth taxation upon revenues or other income of the general character of that to be derived by the County from its operations, or upon interest received on obligations of the general character of the Bonds that, in the Underwriters' reasonable judgment, materially adversely affects the market price or the marketability of the Bonds;

(b) there shall exist any event or circumstance that, in the Underwriters' reasonable judgment, either makes untrue or incorrect in any material respect any statement or information in the Official Statement or is not reflected in the Official Statement but should be reflected therein in order to make any statement of material fact therein not misleading in any material respect;

(c) there shall have occurred (i) an outbreak or escalation of hostilities involving the United States or the declaration by the United States of a national emergency or war occurs other, in any such case, than those existing on the date of this Agreement; or (ii) the occurrence of any other calamity or crisis or any change in the financial, political, or economic conditions in the United States or elsewhere, if the effect of any such event specified in clause (i) or (ii), in the judgment of the Underwriters, materially adversely affects the market price or the marketability of the Bonds;

(d) there shall be in force a general suspension of trading on the New York Stock Exchange, or minimum or maximum prices for trading shall have been fixed and be in force, or maximum ranges for prices for securities shall have been required and be in force on the New York Stock Exchange, whether by virtue of a determination by that Exchange or by an order of the SEC or any other governmental authority having jurisdiction that, in the Underwriters' reasonable judgment, materially adversely affects the market price or the marketability of the Bonds;

(e) a general banking moratorium shall have been declared by federal or state authorities having jurisdiction and be in force that, in the Underwriters' reasonable judgment, materially adversely affects the market price or the marketability of the Bonds;

(f) legislation shall be enacted or be proposed or actively considered for enactment, or a decision by a court of the United States shall be rendered, or a ruling, regulation, proposed

regulation, or statement by or on behalf of the SEC or other governmental agency having jurisdiction of the subject matter shall be made, to the effect that the Bonds or any comparable securities of the County, or any obligations of the general character of the Bonds are not exempt from the registration, qualification or other requirements of the Securities Act, or otherwise, or would be in violation of any provision of the federal securities laws;

(g) there shall be established any new restriction on transactions in securities materially affecting (i) the free market for securities (including the imposition of any limitation on interest rates) or (ii) the extension of credit by, or a change to the net capital requirements of, the Underwriters established by the New York Stock Exchange, the SEC, any other federal or state agency or the Congress of the United States, or by Executive Order;

(h) a stop order, release, regulation, or no-action letter by or on behalf of the SEC or any other governmental agency having jurisdiction of the subject matter shall have been issued or made to the effect that the issuance, offering or sale of the Bonds, including all underlying obligations as contemplated hereby or by the Official Statement, or any County Documents or other documents relating to the issuance, offering or sale of the Bonds, is or would be in violation of any provision of the federal securities laws;

(i) there shall have been any material adverse change in the affairs of the Sewer System that in the Underwriters' reasonable judgment will materially adversely affect the market price or the marketability of the Bonds;

(j) there shall have occurred, after the signing hereof, either a financial crisis, a material disruption in commercial banking or securities settlement or clearance services, or a material disruption or deterioration in the fixed income or municipal securities market; or

(k) there shall have occurred a default with respect to the debt obligations of the County or proceedings under the bankruptcy laws of the United States or insolvency laws of the Commonwealth shall have been instituted by the County in either case the effect of which, in the reasonable judgment of the Underwriters, is such as to materially and adversely affect the market price or the marketability of the Bonds.

***Section 9. Representations, Warranties, Covenants and Agreements to Survive Delivery***

All of the County's representations, warranties, covenants and agreements in this Agreement shall remain operative and in effect, regardless of any investigation made by the Underwriters on their own behalf, after delivery of and payment for any Bonds or of termination or cancellation of this Agreement.

***Section 10. Expenses***

The County and the Underwriters acknowledge that the underwriting fee provided for in Section 1 represents compensation and reimbursement to the Underwriters for expenses; provided, however, that nothing in this acknowledgement shall be deemed to make the Underwriters agents of the County.



The Underwriters shall pay their out-of-pocket expenses, including the fees and expenses of Underwriters' counsel (including the cost of performing any blue sky and legal investment surveys), including advertising expenses in connection with a public offering of the Bonds, fees of the CUSIP Bureau and any fees of the MSRB or the Securities Industry and Financial Markets Association.

The County shall pay all expenses and costs to effect the authorization, preparation, execution, delivery and sale of the Bonds, including, without limitation, the fees and expenses of Bond Counsel, rating agency fees and expenses, the fees and expenses of the bond registrar and paying agent, any registration or similar fees for qualifying the Bonds for sale in various jurisdictions chosen by the Underwriters and agreed to by the County and the expenses and costs for the preparation, printing, photocopying, execution and delivery of the Bonds and the Official Statement and all other agreements and documents contemplated by this Agreement.

**Section 11. Miscellaneous**

(a) Any notice or other communication to be given hereunder may be given by mailing or delivering the same in writing as follows:

If to the Underwriters:	Morgan Stanley & Co. LLC 1775 I Street, NW Suite 200 Washington, DC 20006 Attention: Cabray Haines, Executive Director
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If to the County:	Fairfax County, Virginia 12000 Government Center Parkway, Suite 561 Fairfax, Virginia 22035 Attention: Chief Financial Officer
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(b) The parties intend that this Agreement shall be governed by the laws of the Commonwealth of Virginia, without regard to choice of law principles.

(c) This Agreement may be executed in several counterparts (including separate counterparts), each of which shall be regarded as an original and all of which shall constitute one and the same document.

(d) This Agreement will inure to the benefit of and be binding on the County and the Underwriters and their respective successors and assigns, but will not confer any rights on any other person, partnership, association or corporation other than persons, if any, controlling the County and the Underwriters within the meaning of the Securities Act or the 1934 Act. The terms "successors" and "assigns" shall not include any purchaser of any Bond from the Underwriters merely because of such purchase.

(e) No covenant, condition or agreement contained herein shall be deemed to be a covenant, agreement or obligation of a present or future member, officer, employee or agent of the County in such person's individual capacity, and no officer, member, employee or agent of the County shall be liable personally for the performance of any obligation under this

Agreement. No recourse shall be had by the Underwriters for any claim based on this Agreement or otherwise against any officer, member, employee or agent of the County in his or her individual capacity, provided such person acts in good faith, all such liabilities, if any, being hereby expressly waived and released by the Underwriters.

(f) Section headings in this Agreement are a matter of convenience of reference only, and such section headings are not part of this Agreement and shall not be used in the interpretation of any provisions of this Agreement. Terms of any gender used herein shall include the masculine, feminine and neuter.

(g) Any authority, discretion or other power conferred upon or reserved to the Underwriters under any provision of this Agreement may be exercised by the Representative on behalf of the Underwriters. The payment for and acceptance, delivery and execution of any receipt for the Bonds and any other instruments upon or in connection with the closing hereunder solely by the Representative, on behalf of the Underwriters, shall be valid and sufficient for all purposes and binding upon each of the Underwriters, provided that any such action by the Representative shall not impose any obligation or liability upon the Representative other than as may arise from the express terms of this Agreement.

(h) Notwithstanding any provision herein to the contrary, the Underwriters, in their sole discretion, may waive the performance of any and all obligations of the County hereunder and the performance of any and all conditions contained herein for the Underwriters' benefit, and the Underwriters' approval when required hereunder or the determination of their satisfaction as to any document referred to herein shall be in writing signed by an appropriate officer or officers of the Representative, on the Underwriters' behalf, and delivered to the County.

(i) This Agreement is the entire agreement of the parties with respect to the subject matter hereof, superseding all prior agreements, and may not be modified except in writing signed by the parties hereto.

(j) The Underwriters shall make reasonable efforts to provide the County with evidence of written consent by electronic means consistent with Commonwealth law, from the initial purchasers of the Bonds from the Underwriters, in form and substance reasonably satisfactory to the County and Bond Counsel, to the proposed amendments to the General Bond Resolution described in Appendix D to the Official Statement (the "Proposed General Bond Resolution Amendments"). In no event shall the Underwriters be required to provide any consent to the Proposed General Bond Resolution Amendments.

(k) This Agreement shall be effective on its acceptance by the County.

**MORGAN STANLEY & CO. LLC**

On behalf of the Underwriters, including itself

By \_\_\_\_\_  
Cabray Haines, Executive Director

[Signature Page to Bond Purchase Agreement Relating to Fairfax County Sewer Revenue Bonds,  
Series 2024A, and Sewer Revenue Refunding Bonds, Series 2024B  
Continued on Following Page]

[Counterpart Signature Page to Bond Purchase Agreement relating to Fairfax County Sewer Revenue Bonds, Series 2024A, and Sewer Revenue Refunding Bonds, Series 2024B]

**Accepted and agreed to:**

**FAIRFAX COUNTY, VIRGINIA**

By: \_\_\_\_\_  
Christina C. Jackson  
Chief Financial Officer

EXHIBIT A

\$ \_\_\_\_\_  
**FAIRFAX COUNTY, VIRGINIA**  
**SEWER REVENUE BONDS, SERIES 2024A**

<u>Maturity</u> <u>(July 15)</u>	<u>Amount</u>	<u>Interest</u> <u>Rate</u>	<u>Priced</u> <u>to Yield</u>	<u>Maturity</u> <u>(July 15)</u>
2025	\$	%	%	
2026				
2027				
2028				
2029				
2030				
2031				
2032				
2033				
2034				
2035				
2036				
2037				
2038				
2039				
2040				
2041				
2042				
2043				
2044				

\$ \_\_\_\_\_ % Term Bonds Due July 15, 20\_\_ , Priced to Yield \_\_\_\_ %

\$ \_\_\_\_\_ % Term Bonds Due July 15, 2054, Priced to Yield \_\_\_\_ %

\*Yield to the first optional redemption date of July 15, 203\_

\$ \_\_\_\_\_  
**FAIRFAX COUNTY, VIRGINIA**  
**SEWER REVENUE REFUNDING BONDS, SERIES 2024B**

<u>Maturity</u> (July 15)	<u>Amount</u>	<u>Interest</u> <u>Rate</u>	<u>Priced</u> <u>to Yield</u>	<u>Maturity</u> (July 15)
20__	\$	%		
20__				
20__				
20__				
20__				
20__				

\* Yield to first optional redemption date of July 15, 203\_\_

**REDEMPTION PROVISIONS**

[Entire section to be updated.] The Bonds that mature on or before [July 15, 2034], are not subject to redemption before maturity. The Bonds that mature after July 15, [2034], may be redeemed, at the option of the County, before their respective maturities on any date not earlier than [July 15, 2034], as a whole or in part (in integral multiples of \$5,000), upon payment of the redemption price equal to the principal amount thereof plus accrued interest to the redemption date.

The [2024 Bonds due July 15, 2049, and due July 15, 2054], are subject to mandatory sinking fund redemption prior to maturity to the extent of the Sinking Fund Requirements therefor at a redemption price equal to the principal amount of the 2024A Bonds to be redeemed plus accrued interest thereon to the date fixed for redemption, without premium.

The Sinking Fund Requirements for such Term Bonds shall be the following amounts due on the following Principal Payment Dates:

\$ _____ Term Bonds Due July 15, 20__		\$ _____ Term Bonds Due July 15, 20__	
<u>Due</u>	<u>Sinking Fund</u> <u>Requirements</u>	<u>Due</u>	<u>Sinking Fund</u> <u>Requirements</u>
July 15, 20__	\$	July 15, 20__	\$
July 15, 20__		July 15, 20__	
July 15, 20__		July 15, 20__	
July 15, 20__		July 15, 20__	
July 15, 20__	†	July 15, 20__	†
<hr/>		<hr/>	
† Final maturity		† Final maturity	

**EXHIBIT B**

**FAIRFAX COUNTY, VIRGINIA**  
**\$ \_\_\_\_\_**  
**SEWER REVENUE BONDS, SERIES 2024A**  
**AND**  
**\$ \_\_\_\_\_**  
**SEWER REVENUE REFUNDING BONDS, SERIES 2024B**

**ISSUE PRICE CERTIFICATE**  
**(Hold-the-Offering-Price Rule)**

[NTD-subject to potential further revisions relating to separate Series of 2024 Bonds.] The undersigned, on behalf of Morgan Stanley % Co. LLC (the “**Representative**”), and the other members of the underwriting syndicate (together, the “**Underwriting Group**”), hereby certifies as set forth below with respect to the sale and issuance of the above-captioned obligations (the “**Bonds**”) of Fairfax County, Virginia (the “**Issuer**”).

1. ***Initial Offering Price of the Hold-the-Offering-Price Maturities.***

(a) The Underwriting Group offered the Hold-the-Offering-Price Maturities to the Public for purchase at the respective initial offering prices listed in Schedule A (the “**Initial Offering Prices**”) on or before the Sale Date. A copy of the pricing wire or equivalent communication for the Bonds is attached to this certificate as Schedule B.

(b) As set forth in the Bond Purchase Agreement, dated March \_\_, 2024, the members of the Underwriting Group agreed in writing on or prior to the Sale Date that, (i) for each Maturity of the Hold-the-Offering-Price Maturities, they would neither offer nor sell any of the Bonds of such Maturity to any person at a price that is higher than the Initial Offering Price for such Maturity during the Holding Period for such Maturity (the “**hold-the-offering-price rule**”), and (ii) any selling group agreement shall contain the agreement of each dealer who is a member of the selling group, and any retail or other third-party distribution agreement shall contain the agreement of each broker-dealer who is a party to the retail or other third-party distribution agreement, to comply with the hold-the-offering-price rule. Pursuant to such agreement, no Underwriter offered or sold any Maturity of the Hold-the-Offering-Price Maturities at a price that is higher than the respective Initial Offering Price for that Maturity of the Bonds during the Holding Period.

2. ***Defined Terms.***

(a) *Hold-the-Offering-Price Maturities* means those Maturities of the Bonds listed in Schedule A hereto as the “**Hold-the-Offering-Price Maturities.**”

(b) *Holding Period* means, with respect to a Hold-the-Offering-Price Maturity, the period starting on the Sale Date and ending on the earlier of (i) the close of the fifth business day after the Sale Date, or (ii) the date on which the Underwriters sold at least 10% of such Hold-the-

Offering-Price Maturity to the Public at prices that are no higher than the Initial Offering Price for such Hold-the-Offering-Price Maturity.

(c) *Maturity* means Bonds with the same credit and payment terms. Bonds with different maturity dates, or Bonds with the same maturity date but different stated interest rates, are treated as separate maturities.

(d) *Public* means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter or a related party to an Underwriter. The term “related party” for purposes of this certificate generally means any two or more persons who have greater than 50 percent common ownership, directly or indirectly.

(e) *Sale Date* means the first day on which there is a binding contract in writing for the sale of a Maturity of the Bonds. The Sale Date of the Bonds is March \_\_, 2024.

(f) *Underwriter* means (i) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a retail or other third-party distribution agreement participating in the initial sale of the Bonds to the Public).

[Final certificate may include standard representations regarding callable premium bonds and computations performed by the underwriter (e.g., yield and weighted average maturity) as may be required by the Issuer.]



The representations set forth in this certificate are limited to factual matters only. Nothing in this certificate represents the Representative's interpretation of any laws, including specifically Sections 103 and 148 of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations thereunder. The undersigned understands that the foregoing information will be relied upon by the Issuer with respect to certain of the representations set forth in the Tax Certificate with respect to the Bonds and with respect to compliance with the federal income tax rules affecting the Bonds, and by Norton Rose Fulbright US LLP in connection with rendering its opinion that the interest on the Bonds is excluded from gross income for federal income tax purposes, the preparation of the Internal Revenue Service Form 8038-G, and other federal income tax advice that it may give to the Issuer from time to time relating to the Bonds.

**MORGAN STANLEY & CO. LLC,**  
On behalf of the Underwriters, including itself

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Dated: April \_\_, 2024

**SCHEDULE A**  
**INITIAL OFFERING PRICES OF THE HOLD-THE-OFFERING-PRICE MATURITIES**  
*(Attached)*

**SCHEDULE B**  
**PRICING WIRE OR EQUIVALENT COMMUNICATION**  
*(Attached)*

**DRAFT Bond Sale Schedule**  
**Fairfax County, Virginia**  
**Sewer Revenue Bonds, Series 2024**

January 2024							February 2024							March 2024							April 2024						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
	1	2	3	4	5	6					1	2	3						1	2		1	2	3	4	5	6
7	8	9	10	11	12	13	4	5	6	7	8	9	10	3	4	5	6	7	8	9	7	8	9	10	11	12	13
14	15	16	17	18	19	20	11	12	13	14	15	16	17	10	11	12	13	14	15	16	14	15	16	17	18	19	20
21	22	23	24	25	26	27	18	19	20	21	22	23	24	17	18	19	20	21	22	23	21	22	23	24	25	26	27
28	29	30	31				25	26	27	28	29			24	25	26	27	28	29	30	28	29	30				
														31													

Week of	Activity & Event	Responsible Party
<b>Dec 18<sup>th</sup></b>	Draft of Series Resolution, POS, BPA & Supp. Reso (“Bond Documents”) distributed	NRF
	Admin Item distributed to County team	FX
	Underwriter solicitation distributed	PFM
<b>Dec 25<sup>th</sup></b>	Mon, Dec 25 <sup>th</sup> – Christmas Day Holiday	-
<b>Jan 1<sup>st</sup></b>	Mon, Jan 1 <sup>st</sup> – New Year’s Day Holiday	-
<b>Jan 8<sup>th</sup></b>	Underwriter responses received	-
	Board Title due for Feb 6 <sup>th</sup> meeting	FX
	Thurs, Jan 11 <sup>th</sup> – Admin Item due for Feb 6 <sup>th</sup> Public Hearing meeting	FX
	First draft of ratings presentation sent to County	PFM
	Revised draft of Bond Documents distributed	NRF
<b>Jan 15<sup>th</sup></b>	Mon, Jan 15 <sup>th</sup> – Martin Luther King Jr Day Holiday	-
<b>Jan 22<sup>nd</sup></b>	Underwriter selection finalized	FX, PFM
	Wed, Jan 24 <sup>th</sup> – County G.O. Bond sale date	FX
	Revised draft of ratings presentation sent to County	PFM
	Revised draft of POS distributed	NRF
<b>Jan 29<sup>th</sup></b>	Mon, Jan 29 <sup>th</sup> @ 2:30pm – Credit Assessment & Rating Agency Prep Call	PFM, FX
	Finalize ratings presentation	PFM, FX
	Send draft documents to rating agencies	PFM

**Legend:**  
 FX = Fairfax County  
 PFM = PFM Financial Advisors, Financial Advisor  
 NRF = Norton Rose Fulbright, Bond Counsel  
 UW = Morgan Stanley, Senior Managing Underwriter  
 UWC = Kaufman & Canoles, Underwriters’ Counsel

2/13/2024

**DRAFT Bond Sale Schedule**  
**Fairfax County, Virginia**  
**Sewer Revenue Bonds, Series 2024**

January 2024							February 2024							March 2024							April 2024						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
	1	2	3	4	5	6					1	2	3						1	2		1	2	3	4	5	6
7	8	9	10	11	12	13	4	5	6	7	8	9	10	3	4	5	6	7	8	9	7	8	9	10	11	12	13
14	15	16	17	18	19	20	11	12	13	14	15	16	17	10	11	12	13	14	15	16	14	15	16	17	18	19	20
21	22	23	24	25	26	27	18	19	20	21	22	23	24	17	18	19	20	21	22	23	21	22	23	24	25	26	27
28	29	30	31				25	26	27	28	29			24	25	26	27	28	29	30	28	29	30				
													31														

Week of	Activity & Event	Responsible Party
<b>Feb 5<sup>th</sup></b>	Mon, Feb 5 <sup>th</sup> @ 10am – Ratings Call with Moody’s	FX, PFM
	Mon, Feb 5 <sup>th</sup> @ 3pm – Ratings Call with S&P	FX, PFM
	Tues, Feb 6 <sup>th</sup> – County Board considers Public Hearing advertisement	FX
	Tues, Feb 6 <sup>th</sup> – Board Titles due for March 5 <sup>th</sup> meeting	FX
	Thurs, Feb 8 <sup>th</sup> – Board Item & Bond Documents due for March 5 <sup>th</sup> meeting	FX
	Comments due on Bond Documents	All
<b>Feb 12<sup>th</sup></b>	Mon, Feb 12 <sup>th</sup> @ 2pm – Ratings Call with Fitch	FX, PFM
	Draft Admin Item for Apr 16 <sup>th</sup> meeting	FX
	Due diligence questions distributed	UWC
<b>Feb 19<sup>th</sup></b>	Mon, Feb 19 <sup>th</sup> – Presidents’ Day Holiday	-
	Wed, Feb 21 <sup>st</sup> – Admin Item due for Apr 16 <sup>th</sup> meeting	FX
	First Notice of Public Hearing Published	FX
	Revised draft of POS distributed	NRF
	Draft slides only investor presentation distributed	UW
	Call to review POS	All
<b>Feb 26<sup>th</sup></b>	Second Notice of Public Hearing published	FX
	Call with co-managers regarding consent	UW, PFM
	Due diligence call	UWC
	Receive bond ratings	-
	Comments due on draft investor presentation	All
<b>Mar 4<sup>th</sup></b>	Tues, Mar 5 <sup>th</sup> – Public Hearing & County Board considers Bond Documents	FX
	Clerk of Court sends Resolution to Court	FX
	Wed, Mar 6 <sup>th</sup> – POS posted	NRF
	Wed, Mar 6 <sup>th</sup> – Investor presentation posted	UW

**Legend:**

FX = Fairfax County  
PFM = PFM Financial Advisors, Financial Advisor  
NRF = Norton Rose Fulbright, Bond Counsel  
UW = Morgan Stanley, Senior Managing Underwriter  
UWC = Kaufman & Canoles, Underwriters’ Counsel

2/13/2024

**DRAFT Bond Sale Schedule**  
**Fairfax County, Virginia**  
**Sewer Revenue Bonds, Series 2024**

January 2024							February 2024							March 2024							April 2024						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
	1	2	3	4	5	6					1	2	3						1	2		1	2	3	4	5	6
7	8	9	10	11	12	13	4	5	6	7	8	9	10	3	4	5	6	7	8	9	7	8	9	10	11	12	13
14	15	16	17	18	19	20	11	12	13	14	15	16	17	10	11	12	13	14	15	16	14	15	16	17	18	19	20
21	22	23	24	25	26	27	18	19	20	21	22	23	24	17	18	19	20	21	22	23	21	22	23	24	25	26	27
28	29	30	31				25	26	27	28	29			24	25	26	27	28	29	30	28	29	30				
													31														

Week of	Activity & Event	Responsible Party
<b>Mar 11<sup>th</sup></b>	<b>Bond Pricing</b>	UW, PFM, FX
	Mar 19 <sup>th</sup> & 20 <sup>th</sup> – FOMC Meeting	-
<b>Mar 18<sup>th</sup></b>	Finalize & Post OS	NRF
	Tues, Mar 19 <sup>th</sup> – Title item due for Apr 16 <sup>th</sup> meeting	FX
<b>Mar 25<sup>th</sup></b>	Finalize Closing Documents	NRF
<b>Apr 1<sup>st</sup></b>	<b>Closing &amp; Investment of Bond Proceeds</b>	All
	Tues, Apr 16 <sup>th</sup> – Series 2014 Sewer Revenue Bonds become currently callable	-
<b>Apr 15<sup>th</sup></b>	Tues, Apr 16 <sup>th</sup> – Board considers release of DSRF	FX
	Tues, Apr 16 <sup>th</sup> – Thurs, Apr 18 <sup>th</sup> – Public hearing on FY25 sewer rates	FX
<b>Apr 29<sup>th</sup></b>	Thurs, May 2 <sup>nd</sup> – Closing deadline for prior consents to be effective	-
<b>May 6<sup>th</sup></b>	Tues, May 7 <sup>th</sup> – County Board adopts FY25 sewer rates	FX

**Legend:**

FX = Fairfax County  
PFM = PFM Financial Advisors, Financial Advisor  
NRF = Norton Rose Fulbright, Bond Counsel  
UW = Morgan Stanley, Senior Managing Underwriter  
UWC = Kaufman & Canoles, Underwriters' Counsel

2/13/2024

**NEW ISSUE- Full Book-Entry**

**RATINGS:** Fitch “\_\_\_”  
 (See “RATINGS” herein) Moody’s “\_\_\_”  
 S&P “\_\_\_”

*In the opinion of Bond Counsel, under current law and assuming continuing compliance with the certain tax covenants and requirements of the Internal Revenue Code of 1986, as amended, as described herein, interest on the 2024 Bonds will not be includable in the gross income of the owners thereof for federal income tax purposes. Under existing law, the interest on the 2024 Bonds is excluded from Virginia taxable income for purposes of the individual income tax and the income taxation of corporations by the Commonwealth of Virginia under Sections 58.1-322 and 58.1-402 of the Code of Virginia of 1950, as amended, to the extent that such interest is excludable from gross income for federal income tax purposes. See “TAX MATTERS” herein for further information.*

**Fairfax County, Virginia**  
 \$ \_\_\_\_\_\*  
**Sewer Revenue Bonds, Series 2024A**  
**and**  
 \$ \_\_\_\_\_\*  
**Sewer Revenue Refunding Bonds, Series 2024B**

**Dated: Date of Delivery**

**Due: July 15, as shown on inside cover pages**

Interest on the 2024A Bonds and the 2024B Bonds (collectively, the “2024 Bonds”) issued by Fairfax County, Virginia (the “County”), will be payable on each January 15 and July 15, commencing July 15, 2024. The 2024 Bonds will be issuable in denominations of \$5,000 and any integral multiple thereof.

The 2024 Bonds will be issued pursuant to, and secured under, the General Bond Resolution adopted by the Board of Supervisors of Fairfax County (the “Board of Supervisors”) on July 29, 1985, amended and restated on July 21, 1986, further amended on January 9, 1989, further amended and restated on June 26, 1989, and further amended and restated on May 18, 2009, effective July 1, 2009 (the “General Bond Resolution”), and separate Series Resolutions, each adopted by the Board of Supervisors on March [5], 2024 (collectively with the General Bond Resolution, the “Bond Resolution”). Payment of the principal of and redemption premium, if any, and the interest on the 2024 Bonds is secured under the Bond Resolution by a pledge of Gross Revenues derived by the County from the ownership and the operation of the County’s sewage collection, treatment and disposal systems (the “System”), after provision for payment of the operating expenses of the System.

The 2024A Bonds are being issued to provide funds to (i) pay the costs of certain additions, extensions and improvements to the County’s sewage collection, treatment and disposal systems, pay for capital improvement costs allocable to the County at certain wastewater treatment facilities that provide service to the County and, if necessary, purchase additional capacity at certain wastewater treatment facilities for the benefit of the County, (ii) make a deposit to the Reserve Subfund, as described herein, pending the adoption of the Proposed General Bond Resolution Amendments, described below, and (iii) pay the costs of issuing the 2024A Bonds. The 2024B Bonds are being issued to provide funds to (i) refund certain of the outstanding sewer revenue bonds issued by the County under the General Bond Resolution and (ii) pay the costs of issuing the 2024B Bonds.

The 2024 Bonds are subject to redemption prior to maturity as a whole or in part at any time on or after July 15, [2034\*], at a redemption price equal to the principal amount thereof plus accrued interest. See “DESCRIPTION OF THE 2024 Bonds – Redemption Provisions” herein.

Each initial purchaser of 2024 Bonds is expected to provide irrevocable written consent to certain proposed amendments to the General Bond Resolution. See “SECURITY FOR AND SOURCES OF PAYMENT OF THE 2024 BONDS – Proposed General Bond Resolution Amendments,” APPENDIX D – “PROPOSED AMENDMENTS TO THE GENERAL BOND RESOLUTION” and APPENDIX G – “FORM OF CONSENT TO PROPOSED GENERAL BOND RESOLUTION AMENDMENTS” herein.

**The 2024 Bonds shall not be deemed to constitute a pledge of the full faith and credit of the Commonwealth of Virginia (the “Commonwealth”) or of any political subdivision thereof, including the County. Neither the full faith and credit of the Commonwealth nor the full faith and credit of the County are pledged to the payment of the principal of or premium, if any, or interest on the 2024 Bonds, and the issuance of the 2024 Bonds shall not directly or indirectly or contingently obligate the Commonwealth or the County to levy any taxes whatever therefor or to make any appropriation for their payment except from the revenues and receipts provided for their payment under the Bond Resolution.**

This page and the inside cover pages contain certain information for quick reference only and are not a summary of this issue. Prospective investors must read this entire Official Statement to obtain information essential to making an informed investment decision.

*The 2024 Bonds are offered for delivery when, as and if issued, subject to the approving opinion of Norton Rose Fulbright US LLP, Washington, D.C., Bond Counsel. Certain legal matters will be passed upon for the County by Elizabeth D. Teare, Esquire, County Attorney, and for the Underwriters by Kaufman & Canoles, a Professional Corporation, Richmond, Virginia. The 2024 Bonds will be available for delivery in New York, New York, through the facilities of DTC on or about April \_\_, 2024.*

**Morgan Stanley**

**BofA Securities**

**Raymond James**

Dated: March \_\_, 2024

\* Preliminary, subject to change

This Preliminary Official Statement and the information contained herein are subject to completion or amendment. The 2024 Bonds may not be sold nor may an offer to buy be accepted prior to the time the Official Statement is delivered in final form. Under no circumstances shall this Preliminary Official Statement constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the 2024 Bonds, in any jurisdiction in which such offer, solicitation or sale would be unlawful prior to registration or qualification under the securities laws of such jurisdiction.

**FAIRFAX COUNTY, VIRGINIA**

**\$ \_\_\_\_\_ \* SEWER REVENUE BONDS, SERIES 2024A**

**MATURITY DATES, PRINCIPAL AMOUNTS, INTEREST RATES AND YIELDS\***

**Base CUSIP† Number 303867**

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Priced to Yield</u>	<u>CUSIP† Suffix</u>
<u>July 15</u>				
2025	\$	%		
2026				
2027				
2028				
2029				
2030				
2031				
2032				
2033				
2034				
2035				
2036				
2037				
2038				
2039				
2040				
2041				
2042				
2043				
2044				

**\$ \_\_\_\_\_ % Term Bonds Due July 15, 2049; Priced to Yield \_\_\_\_\_%; CUSIP Suffix \_\_\_\_\_†**

**\$ \_\_\_\_\_ % Term Bonds Due July 15, 2054; Priced to Yield \_\_\_\_\_%; CUSIP Suffix \_\_\_\_\_†**

† CUSIP® is a registered trademark of the American Bankers Association. The CUSIP numbers listed above are being provided solely for the convenience of bondholders only, and the County does not make any representation with respect to such numbers or undertake any responsibility for their accuracy. The CUSIP numbers are subject to change after the issuance of the 2024A Bonds.

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\* Preliminary, subject to change



**FAIRFAX COUNTY, VIRGINIA**

**\$ \_\_\_\_\_ \* SEWER REVENUE REFUNDING BONDS, SERIES 2024B**

**MATURITY DATES, PRINCIPAL AMOUNTS, INTEREST RATES AND YIELDS\***

**Base CUSIP† Number 303867**

Maturity Date	Principal Amount	Interest Rate	Priced to Yield	CUSIP† Suffix
<u>July 15</u>				
2040	\$	%		
2041				
2042				
2043				
2044				
2045				

† CUSIP® is a registered trademark of the American Bankers Association. The CUSIP numbers listed above are being provided solely for the convenience of bondholders only, and the County does not make any representation with respect to such numbers or undertake any responsibility for their accuracy. The CUSIP numbers are subject to change after the issuance of the 2024B Bonds.

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\* Preliminary, subject to change

**Fairfax County, Virginia**  
BOARD OF SUPERVISORS  
Jeffrey C. McKay, *Chairman*  
Kathy L. Smith, *Vice Chairman*  
Walter L. Alcorn  
James N. Bierman, Jr.  
Patrick S. Herrity  
Andres F. Jimenez  
Rodney L. Lusk  
Dalia A. Palchik  
Daniel G. Storck  
James R. Walkinshaw

---

COUNTY OFFICIALS

Bryan J. Hill, *County Executive*  
Thomas G. Arnold, *Deputy County Executive*  
Ellicia L. Seard-McCormick, *Deputy County Executive*  
Christopher A. Leonard, *Deputy County Executive*  
Rachel O'Dwyer Flynn, *Deputy County Executive*  
Christina C. Jackson, *Chief Financial Officer*  
Philip A. Hagen, *Director, Department of Management and Budget*  
Christopher J. Pietsch, *Director, Department of Finance*  
Christopher S. Herrington, *Director, Department of Public Works and Environmental Services*  
Shwan Fatah, *Director for Wastewater Collection Division*  
Michael McGrath, *Director for Wastewater Treatment Division*  
Shahram Mohsenin, P.E., *Director, Wastewater Planning and Monitoring Division*  
Anand Goutam, *Financial Manager, Stormwater and Wastewater Management Program*

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FINANCIAL ADVISOR

PFM Financial Advisors LLC  
4350 North Fairfax Drive, Suite 590  
Arlington, Virginia 22203-1547  
(571) 527-5124

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BOND COUNSEL

Norton Rose Fulbright US LLP  
799 9<sup>th</sup> Street, NW, Suite 1000  
Washington, D.C. 20001-4501  
(202) 662-4760

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DEPOSITARY AND BOND REGISTRAR

U.S. Bank Trust Company, National Association  
1051 East Cary Street, Suite 600  
Richmond, Virginia 23219  
(804) 343-1567

No person has been authorized by the County to give any information or to make any representations with respect to the County or the 2024 Bonds other than those contained in this Official Statement, and, if given or made, such other information or representations may not be relied upon as having been authorized by the County. This Official Statement does not constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the 2024 Bonds by any person in any jurisdiction in which it is unlawful for such person to make such offer, solicitation or sale. The information herein is subject to change without notice, and neither the delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the affairs of the County since the date hereof. This Official Statement is not to be construed as a contract or agreement between the County and the purchasers or owners of any of the 2024 Bonds. Any electronic reproduction of this Official Statement may contain computer generated errors or other deviations from the printed Official Statement. In any such case, the printed version controls.

**Forward-Looking Statements.** Certain statements contained in this Official Statement that are not historical facts are forward looking statements, which are based on the County’s beliefs, as well as assumptions made by, and information currently available to, its officers and personnel. Because the statements are based on expectations about future events and economic performance and are not statements of fact, actual results may differ materially from those projected. The words “anticipate,” “assume,” “estimate,” “expect,” “objective,” “projection,” “forecast,” “goal,” “budget,” or similar words are intended to identify forward looking statements. The words or phrases “to date,” “now,” “currently,” and the like are intended to mean as of the date of the Official Statement.

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**OFFICIAL STATEMENT**  
**FAIRFAX COUNTY, VIRGINIA**

**Regarding**

\$ \_\_\_\_\_ \*  
**Sewer Revenue Bonds, Series 2024A**  
**and**  
\$ \_\_\_\_\_ \*  
**Sewer Revenue Refunding Bonds, Series 2024B**

**INTRODUCTION**

The purpose of this Official Statement, which includes the cover and inside cover pages and the appendices hereto, is to furnish information in connection with the sale by Fairfax County, Virginia (the “County”), of its \$ \_\_\_\_\_ \* Sewer Revenue Bonds, Series 2024A (the “2024A Bonds”), and its \$ \_\_\_\_\_ \* Sewer Revenue Refunding Bonds, Series 2024B (the “2024B Bonds” and, together with the 2024A Bonds, the “2024 Bonds”).

The financial and operating data contained herein and in Appendices A and B are as of the dates and for the periods indicated, portions of which were prior to the outbreak of the COVID-19 pandemic. Such financial and operating data have not been updated to reflect any potential impacts of the COVID-19 pandemic on Fairfax County’s general economic and financial condition. See “THE SYSTEM – COVID-19 Impacts on the System” and APPENDIX B – “FAIRFAX COUNTY INFORMATION – GOVERNMENT SERVICES – COVID-19 Matters.”

**Authorization**

The 2024 Bonds will be issued pursuant to, and secured under, the General Bond Resolution adopted by the Board of Supervisors of Fairfax County (the “Board of Supervisors”) on July 29, 1985, amended and restated on July 21, 1986, further amended on January 9, 1989, further amended and restated on June 26, 1989, and further amended and restated on May 18, 2009, effective July 1, 2009 (the “General Bond Resolution”). The General Bond Resolution, as supplemented by a Series Resolution adopted by the Board of Supervisors on March [5], 2024 (the “2024A Series Resolution”), provides for the issuance of the 2024A Bonds, and as supplemented by a separate Series Resolution adopted by the Board of Supervisors on March [5], 2024 (the “2024B Series Resolution”), provides for the issuance of the 2024B Bonds.

The General Bond Resolution, as supplemented, is hereinafter referred to as the “Bond Resolution.” The General Bond Resolution was adopted pursuant to Article 3, Chapter 21, Title 15.2, Code of Virginia, 1950, as amended, and the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia, 1950, as amended (collectively, the “Act”).

Each initial purchaser of 2024 Bonds is expected to provide an irrevocable written consent to certain proposed amendments to the General Bond Resolution. Such consent to the Proposed General Bond Resolution Amendments (as hereinafter defined) is to be provided substantially in the form attached as Appendix G hereto. See “SECURITY FOR AND SOURCES OF PAYMENT OF THE 2024 BONDS – Proposed General Bond Resolution Amendments” herein.

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\* Preliminary, subject to change

Capitalized terms used in this Official Statement and not otherwise defined herein have the meanings ascribed to such terms in APPENDIX C – “SUMMARY OF CERTAIN PROVISIONS OF THE GENERAL BOND RESOLUTION – Definitions of Certain Terms.”

### **Purpose**

The 2024A Bonds are being issued to provide funds for (i) the Project (defined herein), (ii) making a deposit to the Reserve Subfund, as described herein, pending adoption of the Proposed General Bond Resolution Amendments, and (iii) paying the costs of issuing the 2024A Bonds. The 2024B Bonds are being issued to provide funds for (i) refunding certain of the outstanding sewer revenue bonds issued by the County under the General Bond Resolution and (ii) paying the costs of issuing the 2024B Bonds.

### **Existing Indebtedness**

Beginning in 1986, the County has issued various series of bonds under the General Bond Resolution for the benefit of the County’s integrated sewage collection, treatment and disposal systems (the “System”), including \$104,000,000 Sewer Revenue Bonds, Series 1996 (the “1996 Bonds”) issued to provide funds to finance capital improvements for the benefit of the System. The County also issued \$94,005,000 Sewer Revenue Refunding Bonds, Series 2004 (the “2004 Bonds”) on October 14, 2004, to provide funds, with other available funds, to refund the \$91,430,000 of the County’s outstanding 1996 Bonds that were scheduled to mature on and after July 15, 2007. On June 17, 2009, the County issued \$152,255,000 Sewer Revenue Bonds, Series 2009 (the “2009 Bonds”) to provide funds to finance capital improvements for the benefit of the System as well as for the purchase of additional wastewater capacity for the benefit of the County. The 2009 Bonds are no longer outstanding. On August 8, 2012, the County issued \$90,710,000 Sewer Revenue Bonds, Series 2012 (the “2012 Bonds”) to provide funds to pay a portion of capital improvement costs allocable to the County at certain wastewater treatment facilities that are owned by, or that provide service to, the County which were required by the Commonwealth of Virginia’s Department of Environmental Quality to reduce the total nitrogen discharge to newly required limits, the purchase of additional capacity at certain wastewater treatment facilities for the benefit of the County and the costs of certain additions, extensions and improvements to the County’s sewage collection, treatment and disposal systems. On April 16, 2014, the County issued \$61,755,000 Sewer Revenue Refunding Bonds, Series 2014 (the “2014 Bonds”) to refund the outstanding 2004 Bonds. In addition, on May 12, 2016, the County issued \$164,450,000 Sewer Revenue Refunding Bonds, Series 2016A (the “2016 Bonds”) to refund the outstanding 2009 Bonds that were scheduled to mature on and after July 15, 2019, and a portion of the outstanding 2012 Bonds that were scheduled to mature on and after July 15, 2021. On June 28, 2017, the County issued \$85,785,000 Sewer Revenue Bonds, Series 2017 (the “2017 Bonds”), to provide funds to finance capital improvements for the benefit of the System and purchase additional capacity at certain wastewater treatment facilities for the benefit of the County. On June 9, 2021, the County issued \$191,990,000 Sewer Revenue Bonds, Series 2021A (the “Series 2021A Bonds”) to provide funds to finance capital improvements for the benefit of the System and, if necessary, purchase additional capacity at certain wastewater treatment facilities for the benefit of the County. On June 9, 2021, the County issued \$24,210,000 Sewer Revenue Refunding Bonds, Series 2021B (the “Series 2021B Bonds” and together with the 2021A Bonds, the “2021 Bonds”) to refund outstanding 2012 Bonds scheduled to mature after July 15, 2021.

The outstanding 2014 Bonds, 2016 Bonds, 2017 Bonds, 2021 Bonds, 2024A Bonds, 2024B Bonds, any Additional Bonds and any Refunding Bonds issued on a parity under the Bond Resolution are herein referred to as “Bonds.” As of March \_\_, 2024, there were outstanding under the Bond Resolution \$26,930,000 aggregate principal amount of 2014 Bonds, \$143,780,000 aggregate principal amount of 2016 Bonds, \$76,990,000 aggregate principal amount of 2017 Bonds, \$213,070,000 aggregate principal amount of 2021 Bonds, and certain Subordinate Obligations. As of the date of issuance of the 2024 Bonds, [the

2014 Bonds], the 2016 Bonds, the 2017 Bonds, the 2021 Bonds, the 2024A Bonds, and the 2024B Bonds will be the only Bonds outstanding under the Bond Resolution. See “THE SYSTEM – Sewer Revenue Bonds, Debt Service Payments, and Other Debt Obligations.”

The County may also incur additional “Parity Indebtedness,” payable on a parity with the Bonds, and “Subordinate Obligations,” payable on a subordinated basis to the Bonds. Any Parity Indebtedness would be payable on a parity with Bonds from Gross Revenues after provision for Operating Expenses but has no claim on the Reserve Subfund established for Bonds. See “DEBT SERVICE REQUIREMENTS” and “THE SYSTEM – Sewer Revenue Bonds, Debt Service Payments, and Other Debt Obligations.” See also “SECURITY FOR AND SOURCES OF PAYMENT OF THE 2024 BONDS – Additional Parity Debt” and “– Subordinate Obligations” and APPENDIX C – “SUMMARY OF CERTAIN PROVISIONS OF THE GENERAL BOND RESOLUTION – Additional Indebtedness.”

### **The Project; Refunding Plan**

The 2024A Bonds are being issued to provide funds for paying the costs of certain additions, extensions and improvements to the System, including the County’s Noman M. Cole, Jr., Pollution Control Plant, paying capital improvement costs allocable to the County at certain wastewater treatment facilities that provide service to the County and, if necessary, purchasing additional capacity at certain wastewater treatment facilities for the benefit of the County (collectively, the “Project”). See “THE PROJECT” herein.

The 2024B Bonds are authorized to be issued to provide funds, with other available funds, to refund and to redeem prior to their respective maturities outstanding bonds, including all or a portion of the following outstanding bonds of the County, referred to hereafter as the “Refunding Candidates:”

#### **Refunded Bonds**

<u>Refunded Bonds</u>	<u>Maturities</u>	<u>Amount</u>	<u>Redemption Date</u>	<u>Redemption Price</u>	<u>CUSIP Number<sup>†</sup></u>
_____ Bonds		\$		100%	303867 _____
_____ Bonds				100	303867 _____

<sup>†</sup> CUSIP® is a registered trademark of the American Bankers Association. The CUSIP numbers listed above are being provided solely for the convenience of bondholders only, and the County does not make any representation with respect to such numbers or undertake any responsibility for their accuracy. The CUSIP numbers are subject to being changed after the issuance of the 2024B Bonds.

The purpose of the refunding is to achieve present value debt service savings. The County’s decision whether to refund any given Refunding Candidates is subject to prevailing market conditions at the time of the sale of the 2024B Bonds. The County may refund only certain Refunding Candidates if refunding such Refunding Candidates permits the County to meet certain savings targets. The Refunding Candidates, if any, that are refunded with proceeds of the 2024B Bonds are referred to as the “Refunded Bonds.” The final Refunded Bonds will be described in the final Official Statement.

Upon delivery and issuance of the 2024B Bonds by the County, proceeds thereof will be used to provide for the payment and redemption of the Refunded Bonds by depositing with U.S. Bank Trust Company, National Association, as escrow agent (in such capacity, the “Escrow Agent”) pursuant to an escrow deposit agreement or a letter of instructions, cash and non-callable, direct obligations of, or obligations unconditionally guaranteed by, the United States of America the maturing principal of and interest on which, together with such cash, will be sufficient to pay all principal and interest on the Refunded Bonds to their respective redemption dates.

## SOURCES AND USES OF FUNDS

The estimated sources and uses of the proceeds of the 2024 Bonds are set forth below.

<b>Sources</b>	
Par Amount of 2024A Bonds .....	\$
Par Amount of 2024B Bonds .....	
Net Offering Premium.....	
Release from Debt Service Subfund.....	
Total Sources <sup>(ii)</sup> .....	\$
<b>Uses</b>	
Deposit to Construction Subfund .....	\$
Deposit to Reserve Subfund <sup>(i)</sup> .....	
Deposit to Defeas Refunded Bonds.....	
Underwriters' Discount .....	
Issuance Expenses <sup>(iii)</sup> .....	
Total Uses <sup>(ii)</sup> .....	\$

<sup>(i)</sup> Amounts deposited to the Reserve Subfund are anticipated to be transferred to the Construction Subfund following the adoption of the Proposed General Bond Resolution Amendments, expected to occur following the issuance of the 2024 Bonds. See "SECURITY FOR AND SOURCES OF PAYMENT OF THE 2024 BONDS – Proposed General Bond Resolution Amendments."

<sup>(ii)</sup> Totals may not add due to rounding.

<sup>(iii)</sup> Includes legal, financial advisory, verification, rating and printing fees and other issuance costs.

## DESCRIPTION OF THE 2024 BONDS

### General

The 2024 Bonds will be dated their date of delivery, will be issued in the respective aggregate principal amounts and will bear interest at the rates and will mature on July 15, in the years and in the principal amounts as set forth on the inside cover pages of this Official Statement. U.S. Bank Trust Company, National Association will act as Bond Registrar for the 2024 Bonds.

Interest on the 2024 Bonds will be payable on each January 15 and July 15, commencing July 15, 2024\*. The 2024 Bonds will be issuable in denominations of \$5,000 and any integral multiple thereof under the book-entry system of The Depository Trust Company, and principal and interest on the 2024 Bonds will be payable, in the manner described below under "– Book-Entry-Only System."

### Book-Entry-Only System

The following description of the procedures and recordkeeping with respect to beneficial ownership interests in the 2024 Bonds, payments of principal of and interest on the 2024 Bonds to The Depository Trust Company, New York, New York ("DTC"), its nominee, Direct Participants (as defined below) or Beneficial Owners (as defined below), confirmation and transfer of beneficial ownership interests in the 2024 Bonds and other bond-related transactions by and between DTC, the Direct Participants and Beneficial Owners is based solely on information furnished by DTC.

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\* Preliminary, subject to change



DTC will act as securities depository for the 2024 Bonds. The 2024 Bonds will be issued as fully registered securities registered in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully registered 2024 Bond certificate will be issued for each maturity [of each series] of 2024 Bonds, each in the aggregate principal amount of such quantity of 2024 Bonds.

DTC, the world's largest depository, is a limited purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants" and together with the Direct Participants, the "Participants"). The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at [www.dtcc.com](http://www.dtcc.com).

Purchases of the 2024 Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the 2024 Bonds on DTC's records. The ownership interest of each actual purchaser of the 2024 Bonds ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interest in the 2024 Bonds are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive bond certificates representing their ownership interests in the 2024 Bonds, except in the event that use of the book entry system for the 2024 Bonds is discontinued.

To facilitate subsequent transfers, all 2024 Bonds deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of the 2024 Bonds with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the 2024 Bonds; DTC's records reflect only the identity of the Direct Participants to whose accounts such 2024 Bonds are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements

as may be in effect from time to time. Beneficial Owners of 2024 Bonds may wish to take certain steps to augment the transmission to them of notices of significant events with respect to the 2024 Bonds, such as redemptions, tenders, defaults, and proposed amendments to the Bond Resolution. For example, Beneficial Owners of the 2024 Bonds may wish to ascertain that the nominee holding the 2024 Bonds for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the registrar and request that copies of notices be provided directly to them.

Redemption notices shall be sent to DTC. If less than all of the 2024 Bonds [within a series] are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.

Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to the 2024 Bonds unless authorized by a Direct Participant in accordance with DTC's MMI Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the County as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts the 2024 Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Principal, premium, if any, and interest payments on the 2024 Bonds will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detailed information from the County or Depository (defined herein) or the Trustee, on a payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC or the County or Depository, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of principal, premium, if any, and interest payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC), is the responsibility of the County or Depository, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners shall be the responsibility of Direct and Indirect Participants.

DTC may discontinue providing its services as depository with respect to the 2024 Bonds at any time by giving reasonable notice to the County or Depository. Under such circumstances, in the event that a successor depository is not obtained, certificates for the 2024 Bonds are required to be printed and delivered.

The County may decide to discontinue use of the system of book-entry transfers through DTC (or a successor securities depository). In that event, certificates for the 2024 Bonds will be printed and delivered.

The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that the County believes to be reliable, but the County takes no responsibility for the accuracy thereof.

The County may enter into amendments to the agreement with DTC, or successor agreements with a successor securities depository, relating to the book-entry system to be maintained with respect to the 2024 Bonds without the consent of Beneficial Owners.

## Redemption Provisions

### *Optional Redemption*

The 2024 Bonds that mature on or before July 15, [2034\*,] are not subject to redemption before maturity. The 2024 Bonds that mature after July 15, [2034,] may be redeemed, at the option of the County, before their respective maturities on any date not earlier than July 15, [2034,] as a whole or in part (in integral multiples of \$5,000), upon payment of the redemption price of the principal amount thereof plus accrued interest to the redemption date.

### *Mandatory Redemption – Sinking Fund*

The 2024A Bonds due July 15, 2049\*, and due July 15, 2054\*, are subject to mandatory sinking fund redemption prior to maturity to the extent of the Sinking Fund Requirements therefor at a Redemption Price equal to the principal amount of the 2024A Bonds to be redeemed plus accrued interest thereon to the date fixed for redemption, without premium.

The Sinking Fund Requirements for such Term Bonds shall be the following amounts due on the following Principal Payment Dates:

\$ _____ Term Bonds Due July 15, 2049*		\$ _____ Term Bonds Due July 15, 2054*	
<u>Due</u>	<u>Sinking Fund Requirements</u>	<u>Due</u>	<u>Sinking Fund Requirements</u>
July 15, 2045	\$	July 15, 2050	\$
July 15, 2046		July 15, 2051	
July 15, 2047		July 15, 2052	
July 15, 2048		July 15, 2053	
July 15, 2049	†	July 15, 2054	†
† Final maturity		† Final maturity	

Amounts accumulated for each Sinking Fund Requirement may be applied by the County prior to the giving of notice of redemption of the 2024A Bonds on account of such Sinking Fund Requirements to the purchase for cancellation of 2024A Term Bonds at a cost not exceeding the principal amount thereof plus accrued interest, and upon any such purchase, an amount equal to the principal amount thereof shall be credited toward the applicable Sinking Fund Requirement. The accrued interest on any 2024A Bonds so purchased shall be paid from money in the appropriate special account in the Debt Service Subfund established in respect of the interest on the 2024A Bonds.

If at the close of any Principal Payment Date the total principal amount of the Term Bonds of any maturity of the 2024A Bonds retired by purchase or redemption or called for redemption under the provisions of the 2024A Series Resolution prior to such Principal Payment Date shall be in excess of the total amount of the Sinking Fund Requirements for the Term Bonds of such maturity on such Principal Payment Date, the total amount of the Sinking Fund Requirements for the Term Bonds of such maturity of the 2024A Bonds for all subsequent Principal Payment Dates shall be reduced by the amount of such excess. The amount of the reduction in the Sinking Fund Requirement for each such subsequent Principal Payment

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\* Preliminary, subject to change

Date shall be specified in a certificate of a County Representative filed with the Clerk to the Board of Supervisors.

The Department of Finance of the County, on or before the 1st day of each December, is to compute the Sinking Fund Requirements for all subsequent Principal Payment Dates for the Term Bonds of each Series then outstanding. The Sinking Fund Requirements for the next succeeding Principal Payment Date shall continue to be applicable and no further adjustment shall be made therein by reason of 2024A Bonds purchased or redeemed prior to the next succeeding Principal Payment Date.

#### *Selection of 2024 Bonds for Redemption*

The 2024 Bonds shall be redeemed only in denominations of \$5,000 and in whole multiples of \$5,000. In selecting 2024 Bonds for redemption, the County shall treat each 2024 Bond as representing the number of 2024 Bonds that is obtained by dividing the principal amount of such 2024 Bond by \$5,000. If less than all of the 2024 Bonds of any maturity [of a series] shall be called for redemption, the particular 2024 Bonds [of such series] or portions thereof to be redeemed shall be selected by the County by such method as the County in its sole discretion deems fair and appropriate.

#### *Notice of Redemption*

Each notice of redemption of 2024 Bonds shall set forth the 2024 Bonds or portions thereof to be redeemed, the date fixed for redemption, the Redemption Price to be paid, and, if less than all the 2024 Bonds shall be called for redemption, the maturities of the 2024 Bonds to be redeemed. If less than all of the 2024 Bonds of any one maturity [of a series] then outstanding shall be called for redemption, such notice shall also set forth the distinctive numbers and letters, if any, of such 2024 Bonds to be redeemed and, in the case of 2024 Bonds to be redeemed in part only, the portion of the principal amount thereof to be redeemed. If any 2024 Bond is to be redeemed in part only, the notice of redemption shall state also that on or after the redemption date, upon surrender of such 2024 Bond, a new 2024 Bond [of such series] in principal amount equal to the unredeemed portion of such 2024 Bond and of the same maturity will be issued.

Such notice is to be given by mail at least 30 days prior to the date fixed for redemption to the owners of 2024 Bonds to be redeemed; provided, however, that any defect in such notice or the failure to mail such notice to any owner owning any 2024 Bonds to be redeemed shall not affect the validity of the proceedings for the redemption of any other 2024 Bonds.

Any notice of optional redemption of the 2024 Bonds may state that it is conditioned upon there being available on the redemption date an amount of money sufficient to pay the redemption price plus interest accrued and unpaid to the redemption date, and any conditional notice so given may be rescinded at any time before the payment of the redemption price if any such condition so specified is not satisfied. If a redemption does not occur after a conditional notice is given due to an insufficient amount of funds on deposit by the County, the corresponding notice of redemption shall be deemed to be revoked.

### **SECURITY FOR AND SOURCES OF PAYMENT OF THE 2024 BONDS**

#### **Pledge by Bond Resolution**

The 2024 Bonds, the 2014 Bonds, the 2016 Bonds, the 2017 Bonds, the 2021 Bonds, the 2024 Bonds and any Additional Bonds and Refunding Bonds issued, and any Parity Indebtedness incurred, under the Bond Resolution will be secured as to the payment of the principal thereof and redemption premium, if any, and the interest thereon by a pledge of the Gross Revenues derived by the County from the ownership

and operation of the System, subject to the prior provision for the payment of the Operating Expenses of the System (“Net Revenues”), as provided in the Bond Resolution. See Appendix C – “SUMMARY OF CERTAIN PROVISIONS OF THE GENERAL BOND RESOLUTION – Definitions of Certain Terms” and “– Collection and Disposition of Revenues.”

The 2024 Bonds shall not be deemed to constitute a pledge of the full faith and credit of the Commonwealth of Virginia (the “Commonwealth”) or of any political subdivision thereof, including the County. Neither the full faith and credit of the Commonwealth nor the full faith and credit of the County are pledged to the payment of the principal of or premium, if any, or interest on the 2024 Bonds, and the issuance of the 2024 Bonds shall not directly or indirectly or contingently obligate the Commonwealth or the County to levy any taxes whatever therefor or to make any appropriation for their payment except from the revenues and receipts provided for their payment under the Bond Resolution.

### **Proposed General Bond Resolution Amendments**

On May 4, 2021, the Board of Supervisors adopted a resolution that authorizes the County to seek bondholder consent to certain future amendments to the General Bond Resolution (the “Proposed General Bond Resolution Amendments”). A copy of the Proposed General Bond Resolution Amendments is attached as Appendix D to this Official Statement.

The Board of Supervisors would be authorized to adopt the Proposed General Bond Resolution Amendments following the County’s timely receipt of consents thereto of not less than a majority in aggregate principal amount of the Bonds outstanding and affected by the Proposed General Bond Resolution Amendments.

**Each initial purchaser of 2024 Bonds is expected to provide an irrevocable written consent to the Proposed General Bond Resolution Amendments in substantially the form attached as Appendix G to this Official Statement.**

The Proposed General Bond Resolution Amendments would, among other things, permit the modification or elimination of the requirement for funding and maintaining the Reserve Subfund heretofore established under the General Bond Resolution and would permit the County to apply or transfer all amounts on deposit in the Reserve Subfund in excess of such modified or eliminated Reserve Subfund Requirement for one or more of the following purposes: to (i) redeem Bonds, (ii) pay principal installments of Bonds as they come due for payment, (iii) pay the costs of certain additions, extensions and improvements to the County’s sewage collection, treatment and disposal systems, paying capital improvement costs allocable to the County at certain wastewater treatment facilities that provide service to the County and, if necessary, purchasing additional capacity at certain wastewater treatment facilities for the benefit of the County, or (iv) pay rebate amounts to the United States Treasury in accordance with Section 148(f) of the Internal Revenue Code or similar provisions. The Proposed General Bond Resolution Amendments, if adopted, would permit, but not require, the County to fund the Reserve Subfund in the future on a voluntary basis.

The Proposed General Bond Resolution Amendments would also amend the first sentence of the definition of “Operating Expenses.”

The first sentence of the definition currently reads: “‘Operating Expenses’ means, for any period, the County’s reasonable and necessary current expenses for the operation, repair and maintenance of the System, as determined in accordance with generally accepted accounting principles except as modified by this definition.”

If the Proposed General Bond Resolution Amendments are adopted and the first sentence of the definition of “Operating Expenses” is amended, the entire definition of such term would read as follows:

“*Operating Expenses*’ means, for any period, the County’s reasonable and necessary current expenses paid for the operation, repair and maintenance of the System, without intending to limit or restrict any proper definition of such expenses under any applicable laws or generally accepted accounting principles. For the purpose of this definition, such current expenses shall include, without limiting the generality of the foregoing, all ordinary and usual expenses of maintenance, repair and operation, which may include expenses not annually recurring, administrative expenses, any reasonable payments to pension or retirement funds properly chargeable to the System, premiums and reserves for insurance, fees or premiums for a Credit Facility, Reserve Subfund Insurance Policy or bond insurance policy (but not including any amounts payable as interest, whether or not characterized as a fee or premium on draws, advances or loans), all administrative and engineering expenses relating to maintenance, repair and operation, fees and expenses of the Depository, any Paying Agent, remarketing agent, indexing agent, the Bond Registrar and any Trustee, legal expenses, fees of consultants, any taxes that may be lawfully imposed on, or payments in lieu of taxes that may be lawfully paid by, the System or the income therefrom, operating lease payments, the Operating Component of the Cost of Contracted Services, and any other expenses required or permitted to be paid by the County under the provisions of this Resolution or by law payable on a parity with Operating Expenses under this Resolution, but shall not include any reserves for extraordinary maintenance or repair or any allowance for depreciation, or any deposits to the credit of the Debt Service Subfund, the Reserve Subfund, the Subordinate Obligations Subfund or the Extension and Improvement Subfund (other than Operating Expenses hereinabove described in this definition).”

The County expects that, upon the issuance of the 2024 Bonds, it will have received the consent of the owners of a sufficient aggregate principal amount of the Bonds to permit the Board of Supervisors to adopt the Proposed General Bond Resolution Amendments. Following the adoption of the Proposed General Bond Resolution Amendments, the County anticipates that it will cause the elimination of the Reserve Subfund Requirement for all outstanding Bonds and direct the Depository to transfer all amounts then held in the Reserve Subfund to the County for deposit to the Construction Subfund. Accordingly, prospective purchasers of the 2024 Bonds should not rely upon the continued existence and funding of the Reserve Subfund in making an investment decision with respect to the 2024 Bonds.

**Flow of Funds**

The County has established, under the Bond Resolution, the following subfunds and accounts within the Integrated Sewer System Fund of the County, to be held either by the County or by a Depository, currently U.S. Bank Trust Company, National Association, Richmond, Virginia, for the application of proceeds of Additional Bonds and the application of Gross Revenues:

<u>Subfunds</u>	<u>Held By</u>
Construction Subfund .....	County
Revenue Subfund.....	County
Debt Service Subfund:	
Bond Interest and Principal Accounts.....	Depository
Accounts for Parity Debt Service Components .....	County
Reserve Subfund .....	Depository
Subordinate Obligations Subfund .....	County
Extension and Improvement Subfund.....	County

Pursuant to the Bond Resolution, all Gross Revenues received by the County are to be deposited in the Revenue Subfund. The money to the credit of the Revenue Subfund following the withdrawal of money from such Subfund and the payment of Operating Expenses and the application of such money, as described herein, may be used by the County for any lawful purpose of the System. After an amount equal to the Operating Expenses (excluding expenses for extraordinary repairs or maintenance) due and payable in such month has been paid or set aside for payment, amounts in the Revenue Subfund are to be deposited on or before the 25th day of each month (a “Deposit Day”), except as described below, in the following subfunds and accounts in the following order:

*First*, to the Debt Service Subfund, or, in the case of Parity Indebtedness, set aside to the credit of a special account in, the Debt Service Subfund, after first taking into account any accrued interest deposited from the proceeds of any Bonds and any transfers from the Construction Subfund pursuant to the Bond Resolution, the sum of (i) so much of the Interest Requirement for the Bonds as would accrue during such month; (ii) so much of the Principal Requirement for such Bonds as would accrue during such month; and (iii) such amount of the Debt Service Requirements for Parity Indebtedness as the Chief Financial Officer of the County determines is necessary to accrue in equal monthly installments to insure the sufficiency of deposits to make timely payment of any Parity Indebtedness.

*Second*, to the Reserve Subfund, beginning on the Deposit Day of the month next succeeding the month in which an amount is transferred from the Reserve Subfund to the Debt Service Subfund to cure a deficiency therein pursuant to the terms of the Bond Resolution, an amount that, taking into account any gain or loss in a subsequent valuation and together with investment income credited to such Subfund during such month, is equal to one thirty-fifth (1/35th) of the amount or amounts so transferred until the amount then on deposit in the Reserve Subfund is equal to the current Reserve Subfund Requirement for the Bonds secured thereby.

*Third*, to the Subordinate Obligations Subfund, an amount that, together with funds then held to the credit of the Subordinate Obligations Subfund, will make the total amount then to the credit of the Subordinate Obligations Subfund equal to the entire aggregate amount of the Subordinate Obligations due and payable prior to the Deposit Day of the next succeeding month.

*Fourth*, to the Extension and Improvement Subfund, an amount that, together with funds then held to the credit of the Extension and Improvement Subfund, will make the total amount then to the credit of the Extension and Improvement Subfund equal to the amount, if any, budgeted for expenditure therefrom by the County in its Annual Budget.

The payments and deposits so required are to be cumulative, and the amount of any deficiency in any month is to be added to the amount otherwise required to be paid or deposited in each month thereafter until such time as such deficiency has been made up. Notwithstanding the foregoing clauses *First*, *Second* and *Third*, if there is to the credit of any of such Subfunds on a Deposit Day the amount required to be on deposit to the credit of such Subfund on the next Interest Payment Date or the next Principal Payment Date or the next Parity Indebtedness payment date or Subordinate Obligations payment date, no further deposit into such Subfund on account of the requirements of such clauses will then be required.

### **Reserve Subfund**

Pursuant to the Bond Resolution, the County is required to maintain with a Depository, for the benefit of the Bonds, including the 2024 Bonds, the Reserve Subfund. As of any date of calculation, the Reserve Subfund Requirement with respect to Bonds is equal to the lesser of (i) the maximum Principal and Interest Requirements of the Outstanding Bonds for any Bond Year and (ii) 125% of the average annual Principal and Interest Requirements of the Outstanding Bonds for any Bond Year. On the date of delivery

of the 2024 Bonds, \$ \_\_\_\_\_, an amount equal to the Reserve Subfund Requirement for the 2024 Bonds, the 2014 Bonds, the 2016 Bonds, the 2017 and the 2021 Bonds (collectively, the “Outstanding Bonds”), will be on deposit in the Reserve Subfund. See Appendix C and the defined terms “Bond Year,” “Interest Requirements,” “Principal Requirements,” and “Principal and Interest Requirements” for information relating to Reserve Subfund calculations.

The Depository is to transfer money from the Reserve Subfund to the related Interest and Principal Account in the Debt Service Subfund for the purpose of paying the interest on and principal of (whether at maturity, by acceleration or in satisfaction of a Sinking Fund Requirement) the Outstanding Bonds, whenever and to the extent that the money on deposit in such Interest and Principal Account is insufficient for such purposes.

If on the Business Day next preceding an Interest Payment Date or a Principal Payment Date money to the credit of the applicable Interest and Principal Account in the Debt Service Subfund is not sufficient to pay the principal and interest due and payable on the Outstanding Bonds on such Interest Payment Date or Principal Payment Date, the County, before any transfer is made from the Reserve Subfund, is to transfer from the Revenue Subfund, if and to the extent money in the Revenue Subfund is legally available for such purpose, an amount equal to the deficiency in such Interest and Principal Account.

In the event the County determines to provide for deposits to a separate account within the Reserve Subfund in respect of any Parity Indebtedness, the term “Reserve Subfund Requirement” may be amended to include such additional deposits. No money to the credit of the Reserve Subfund may be withdrawn and applied to the payment of Parity Indebtedness unless the County has first provided for deposits to a separate account within the Reserve Subfund with respect to such Parity Indebtedness.

See APPENDIX C – “SUMMARY OF CERTAIN PROVISIONS OF THE GENERAL BOND RESOLUTION – Collection and Disposition of Revenues – *Reserve Subfund*.”

**As described above, the Proposed General Bond Resolution Amendments would, among other things, permit the modification or elimination of the requirement for funding and maintaining the Reserve Subfund heretofore established under the General Bond Resolution. The Board of Supervisors would be authorized to adopt the Proposed General Bond Resolution Amendments following the County’s timely receipt of consents thereto of not less than a majority in aggregate principal amount of the Bonds outstanding, which is expected to occur upon the issuance of the 2024 Bonds. Accordingly, prospective purchasers of the 2024 Bonds should not rely upon the continued existence and funding of the Reserve Subfund in making an investment decision with respect to the 2024 Bonds. See “ – Proposed General Bond Resolution Amendments” above and APPENDIX D – “PROPOSED AMENDMENTS TO THE GENERAL BOND RESOLUTION.”**

### **Rate Covenant**

The County has covenanted in the General Bond Resolution that it will at all times fix, charge and collect reasonable rates and charges for the use of, and for the services and facilities furnished by, the System and that from time to time, and as often as it shall appear necessary, it will adjust such rates and charges so that in each Bond Year both:

(A) the Net Revenues, excluding, for purposes of the calculation described in this clause (A) certain non-recurring revenue such as availability charges, and income previously received and then held by the County under the Bond Resolution, will be sufficient to provide at least 125% of the sum of (i) the Principal and Interest Requirements in such Bond Year on account of all the Bonds then outstanding under



the Bond Resolution in such Bond Year and (ii) the Debt Service Requirements of Parity Indebtedness in such Bond Year, and

(B) the Net Revenues, including, for purposes of the calculation described in this clause (B) certain non-recurring revenue such as availability charges, and income previously received and then held by the County under the Bond Resolution, will be sufficient to provide at least 100% of the sum of the amounts described in sub-clauses (A)(i) and (ii) above and the debt service requirements of Subordinate Obligations in such Bond Year.

Under the Act and other applicable laws, the Board of Supervisors of the County is authorized to fix and revise the rates and charges for the services and facilities of the System, and such rates and charges are not subject to regulation by any federal, state, or other local entity.

### **Additional Parity Debt**

The 2024 Bonds are secured on a parity as to their lien on Gross Revenues after provisions for Operating Expenses with all other Outstanding Bonds and certain Parity Indebtedness (collectively, “Parity Debt”). No Bonds may be issued, or Parity Indebtedness incurred, under the General Bond Resolution except upon compliance with the requirements described below.

*Additional Bonds.* Additional Bonds, as described in the General Bond Resolution, in excess of such amount initially authorized in the Bond Resolution, may be issued under and secured by the General Bond Resolution for paying all or any portion of the cost of projects, which include any future additions, enlargements, improvements, extensions, alterations, fixtures, equipment, land, appurtenances and other facilities to or for the System, or the undivided ownership interest of the County therein, or any entitlement to capacity or service, or any obligations of the County under any Service Contract.

The County has covenanted in the Bond Resolution that in order to issue Additional Bonds the County must meet certain historical and projected tests that show both:

(A) the Net Revenues, excluding, for purposes of the calculation set forth in this clause (A) certain non-recurring revenue such as availability charges, and income previously received and then held by the County under the Bond Resolution, will be sufficient to provide at least 125% of the sum of (i) the Principal and Interest Requirements in such applicable time period on account of all the Bonds then outstanding under the Bond Resolution in such Bond Year and (ii) the Debt Service Requirements of Parity Indebtedness in such applicable time period, and

(B) the Net Revenues, including, for purposes of the calculation set forth in this clause (B) certain non-recurring revenue such as availability charges, and income previously received and then held by the County under the Bond Resolution, will be sufficient to provide at least 100% of the sum of the amounts described in sub-clauses (A)(i) and (ii) above and the debt service requirements of Subordinate Obligations in such applicable time period. See Appendix C – “SUMMARY OF CERTAIN PROVISIONS OF THE GENERAL BOND RESOLUTION – Additional Indebtedness.”

*Refunding Bonds.* Refunding Bonds may be issued from time to time under and secured pursuant to the General Bond Resolution, subject to the conditions provided in the Bond Resolution, for the purpose of providing funds, with any other available funds, for refunding all or any part of any Indebtedness then outstanding (including, without limitation, Bonds, Parity Indebtedness and Subordinate Obligations that may have been issued or incurred under the provisions of the Act and whether or not under the provisions of the Bond Resolution), including the payment of any redemption premium thereon and interest that will accrue on such Indebtedness to the redemption date or stated maturity date or dates and any expenses in

connection with such refunding. The Bond Resolution requires, among other things, in connection with the issuance of Refunding Bonds that either (A) during the years in which any of the Bonds and Parity Indebtedness not so refunded are outstanding, the maximum Debt Service Requirements on account of all Bonds and Parity Indebtedness outstanding (after the issuance of such Refunding Bonds and after the redemption or provision for payment of the Indebtedness to be refunded) for any Bond Year following the Bond Year in which provision for the payment of the Indebtedness to be refunded is effected shall not exceed the maximum Debt Service Requirements on account of all the Bonds and Parity Indebtedness outstanding (including the Indebtedness to be refunded) immediately prior to the issuance of such Refunding Bonds for any Bond Year following the Bond Year in which provision for payment of the Bonds to be refunded is effected or (B) the County shall demonstrate satisfaction of the tests for the issuance of Additional Bonds as applied *mutatis mutandis* to the Refunding Bonds to be issued and the project financed from the proceeds of the Indebtedness to be paid or redeemed.

*Parity Indebtedness.* The County has no outstanding Parity Indebtedness.

The Bond Resolution permits the County to enter into additional Service Contracts for the benefit of the System provided that any such Service Contract shall specify the items payable as the Debt Service Component of the Cost of Contracted Services and provided further that except in the case of Service Contracts that by their terms do not permit payments from Gross Revenues, the County shall not enter into such additional Service Contracts that would create additional Parity Debt Service Components unless the Chief Financial Officer of the County determines in writing that the requirements for the issuance of Additional Bonds are met. The Chief Financial Officer of the County is to determine in writing on or before the effective date of any new Service Contract the amounts and due dates of any Debt Service Components of the Cost of Contracted Services and any Parity Debt Service Components payable by the County under such Service Contract and the interest and principal portions of such Components.

The County may incur and refund Parity Indebtedness other than Parity Debt Service Components, provided that the documents providing for such Parity Indebtedness specify the amounts and due dates of the Debt Service Requirements of such Parity Indebtedness and the principal and interest components of such Debt Service Requirements and that the Bond Registrar is to determine that all the requirements for the issuance of Additional Bonds or Refunding Bonds, as appropriate, have been met as if such Parity Indebtedness to be incurred were an additional Series of Bonds to be issued under the provisions of the Bond Resolution.

See Appendix C – “SUMMARY OF CERTAIN PROVISIONS OF THE GENERAL BOND RESOLUTION – Additional Indebtedness – *Other Parity Indebtedness.*”

### **Subordinate Obligations**

Substantial portions of the County lie in watersheds that flow naturally to other jurisdictions. Consequently, the County has Service Contracts with wastewater systems in neighboring jurisdictions for the treatment of wastewater flows emanating from the County. The County has incurred substantial Subordinate Obligations with respect to the capital improvements made by these wastewater systems.

*UOSA.* Under its contract with the Upper Occoquan Service Authority (“UOSA”) (the “UOSA Contract”) for wastewater treatment services, the County is obligated for a portion of the debt service on bonds issued by UOSA for capital improvements to its wastewater treatment facilities located in Prince William County. Such obligation is expressly made a Subordinate Obligation under the Bond Resolution. However, under the UOSA Contract, the County has the option of providing a cash payment to UOSA to pay for its allocable percentage of the capital improvements to be financed through an UOSA bond issue as opposed to paying for a portion of the debt service on such UOSA bonds. If the County does make a

cash payment under the UOSA Contract, the County still is required to make payment, subject to appropriation by the Board of Supervisors for the purpose, for any debt service reserve deficiency for each applicable UOSA bond issue. As of June 30, 2023, the County's obligation for UOSA's outstanding debt totaled approximately \$225.1 million in principal amount, and the County estimates that it will be approximately \$209.3 million as of June 30, 2024. The contract makes no provision for the acceleration of the County's obligations under the contract were the County to default thereon. See "DEBT SERVICE REQUIREMENTS" and "THE SYSTEM – Interjurisdictional Service Contracts – *Wastewater Treatment Services Provided by Other Entities*" and "– *Upper Occoquan Service Authority (UOSA)*."

*Subordinate Obligations Relating to System's Share of Public Works Complex.* The Fairfax County Economic Development Authority (the "EDA") issued its Fairfax County Facilities Revenue Bonds, Series 2021 A (County Facilities Projects) (Green Bonds) (the "2021 EDA Bonds"), to finance the construction and improvement of a consolidated public works complex (the "2021 Public Works Project") for the County's stormwater and wastewater divisions. In connection with the issuance of the 2021 EDA Bonds, the County delivered to the EDA the County's Subordinate Sewer Revenue Bond, Series 2021A (the "2021 Subordinate Public Works Bond"), in the principal amount of \$20,055,000, representing the System's obligation to reimburse the County for its allocable share of the capital cost of the 2021 Public Works Project.

*Additional Subordinate Debt.* The County may issue additional Subordinate Obligations in accordance with and as provided in the General Bond Resolution.

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## DEBT SERVICE REQUIREMENTS

The following table shows total debt service requirements<sup>1</sup> for all Indebtedness of the County relating to the System and payable from the Gross Revenues of the System, following the issuance of the 2024 Bonds.

Fiscal Year Ending June 30	Parity Debt <sup>2</sup>			Subordinate Debt <sup>3</sup>				
	2024 Bonds			Outstanding Bond Debt Service <sup>4</sup>	Total Senior Debt Service	Total 2021 Public Works Bond Debt Service <sup>5</sup>	Total UOSA Debt Service <sup>6</sup>	Total Debt Service <sup>7</sup>
	Principal	Interest	Total					
2024				\$36,560,481	\$36,560,481	\$1,537,375	\$21,435,239	\$59,533,095
2025				36,569,606	36,569,606	1,539,750	21,751,418	59,860,774
2026				36,584,156	36,584,156	1,535,500	22,348,276	60,467,932
2027				36,611,106	36,611,106	1,534,625	22,356,232	60,501,963
2028				36,607,281	36,607,281	1,536,875	22,348,390	60,492,546
2029				36,616,081	36,616,081	1,537,125	22,353,171	60,506,377
2030				30,735,981	30,735,981	1,535,375	10,184,933	42,456,289
2031				30,738,106	30,738,106	1,536,500	10,191,799	42,466,406
2032				30,735,606	30,735,606	1,535,375	10,115,140	42,386,121
2033				30,742,681	30,742,681	1,536,875	10,046,689	42,326,245
2034				30,741,581	30,741,581	1,535,875	9,878,908	42,156,364
2035				30,740,128	30,740,128	1,537,250	9,810,557	42,087,935
2036				30,739,538	30,739,538	1,535,875	9,809,560	42,084,973
2037				30,215,775	30,215,775	1,537,800	9,810,157	41,563,732
2038				30,215,450	30,215,450	1,538,400	7,959,699	39,713,549
2039				30,213,375	30,213,375	1,535,325	9,878,459	41,627,159
2040				30,951,400	30,951,400	1,537,825	9,879,045	42,368,270
2041				21,921,225	21,921,225	1,539,200	4,199,539	27,659,964
2042				21,922,100	21,922,100	1,535,100	3,759,766	27,216,966
2043				21,919,975	21,919,975	-	2,462,061	24,382,036
2044				17,284,575	17,284,575	-	2,261,109	19,545,684
2045				17,283,825	17,283,825	-	2,262,355	19,546,180
2046				17,285,200	17,285,200	-	2,259,555	19,544,755
2047				17,286,950	17,286,950	-	2,260,909	19,547,859
2048				17,287,775	17,287,775	-	2,260,087	19,547,862
2049				11,776,800	11,776,800	-	2,261,155	14,037,955
2050				11,778,800	11,778,800	-	2,259,917	14,038,717
2051				11,778,700	11,778,700	-	2,258,486	14,037,186
2052				11,775,900	11,775,900	-	1,160,796	12,936,696
2053				-	-	-	1,159,750	1,159,750
2054				-	-	-	-	-
2055				-	-	-	-	-
<b>Total<sup>7</sup></b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$755,620,159</b>	<b>\$755,620,159</b>	<b>\$29,198,025</b>	<b>\$270,983,157</b>	<b>\$1,055,801,342</b>

<sup>1</sup> Cash basis. Amounts shown are due on payment dates in the indicated fiscal years.

<sup>2</sup> The County's only outstanding series of Parity Debt, other than the 2024 Bonds, are the 2014 Bonds, the 2016 Bonds, the 2017 Bonds, and the 2021 Bonds.

<sup>3</sup> See "SECURITY FOR AND SOURCES OF PAYMENT OF THE 2024 BONDS – Subordinate Obligations" and "THE SYSTEM – Interjurisdictional Service Contracts."

<sup>4</sup> Includes debt service on the Refunding Candidates.

<sup>5</sup> Reflects debt service on the 2021 Subordinate Public Works Bond, in the principal amount of \$20,055,000, representing the System's obligation to reimburse the County for its allocable share of the capital cost of the 2021 Public Works Project. See "SECURITY FOR AND SOURCES OF PAYMENT OF THE 2024 BONDS – Subordinate Obligations – Subordinate Obligations Relating to System's Share of Public Works Complex."

<sup>6</sup> Does not reflect anticipated payments by the United States Treasury with respect to UOSA Build America Bonds. Excludes debt service on the UOSA Bonds anticipated to be paid with amounts released from Debt Service Reserve Fund for the UOSA Bonds resulting from a decrease in the funding requirements for fund following the scheduled amortization of the UOSA Bonds.

<sup>7</sup> Totals may not add due to rounding.

## FAIRFAX COUNTY

### Overview

Fairfax County, Virginia (“Fairfax County” or the “County”) is located in the northeastern corner of the Commonwealth of Virginia and encompasses an area of 407 square miles. Its current estimated population exceeds one million. The County is part of the Washington, D.C. metropolitan area, which includes jurisdictions in Maryland, the District of Columbia, and Northern Virginia.

The Fairfax County government is organized under the Urban County Executive form of government (as defined under Virginia law). The governing body of the County is the Board of Supervisors, which makes policies for the administration of the County. The Board of Supervisors is comprised of ten members: the Chairman, elected at large for a four-year term, and one member from each of nine districts, each elected for a four-year term by the voters of the district in which the member resides. The Board of Supervisors appoints a County Executive to act as the administrative head of the County. The County Executive serves at the pleasure of the Board of Supervisors, carries out the policies established by the Board of Supervisors, directs business and administrative procedures, and recommends officers and personnel to be appointed by the Board of Supervisors.

In Virginia, cities and counties are discrete units of government and do not overlap. Fairfax County completely surrounds the City of Fairfax and is adjacent to the City of Falls Church and the City of Alexandria. Property within these cities is not subject to taxation by Fairfax County, and the County generally is not required to provide governmental services to their residents. The County does, however, provide certain services to the residents of certain of these cities pursuant to agreements with such cities.

In the County there are located three incorporated towns, Clifton, Herndon, and Vienna, which are underlying units of government within the County, and the ordinances and regulations of the County are, with certain limitations prescribed by Virginia law, generally effective in them. Property in these towns is subject to County taxation, and the County provides certain services to their residents. These towns may incur general obligation bonded indebtedness without the prior approval of the County.

### Certain County Administrative and Financial Staff Members

Bryan J. Hill, County Executive, was appointed as County Executive by the Fairfax County Board of Supervisors effective January 2, 2018. He was previously the Chief Administrative Officer and Clerk to the Board for James City County from 2014 to 2017; he previously spent seven years with Beaufort County, South Carolina, as deputy county administrator. At James City County, Mr. Hill was responsible for oversight of staff, major infrastructure projects, economic development, transportation initiatives and the development and implementation of that county’s first strategic plan. He led the realignment of James City County’s debt portfolio, which resulted in AAA ratings from each of the three major bond rating agencies. Mr. Hill also has served as the vice chancellor for finance and operations at the University of South Carolina's Beaufort/Bluffton Campus, and as the director of finance for the University of Maryland’s Office of Information and Technology as well as director of administration for the Department of Aerospace Engineering. He has a bachelor’s degree in public administration from Alfred University and a master’s degree in public administration from the University of Southern California.

Thomas G. Arnold, Deputy County Executive, was appointed effective February 26, 2022. As Deputy County Executive for Safety & Security, Mr. Arnold directly oversees the Public Safety Agencies and is a Liaison to Executive Director for Police Civilian Review Panel, Independent Police Auditor, Circuit Court, General District Court, and Office of the Sheriff. Previously, Mr. Arnold was an Assistant Fire Chief with the Fire and Rescue Department. Mr. Arnold has 21 years of service with the County. He began with

the Fairfax County Fire and Rescue Department as a firefighter in 2001. He has also published papers on fire and rescue-related topics. Mr. Arnold holds a Master of Science in executive fire service leadership from Grand Canyon University and a Bachelor of Science in business administration from Pennsylvania State University. Mr. Arnold is a graduate of the National Fire Academy Executive Fire Officer Program (EFO), a Center for Public Safety Excellence Chief Fire Officer (CFO), and a member of the International Association of Fire Chiefs (IAFC).

Ellicia L. Seard-McCormick, Deputy County Executive, was appointed effective November 22, 2021. Ms. Seard-McCormick oversees the various departments that provide administrative operations for the County, including the Facilities Management Department, the Department of Cable and Consumer Services, the Department of Human Resources, the Department of Information Technology, the Office of Public Affairs, and others. She has more than two decades of experience as a County employee. Prior to her appointment, she was a Deputy Director of the Department of Management and Budget (DMB) where she led overall system coordination and decision-making for the County's enterprise resource planning (ERP) system for business functions related to overall human resource, financial, procurement and budget operations. She was also lead for multiple special projects, including countywide space planning and IT projects, a liaison to boards, authorities and commissions and the agencies that support them, and she served as a liaison for large-scale county reorganization efforts, among other duties. Ms. Seard-McCormick earned a Bachelor of Arts in political science and a master's degree in public administration, both from the University of North Carolina at Chapel Hill.

Christopher A. Leonard, Deputy County Executive, was appointed on January 2, 2021, by the Board of Supervisors. Mr. Leonard oversees the Park Authority and various departments that make up the provision of Health, Housing, and Human Services in Fairfax County. He has more than two decades of experience as a County employee, starting as a budget analyst in the Department of Management and Budget. Mr. Leonard spent the ten years prior to his current appointment serving as the Director of the Department of Neighborhood and Community Services. In that role, he led the considerable change management effort required for the consolidation of two existing county departments into one department, an effort that resulted in considerable savings. Mr. Leonard earned a bachelor's degree in sport management and a master's degree in public administration, both from West Virginia University.

Rachel O'Dwyer Flynn, Deputy County Executive, was appointed on January 22, 2019, by the Board of Supervisors. Ms. Flynn oversees the Department of Public Works and Environmental Services, the Department of Transportation, the Department of Code Compliance, Land Development Services, and the Department of Planning and Development. Ms. Flynn has 35 years of experience in both private and public organizations as an architect, urban planner, director of planning/building/economic development and real estate development executive. Before her appointment as Deputy County Executive, Ms. Flynn was the director of design management, planning and entitlements at Google, and from 2016-2018, she was the vice president of FivePoint Communities. Previously, Ms. Flynn served as the director of the Department of Planning and Building for the City of Oakland, California, from 2013-2016; the director of planning for Otak International in Abu Dhabi from 2011-2012; the director for the Department of Community Development for the City of Richmond from 2006-2011; and the director of the Department of Community Planning and Development for the City of Lynchburg from 1998-2006. Ms. Flynn has led efforts to develop award-winning master plans and city-wide general plans throughout her career. She has been honored with numerous awards from civic and professional organizations for implementing successful and complex plans, progressive environmental initiatives and innovative GIS/technology programs. Ms. Flynn holds a bachelor's degree in architecture and a master's degree in engineering management from Catholic University and a master's degree in public administration from Harvard University. Ms. Flynn is a licensed architect and a member of the American Institute of Architects.

Elizabeth D. Teare was appointed County Attorney by the Fairfax County Board of Supervisors effective July 1, 2016. Prior to her appointment, Ms. Teare served as the Deputy County Attorney for the Land Use and Environmental Law Section of the Fairfax County Attorney's Office from 2012 through 2016. From 2009 through 2012, she served as a Senior Assistant County Attorney and from 2000 to 2008 as an Assistant County Attorney. Prior to her tenure with the Fairfax County Attorney's Office, Ms. Teare was an associate attorney with a law firm known at that time as Surovell, Jackson, Colten & Dugan, P.C., in Fairfax, Virginia, from 1992 to 2000. She also worked as an Assistant Attorney General in Richmond, Virginia, in a temporary position from 1991 to 1992. Ms. Teare clerked for the Honorable Rosemarie Annunziata, who was then a Fairfax County Circuit Court Judge, from 1990 to 1991. Ms. Teare has been appointed by the Supreme Court of Virginia to serve on the faculty of the Virginia State Bar's Harry L. Carrico Professionalism Course. In addition, she has lectured on land use and environmental law related issues for the Fairfax County Bar Association and the Local Government Attorneys of Virginia. Ms. Teare received a Bachelor of Arts degree from Sweet Briar College, magna cum laude with high honors in English, in 1986. In 1990, Ms. Teare received her Juris Doctorate degree, cum laude, from the Washington and Lee University School of Law and was admitted to the Virginia State Bar later that year.

Christina C. Jackson was appointed Fairfax County's Chief Financial Officer (CFO) effective September 13, 2021. Prior to assuming the duties of CFO, Ms. Jackson served as Director of the Department of Management and Budget of the County since July 2019 and served as Deputy Director from November 2015. Ms. Jackson received her bachelor's degree in Public Policy Studies and Political Science from Duke University and a Master of Public Affairs degree from the University of North Carolina at Greensboro. Ms. Jackson joined the Fairfax County Department of Management and Budget in December 2003 as a budget analyst.

Philip A. Hagen was appointed Director of the Department of Management and Budget for Fairfax County, effective November 19, 2022. Prior to his appointment, Mr. Hagen joined the Fairfax County Department of Management and Budget in November 2010 as a budget analyst and served as Deputy Director from October 2019. Mr. Hagen received his bachelor's degree in finance from the University of Florida and a Master of Public Administration degree from George Mason University.

Christopher J. Pietsch was appointed Director of Finance for Fairfax County effective December 30, 2013. From 2003 until his appointment as Director of Finance, Mr. Pietsch served as the Director of the Fairfax County Internal Audit Office. Prior to that, Mr. Pietsch spent 16 years working in bank auditing as well as governmental auditing with the Commonwealth. Mr. Pietsch is a graduate of James Madison University, Harrisonburg, Virginia, with a degree in finance. In addition, he is a Certified Public Finance Officer, a Certified Internal Auditor and a Certified Bank Auditor.

Christopher S. Herrington, Director, Department of Public Works and Environmental Services, joined the County in July 2021. Previously, Mr. Herrington served as the Environmental Officer for the City of Austin, Texas, and retired after more than 25 years of service with Austin's Watershed Protection Department. Mr. Herrington has a BS in Biology and an MS in Civil Engineering, both from the University of Texas at Austin, is a licensed professional engineer in Texas and has authored or co-authored more than 40 watershed protection publications. During his career in Texas, Mr. Herrington led a wide range of local and regional strategic planning, environmental protection, and urban development regulation projects. He was involved in citywide integrated water management planning, endangered species protection, urban forest management, regional land conservation, watershed restoration, wastewater management, and community climate plan implementation efforts.

Shwan Fatah, P.E., GISP, Director, Wastewater Collection Division of the Fairfax County Wastewater Management Program, joined the County in July of 2015. Prior to joining the County, Mr. Fatah worked for six years planning, designing, and managing construction of water and wastewater utility

projects for northern Virginia water and wastewater utilities. Mr. Fatah holds a Bachelor of Science Degree in Civil and Environmental Engineering and a Master of Science Degree in Systems Engineering from George Mason University. He is a licensed Professional Engineer in the Commonwealth of Virginia and a registered Geographic Information Systems Professional Director, Wastewater Collection Division of the Fairfax County Wastewater Management Program.

Michael McGrath, P.E., BCEE, Director, Wastewater Treatment Division of Fairfax County Wastewater Management Program, joined the County in July 2002. Prior to joining the County, Mr. McGrath worked for 14 years as a project manager for an engineering consulting firm engaged in the design, construction, and operation of wastewater treatment plants. Mr. McGrath holds a Bachelor of Science Degree in Civil Engineering from Union College and a Master of Science Degree in Environmental Engineering from the University of Massachusetts. He is a licensed Wastewater Treatment Plant Operator and Professional Engineer in the Commonwealth of Virginia and a Board-Certified Environmental Engineer.

Shahram Mohsenin, P.E., Director, Wastewater Planning and Monitoring Division of the Fairfax County Wastewater Management Program, joined the County in August 2002. Prior to joining the County, Mr. Mohsenin was the Director of the Department of Utilities for the City of Fairfax, Virginia from March 1997 to August 2002. From September 1993 to March 1997 he served as a senior engineer in the Planning and Development Engineering Division of the Loudoun County Sanitation Authority in Loudoun County, Virginia. From February 1984 to September 1993 he served as District Engineer with the Office of Water Programs of the Virginia Department of Health regulating the design and operation of water and wastewater facilities in Virginia. From April 1981 to February 1984 he served as Assistant District Engineer with the Office of Water Programs of the Virginia Department of Health. In December 1980 he received a Bachelor of Science degree in Civil Engineering from Old Dominion University in Norfolk, Virginia. He has completed an extensive number of graduate level courses in the Sanitary Engineering field at Old Dominion University.

Anand Goutam, Financial Manager, Stormwater and Wastewater Management of the Fairfax County Department of Public Works and Environmental Services, has served in his current position since January 2019. He joined the County in October 2007 as an Accountant II with the Department of Finance, moved to an Accountant III, and then joined the Wastewater Management Division as a Financial Specialist IV in July 2015. Mr. Goutam received his Bachelor's Degree in Accounting from Strayer University and is a Certified Public Accountant.

See Appendix B – “FAIRFAX COUNTY INFORMATION” for additional general information respecting the County.

## **THE PROJECT**

Upon issuance and delivery of the 2024A Bonds by the County, a portion of the proceeds thereof will be used to provide funds for (i) paying the costs of certain additions, extensions and improvements to the County's sewage collection, treatment and disposal systems including the County's Noman M. Cole, Jr., Pollution Control Plant, paying capital improvement costs allocable to the County at certain wastewater treatment facilities that provide service to the County and, if necessary, purchasing additional capacity at certain wastewater treatment facilities for the benefit of the County, (ii) making a deposit to the Reserve Subfund, as described herein, pending the adoption of the Proposed General Bond Resolution Amendments, and (iii) paying the costs of issuing the 2024A Bonds. See “INTRODUCTION – The Project; Refunding Plan.”



## **THE SYSTEM**

### **Introduction**

The following sections present organizational, operational, and financial information pertaining to the System. The System information was compiled by the County's Wastewater Planning and Monitoring Division in the Department of Public Works and Environmental Services.

### **System Organizational Structure**

In Fairfax County, essential management, engineering, design, and construction services in support of the System are provided through the Department of Public Works and Environmental Services. Public Works and Environmental Services is under the general supervision of the County Executive and the Deputy County Executive for Planning and Development. The Wastewater Management Program is one of five Business Areas within the Department of Public Works and Environmental Services and is responsible for the administration and management of the System.

With oversight through a Deputy Public Works Director, the Wastewater Management Program consists of three agencies: the Wastewater Planning and Monitoring Division, the Wastewater Collection Division and the Wastewater Treatment Division.

The Wastewater Planning and Monitoring Division: (1) reviews the need for System development and additional treatment capacity, (2) administers and manages the System's billing operations, (3) administers the contract capacity at interjurisdictional treatment plants providing wastewater treatment under contract, (4) manages the environmental monitoring of the County's collection and pumping system and the County treatment facility, (5) reviews development plans for the construction of new sewer lines, and (6) manages the Wastewater Management Program's finances. The Wastewater Collection Division is responsible for the operation, maintenance, and repair of the System sewer lines, pumping stations, and metering stations. The Wastewater Treatment Division is responsible for the operation, maintenance, and repair of the County-owned treatment facility.

### **System Characteristics**

Approximately 92 million gallons of wastewater are generated daily in the System. Almost 40 percent of the System wastewater flow is treated at the Noman M. Cole, Jr., Pollution Control Plant ("NMCPCP") (formerly the Lower Potomac Pollution Control Plant) near Lorton, Virginia. The rest of the flow is distributed between one privately operated plant and five other regional treatment facilities operated and maintained by Arlington County, DC Water ("Blue Plains"), Alexandria Renew Enterprises ("ARE"), the Upper Occoquan Service Authority ("UOSA") and Prince William County Service Authority ("PWCSA") pursuant to contract agreements with the System. In addition, the System has purchased 1.0 million gallons per day (mgd) of capacity in Loudoun Water's Broad Run Water Reclamation Facility for flow capacity in the northern portion of the County, and 0.1 mgd of capacity in the PWCSA for flow generated in the southern portion of the County.

The System consists of 3,300 miles of sewer lines ranging in size from 8 inches to 72 inches; 70 wastewater pump stations ranging in capacity from 0.1 to 37 mgd; and 57 metering stations. NMCPCP, the County treatment plant, has a capacity of 67 mgd. Capacity entitlement at the other treatment facilities totals 89.7 mgd. The System has a staff of 331 employees and for FY 2023, had an operational outlay of \$121.1 million (NMCPCP, \$29.4 million; ARE, \$11.8 million; Blue Plains, \$18.0 million; UOSA, \$14.8 million; Arlington, \$2.4 million; Falls Church, \$0.2 million; other, \$1.0 million; collections and pumping, \$21.7 million; administration, \$6.8 million; planning and administration, \$15.1 million).

Approximately 88% of the 425,000 households and virtually all businesses in the County are connected to the System. The sewer service area covers approximately 234 square miles, nearly 60% of the County's 407 square mile land mass. Under separate service agreements, sewer service is provided to nearby Arlington and Loudoun Counties, Fort Belvoir, the Cities of Fairfax and Falls Church, and the Towns of Herndon and Vienna.

A map showing the System and its service area is shown on the following page.

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[Insert System Map]

### System Wastewater Flows

System wastewater flows from County and non-County sources are collected in a network of sewer lines, pumping stations, and interceptors. The flows are conveyed to wastewater treatment plants where greases, solids, nutrients, and other oxygen demanding wastes are removed. Treated effluent flows are also disinfected before being discharged into various tributaries leading to the Upper Potomac River Estuary. The resultant sludge streams are collected, conditioned, and disposed of separately.

Wastewater sources and the distribution of flow between wastewater treatment plants in the System are shown in the following tables.

#### WASTEWATER SOURCES AND CAPACITY ALLOCATION FAIRFAX COUNTY SANITARY SEWER SYSTEM (Million Gallons per Day, mgd)

Wastewater Source	Fiscal Year (Ended June 30)					Current Capacity Allocation
	2019(a)	2020	2021	2022	2023	
County Households and Businesses	100.21	85.66	89.77	88.77	83.51	141.43
Other (Sale of Service) Entities:						
City of Fairfax	3.06	2.34	2.88	2.49	2.00	4.20
Town of Herndon	3.36	3.02	2.97	2.64	2.75	3.00
Arlington County	1.59	1.24	1.39	1.20	1.11	1.80
Fort Belvoir	1.40	1.02	1.23	0.92	0.88	3.00
City of Falls Church	1.24	1.05	1.18	1.00	1.01	1.00
Town of Vienna	1.14	0.89	0.97	0.90	0.69	1.25
Loudoun Water	0.12	0.01				1.00
Fairfax County Water Authority	0.07	0.05				- (b) -
Covanta/ERR Facility	0.19	0.16				- (b) -
Subtotal, Other Entities (c)	12.17	9.78	10.91	9.35	8.47	15.25
Total (c)	112.38	95.44	100.68	98.12	91.98	156.68
(a)	Higher flow in 2019 was due to relatively high level of rainfall.					
(b)	No capacity allocated; capacity included in allocation for County households and businesses.					
(c)	Due to rounding, columns may not total to the amounts indicated.					

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**DISTRIBUTION OF FLOW TO WASTEWATER TREATMENT PLANTS  
FAIRFAX COUNTY SANITARY SEWER SYSTEM  
(Million Gallons per Day, mgd)**

Wastewater Treatment Plant (WWTP)	Fiscal Year (Ended June 30)					Current Capacity Allocation
	2019(a)	2020	2021	2022	2023	
County WWTP, Noman M. Cole, Jr., Pollution Control Plant	42.24	37.08	40.54	38.56	35.38	67.00
Blue Plains (DC Water)(a)	31.66	27.53	26.86	27.70	26.86	31.00
Alexandria Renew Enterprises	21.64	16.18	18.06	17.34	15.75	32.40
Upper Occoquan Service Authority	14.44	12.43	13.06	12.30	11.78	22.10
Arlington County	2.34	2.18	2.11	2.17	2.18	3.00
Loudoun Water	0.0	0.0	0.0	0.0	0.0	1.00
Colchester (Private)	0.05	0.03	0.04	0.04	0.02	0.08
Prince William Co. Service Authority	0.01	0.01	0.01	0.01	0.01	0.10
Subtotal, Non-County WWTPs	70.14	58.36	60.14	59.56	56.60	89.68
Total (b)	112.37	95.44	100.68	98.12	91.98	156.68
(a) Higher flow in 2019 was due to relatively high level of rainfall. Flows to DC Water exceeded the capacity in contract.						
(b) Due to rounding, columns may not total to the amounts indicated.						

### Interjurisdictional Service Contracts

#### *Wastewater Treatment Services Provided for Other Entities*

Sewer services are provided to other jurisdictional entities through “Sale of Service” agreements between the County and the entities. As prescribed by each Sale of Service agreement, each entity shares in the operating, debt and capital costs of the System. Each entity’s share is determined on the basis of actual wastewater flow or reserved treatment capacity. The County currently has Sale of Service agreements with Arlington County, Fort Belvoir, the Cities of Fairfax and Falls Church, the Towns of Herndon and Vienna and Loudoun Water (as hereinafter defined). The following table summarizes service charge revenues from the Sale of Service entities for Fiscal Years 2019 through 2023.

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**SALE OF SERVICE REVENUES**  
**FAIRFAX COUNTY SANITARY SEWER SYSTEM**  
(in thousands)

ENTITY	Fiscal Year (Ended June 30)				
	2019(a)	2020	2021	2022	2023
City of Fairfax	\$2,276	\$1,913	\$2,280	\$2,061	\$2,071
Town of Herndon	2,571	1,398	1,643	2,328	1,461
Arlington County	839	607	773	631	715
Fort Belvoir	3,051	2,264	2,693	2,132	2,142
City of Falls Church	717	595	672	659	713
Town of Vienna	810	681	651	669	640
Loudoun Water	157	203	209	208	268
Other (b)	630	561	395	404	567
Total (c)	\$11,051(b)	\$8,222	\$9,316	\$9,092	\$8,577
(a) Higher Sale of Service revenue in 2019 was due to a relatively high level of rainfall and, accordingly, relatively high level of wastewater flow. (b) Includes Fairfax Water and the I-95 Energy Resource Recovery Facility operated by Covanta of Fairfax, a private company (c) Due to rounding, columns may not total to the amounts indicated.					

***Wastewater Treatment Services Provided by Other Entities***

The System supplements the capacity of its own collection and treatment facilities through “Treatment by Contract” agreements with DC Water, Alexandria Renew Enterprises, the Upper Occoquan Service Authority and Arlington County. As prescribed in individual agreements, the County pays its share of the capital and operating costs of each entity’s system based on allocated capacity and actual wastewater flows, respectively. Following are amounts paid by the County to the four entities shown as operating expenses, parity indebtedness, or subordinate obligations for Fiscal Years 2019 through 2023.

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**TREATMENT BY CONTRACT OPERATING EXPENSES AND INDEBTEDNESS**  
**FAIRFAX COUNTY SANITARY SEWER SYSTEM**  
(in thousands)

ENTITY	Fiscal Year (Ended June 30)				
	2019	2020	2021	2022	2023
Alexandria Renew Enterprises:					
Operating Expenses	\$11,122	\$11,084	\$11,272	\$10,785	\$11,828
DC Water:					
Operating Expenses	15,517	15,930	15,317	13,789	18,013
UOSA: (a)					
Operating Expenses	12,980	14,281	13,516	13,846	14,783
Subordinate Debt Obligations	19,028	18,652	18,865	19,555	19,761
Arlington County:					
Operating Expenses (b)	2,592	2,073	2,616	2,046	2,448
Other Operating Expenses (c)	946	969	1,233	1,266	1,147
Total (d)	\$62,185	\$62,989	\$62,819	\$61,287	\$67,980
<p>(a) Debt payments reflect County’s share of payments on UOSA’s bond issues, which constitute Subordinate Obligations under the General Bond Resolution. See “SECURITY FOR AND SOURCES OF REPAYMENT OF THE 2024 BONDS – Subordinate Obligations.”</p> <p>(b) An annual debt payment (not related to a bond issue) is included in the operating expenses.</p> <p>(c) Includes City of Falls Church and Colchester Utilities, Inc., operating expenses. 169 homes within the Harbor View subdivision in southeastern Fairfax County are served by the Colchester Wastewater Treatment Facility owned and operated by Colchester Utilities, Inc.</p> <p>(d) Due to rounding, columns may not total to the amounts indicated.</p>					

Capital costs paid to Treatment by Contract entities are classified as “Purchased Capacity” expenses in the financial statements and amortized with other System capital expenses. Summarized below are the annual purchased capacity expenditures for Fiscal Years 2019 through 2023.

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**PURCHASED CAPACITY ADDITIONS – AMORTIZED CAPITAL EXPENDITURES**  
**FAIRFAX COUNTY SANITARY SEWER SYSTEM**  
(in thousands)

ENTITY	Fiscal Year (Ended June 30)				
	2019	2020	2021	2022	2023
DC Water (a)	\$7,745	\$8,345	\$10,630	\$9,081	\$7,410
Alexandria Renew Enterprises (b)	10,437	13,752	19,700	11,282	9,164
Arlington County (c)	373	622	317	374	587
UOSA (d)	0	17,004	(177)	(2,626)	19,463
Total (e)	\$18,555	\$39,723	\$30,470	\$18,111	\$36,624

(a) The County pays 31/370 or 8.38% of the expansion and upgrade expenses at the DC Water’s Blue Plains Advanced Waste Treatment (AWT) Plant.  
(b) The County pays 32.4/54 or 60% of ARE plant improvement expenses. ARE started to charge the County the shared cost of RiverRenew in FY 2019; the total shared cost of the County’s portion is estimated to be \$58 million, and the project is expected to be completed by July 1, 2026.  
(c) The County pays 3.0/40 or 7.5% of Arlington County WWTP upgrade expenses.  
(d) In Fiscal Year 2020, the County sold 0.5 mgd of its UOSA allocation to the City of Manassas reducing its share of the facility’s total capacity to 22.1 mgd or 41%. See SECURITY FOR AND SOURCES OF PAYMENT OF THE 2024 BONDS – Subordinate Obligations – UOSA” for further description of the UOSA Contract.  
(e) Due to rounding, columns may not total to the amount indicated.

### **Blue Plains**

In September 1985, the users of the Blue Plains plant (Fairfax County, the District of Columbia (the “District”), Montgomery and Prince George’s Counties in Maryland, and the Washington Suburban Sanitary Commission (WSSC)) entered into the Blue Plains Intermunicipal Agreement (the “1985 IMA”). Under the terms of the 1985 IMA, the County’s capacity entitlement was increased to 31 mgd in February 1997 when the Blue Plains plant was fully upgraded and expanded to 370 mgd. Although the County has a representative on the eleven-member District of Columbia Water and Sewer Authority (described below), which runs the Blue Plains plant, the County has no significant control over plant operation or construction activity and therefore, retained no ongoing equity interest in the assets or liabilities of the facility under the 1985 IMA.

In April 1996, the District established an independent Water and Sewer Authority (“DC Water”) to operate the District’s water and sewer systems, including the Blue Plains plant. DC Water has a Board of Directors comprised of six members from the District, two each from Montgomery County and Prince George’s County, and one from Fairfax County. DC Water honored the capacity entitlement assigned to Blue Plains plant users under the 1985 IMA.

In 2012, the parties to the 1985 IMA, together with DC Water, entered into a new IMA (the “2012 IMA”), which replaced the 1985 IMA. The 2012 IMA updates the 1985 IMA to reflect changes since 1985 and recognizes the dynamic nature of regulations and regional needs. Fairfax County’s flow capacity at Blue Plains remains at 31 mgd in the 2012 IMA as it was in the 1985 IMA.



### ***Alexandria Renew Enterprises (ARE)***

Under a service agreement amended and restated as of October 1, 1998, the County has a capacity entitlement of 32.4 mgd of ARE's 54 mgd treatment facility. Currently, the County has a substantial financial responsibility for its share of operating costs and construction costs. Although the County is allowed one non-voting representative at ARE's board of directors meetings, the County has no significant influence in the management of the plant and has no direct ongoing equity interest in the assets or liabilities of ARE.

The service agreement requires the County to pay its share of capital and operating costs of joint use facilities. On October 6, 2020, the City of Alexandria, Virginia Sanitation Authority and the County signed a memorandum of understanding (the "MOU") regarding Cost Share for the RiverRenew project. RiverRenew, which includes multiple projects consisting of a new tunnel system and upgrades to Alexandria's wastewater treatment facility, at an estimated total construction cost of \$454.4 million. The RiverRenew project is required by 2017 Virginia Acts of Assembly, Chapters 826 and 827, to be completed by July 1, 2025. As of the date hereof, legislation is pending in the Virginia General Assembly that would extend the required completion date to July 1, 2026. The MOU memorializes the agreement of the parties with respect to the cost allocation methodology for construction and operating of joint use facilities elements of the RiverRenew project, as well as the County's capacity rights in the new facilities. The County's current estimate of its obligations for the cost of the RiverRenew project is approximately \$58 million, which is included in the FY 2024 – FY 2028 adopted Capital Improvement Plan.

### ***Arlington County***

Fairfax County is a minor user of the Arlington County wastewater treatment plant. Based on the most recent service agreement, dated October 3, 1994 (the "1994 Agreement"), the County has a capacity entitlement of 3.0 mgd of the plant's 40 mgd treatment capacity. Although the County has a measurable responsibility for its share of operating and construction costs, the County has no influence in the management of the plant and has no direct equity interest in the assets or liabilities of the plant. The County and Arlington County have agreed to abide by the provisions of the 1994 Agreement until a new agreement is executed between the parties.

### ***Upper Occoquan Service Authority (UOSA)***

UOSA, a joint venture formed on March 3, 1971, serves portions of Fairfax County, Prince William County, and the Cities of Manassas and Manassas Park. UOSA is governed by an eight-member board of directors consisting of two members each from the four participating jurisdictions. Effective May 1995, the County had a capacity entitlement of 13.19 mgd of the plant's 32 mgd treatment capacity. Based on a February 1991 restated service agreement, the County's capacity entitlement increased to 27.6 mgd when the UOSA facility expanded to 54 mgd in FY 2003. In 2008, the County's capacity entitlement was reduced to 24.6 mgd with the sale of 3.0 mgd of capacity (2.0 mgd of capacity to the Prince William County Service Authority and 1.0 mgd of capacity to the City of Manassas). In Fiscal Year 2011, the County sold an additional 2.0 mgd of its capacity to Prince William County Service Authority, reducing its entitlement to 22.6 mgd. The sale was based on updated build-out flow projections indicating that the County will not need the extra 2.0 mgd capacity. The County has no explicit and measurable interest in UOSA but does have an ongoing financial responsibility for its share of operating, construction and debt service expenses. In July 2019, the County sold 0.5 mgd of its allocation to the City of Manassas reducing its share of the facility's total capacity to 22.1 mgd or 41%. See "SECURITY FOR AND SOURCES OF PAYMENT OF THE 2024 BONDS – Subordinate Obligations – UOSA."

***Prince William County Service Authority (PWCSA)***

Based on an agreement, dated August 13, 1999, PWCSA will provide service of up to 100,000 gallons per day to a service area in the southern most section of the County. The County has no explicit and measurable interest in PWCSA but does have an ongoing financial responsibility for its share of operating expenses.

***Loudoun County Sanitation Authority (Loudoun Water)***

In Fiscal Year 2011, the County entered into an agreement with the Loudoun County Sanitation Authority (“Loudoun Water”) to share in the construction and operating costs and debt service requirements for Loudoun Water’s sewage treatment facility. The County purchased 1.0 mgd of capacity in Loudoun Water’s Broad Run Water Reclamation Facility, representing 9% of the facility’s 11 mgd total capacity. The County has no direct ongoing interest in the facility’s assets and liabilities. Furthermore, the County has no significant influence in the management of Loudoun Water’s treatment facility. Accordingly, the County does not account for this commitment as a joint venture.

The County paid Loudoun Water \$20,942,294 for the 1.0 mgd of capacity in Fiscal Year 2011 and has not paid any operating costs to date. The System will incur operating costs once it starts to deliver flows to Loudoun Water’s facilities, which has not happened to date and is projected to start in approximately Fiscal Year 2027. The Broad Run Plant is a new facility; therefore, no construction or debt service requirements are expected in the near future.

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## Summary of Financial Activity

**SEWER FUND FINANCIAL ACTIVITY**  
**FAIRFAX COUNTY SANITARY SEWER SYSTEM**  
(in thousands)

	Fiscal Year (Ended June 30)				
	2019	2020	2021	2022	2023
BEGINNING BALANCE – POOLED CASH	\$177,553	\$165,395	\$140,019	\$340,289	\$301,169
Sources (Inflows) of Funds:					
Service Charges	210,962	217,854	216,448	231,214	242,725
Availability Fees	21,473	22,181	34,715	16,355	23,514
Interest Earnings	3,676	2,860	791	480	6,542
Bond Receipts	-	-	240,839	-	-
Sale of Purchased Capacity	-	8,220	-	-	-
Grant Revenue	198	69	52	1	113
Other	42	70	56	71	31
Subtotal, Inflows	\$236,351	\$251,254	\$492,901	\$248,121	\$272,925
Uses (Outflows) of Funds:					
O&M Expenses <sup>(1)</sup>	\$12,980	\$14,281	\$13,516	\$13,846	\$14,783
All Other O&M Expenses	88,379	93,179	95,680	89,700	106,331
Total O&M Expenses	\$101,359	\$107,460	109,196	103,546	121,114
Capital Expenses	95,989	\$122,877	128,748	127,426	119,855
Debt Service	50,029	49,690	49,974	52,796	54,783
Redemption of Sewer Bonds	-	-	-	-	-
Other	-	7	993	-	-
Subtotal, Outflows	\$247,377	\$280,034	\$288,911	\$283,768	\$295,752
Changes in Receivables	(2,743)	(4,302)	(2,615)	4,355	(4,744)
Changes in Payables	2,361	6,355	5,178	(1,224)	(3,104)
Changes in Inventory and other	707	246	288	347	350
Changes in Investments	(1,418)	(1,062)	(8,727)	(5,223)	(5,619)
Change in Pension and OPEB related deferred outflows and deferred inflows	(39)	2,167	2,156	(1,728)	123
Increase in Contract Retainages	-	-	-	-	7,211
ENDING BALANCE – POOLED CASH <sup>(2)</sup>	\$165,395	\$140,019	340,289	301,169	272,559
<p>(1) Includes expensed capital costs for sewer repairs and renovations.</p> <p>(2) Due to rounding, columns may not total to the amounts indicated.</p>					

## **Sewer Revenue Bonds, Debt Service Payments, and Other Debt Obligations**

### ***History and Description of Bonds and Other Debt Obligations***

On July 29, 1985, the Board of Supervisors adopted the General Bond Resolution authorizing the issuance of sewer revenue bonds. The bond proceeds were to be used to finance improvements to the System, primarily at the Noman M. Cole, Jr., Pollution Control Plant. The bond resolution was restated on July 21, 1986, in advance of the initial \$75 million bond sale on August 6, 1986. Since that initial sale, several issues of sewer revenue bonds have been issued to finance capital improvements for the benefit of the System as well as for the purchase of additional wastewater capacity for the benefit of the County and paying a portion of capital improvement costs allocable to the County at certain wastewater treatment facilities that are owned by, or that provide service to, the County. In addition, several revenue refunding bonds series have been issued to provide debt service savings for the County. As of the date of this Official Statement, only the 2014 Bonds, the 2016 Bonds, the 2017 Bonds, and the 2021 Bonds are Outstanding Bonds under the General Bond Resolution. See “INTRODUCTION – Existing Indebtedness.”

Under the Bond Resolution, the County is required to establish rates and fees for connection to and use of the System sufficient to pay operating and maintenance expenses, System debt service, and other obligations payable from the revenues of the System. As described above under “– Interjurisdictional Service Contracts,” the County has classified as indebtedness under the Bond Resolution certain fixed payments owed to UOSA as shares of its debt service costs (such shares derived from the County’s capacity rights in UOSA’s treatment facilities).

Under the Bond Resolution, the County prioritizes its payment obligations under Treatment by Contract agreements as follows: (first) operating expenses, payable on par with operating expenses of the County’s System; (second) debt service on the County’s Outstanding Bonds and Parity Indebtedness, payable on parity with the debt service on the County’s Outstanding Bonds; and (third) Subordinate Obligations, payable after provision is made for operating expenses, debt service on the Outstanding Bonds and parity indebtedness, and Reserve Subfund deficiencies. The County retired the last sewer Parity Indebtedness in 1999.

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**Debt Service Coverage Ratio; Liquidity**

**DEBT SERVICE COVERAGE  
FAIRFAX COUNTY SANITARY SEWER SYSTEM**

The following table shows the coverage of Debt Service on System indebtedness for Fiscal Years 2019 through 2023.

	Fiscal Year (Ending June 30) (\$ in thousands)				
	2019	2020	2021	2022	2023
System Revenue:					
User Service Charges	\$198,632	\$208,705	\$205,802	\$220,776	\$232,905
Sales of Service	11,051	8,222	9,316	9,092	8,578
Availability Fees	21,473	22,181	34,715	16,355	23,514
Interest Income	3,676	2,860	791	480	6,542
Other	1,300	926	1,330	1,346	1,386
Total System Revenue (a)	236,132	242,894	251,954	248,049	272,925
System O&M Expenses	(101,359)	(107,460)	(109,195)	(103,546)	(121,114)
Revenue Available for Paying Debt Service	\$134,773	\$135,434	\$142,759	\$144,503	\$151,811
Senior Debt Service					
2009 Bonds	3,696	3,695	0	0	0
2012 Bonds	3,396	3,395	3,395	2,106	0
2014 Bonds	5,732	5,766	5,744	5,787	5,798
2016 Bonds	6,697	6,697	10,455	10,454	12,558
2017 Bonds	5,505	5,510	5,510	5,507	5,506
2021A Bonds				5,235	8,725
2021B Bonds				538	896
Subtotal, Senior Debt Service	\$25,026	\$25,063	\$25,134	\$29,627	\$33,483
Subordinate Obligations:					
UOSA	19,028	18,652	18,865	19,555	19,761
EDA				337	1,538
VRA Revolving Fund	5,975	5,975	5,975	3,277	
Subtotal Subordinate Obligations	\$25,003	\$24,627	\$24,840	\$23,169	\$21,299
Total Debt Service	\$50,029	\$49,690	\$49,974	\$52,796	\$54,782
Revenue Available after Paying Debt	\$84,744	\$85,744	\$92,785	\$91,707	\$97,029
Senior Debt Service Coverage (b)	4.53x	4.52x	4.30x	4.33x	3.83x
Total Debt Service Coverage (c)(d)	2.69x	2.73x	2.86x	2.74x	2.77x
<p>(a) FY 2020 revenue excludes \$8.2 million received from the sale of system capacity, revenue from developers, grant revenues, and the gain or loss on the disposition of capital assets.</p> <p>(b) Revenue Available for Paying Debt Service divided by Senior Debt Service. Shows 1.25x or greater coverage as required by the Bond Resolution rate covenant. Revenue does not include non-recurring revenues (availability fees) or income previously received and held by the County derived from the System.</p> <p>(c) Revenue Available for Paying Debt Service divided by Total Debt Service.</p> <p>(d) Due to rounding, columns may not total to the amounts indicated.</p>					

As shown in the previous table, System revenue includes current year revenue from availability fees, service charges and interest income. System revenue does not include available fund balance reserves; i.e., income received in previous years and currently held by the County in reserve in the Revenue Subfund. To maintain a debt service coverage ratio greater than one and to generate sufficient revenues to meet the System's funding needs, the County's Wastewater Planning and Monitoring division annually evaluates the need for, and the timing of implementing, increases in the availability fees and sewer service charge rates.

In 2009, the County's Board of Supervisors adopted certain financial policies related to the System. The adopted policies include:

- **Senior Debt Service Coverage Policy:** Commencing July 1, 2010, the County intends to adjust rates and charges for the System such that Net Revenues less Excluded Revenues (as defined in the General Bond Resolution), will be at least 200% of senior debt service requirements.
- **Collective Debt Service Coverage Policy:** Commencing July 1, 2012, the County intends to adjust rates and charges for the System such that Net Revenues less Excluded Revenues (as defined in the General Bond Resolution), will be at least sufficient to meet the Senior Debt Service Coverage Policy and 125% of senior and subordinate debt service requirements.
- **Cash Reserve Policy:** The County intends at all times to maintain a balance within the Revenue Subfund in an amount equal to or greater than the reasonable estimate of 90 days of Operating Expenses of the System.

The County has been in compliance with each of these policies since their adoption. Additionally, the County maintains financial targets, above these policy minimums, which are revisited each year.

In its resolution adopting such policies, the Board of Supervisors noted that “[t]he Financial Policies set forth in and adopted by this resolution are not and shall not be legally binding on this Board, or any future Board of Supervisors, but state the current and continuing good faith intentions of this Board of Supervisors as to its intended management of the System and its finances. No third person, whether a ratepayer, bondholder or other creditor of the System, rating agency, trustee, or other person, shall be, or shall be deemed to be, a third party beneficiary of, or otherwise have or acquire any enforceable right as to, this resolution or all or any of the Financial Policies adopted hereby.”

The following table shows the System's days cash on hand for Fiscal Years 2019 through 2023.

**Historical Days Cash on Hand**  
(As of Fiscal Years ended June 30)

	2019	2020	2021	2022	2023
Current, Unrestricted Cash & Cash Equivalents	\$121,620,347	\$134,043,965	\$104,322,559	\$159,797,206	\$181,796,264
Operating Expenses, Less Depreciation and Amortization	101,359,127	107,459,887	109,195,101	103,545,619	121,114,434
Days Cash on Hand	438	455	349	563	548

<sup>1</sup>The Construction Improvement Fund excludes bond proceeds. The County's internal accounting procedures characterize these funds as “unrestricted” rather than “restricted” on the Statement of Net Position.

***Future Financings; Projected Debt Service Coverage Ratio***

The following table provides projected debt service coverage for Fiscal Years 2024 through 2029. Such projections are based on revenue projections derived from the expected rates for such time period. System Revenue assumes annual rate increases that affect the average, monthly residential bill as follows: \_\_\_\_\_% in Fiscal Year 2025 and \_\_\_\_\_% in Fiscal Years 2026 through 2029. In addition to the 2024 Bonds, the projections assume the County funds \$361 million in capital projects with Sewer Revenue Bonds in 2026 and \$228 million in capital projects with Sewer Revenue Bonds in 2028 and assume UOSA issues debt in 2024 for which \$31 million is allocable to the County and in 2027 for which \$69 million is allocable to the County.

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**PROJECTED DEBT SERVICE COVERAGE  
FAIRFAX COUNTY SANITARY SEWER SYSTEM  
(\$ in thousands)**

	Fiscal Year (Ending June 30)					
	2024	2025	2026	2027	2028	2029
<b>System Revenue:</b>						
User Service Charges	\$249,903	\$266,007	\$283,006	\$301,167	\$320,473	\$341,109
Sales of Service	11,144	11,518	11,973	12,449	12,944	13,462
Availability Fees <sup>(1)</sup>	18,546	19,157	20,033	20,709	21,596	22,281
Interest Income	4,579	4,900	5,641	6,338	6,596	6,784
Other	775	775	775	775	775	775
Total System Revenue	\$284,947	\$302,356	\$321,428	\$341,438	\$362,384	\$384,411
<b>System O&amp;M Expenses</b>	140,193	142,695	147,462	152,312	157,377	162,030
<b>Revenue Available for Paying Debt</b>	\$144,754	\$159,661	\$173,966	\$189,125	\$205,008	\$222,381
<b>Senior Debt Service:</b>						
Existing Bonds	\$36,992	\$36,977	\$37,020	\$37,011	\$36,995	\$31,358
2024 Bonds	1,742	8,166	8,300	8,300	8,306	8,306
2026 Bonds	0	0	4,961	18,098	18,262	18,260
2028 Bonds	0	0	0	0	3,129	11,415
<b>Subtotal, Senior Debt Service</b>	\$39,889	\$48,566	\$58,450	\$68,282	\$76,257	\$84,684
<b>Subordinate Obligations:</b>						
Existing Obligations	\$23,145	\$23,598	\$23,900	\$23,902	\$23,904	\$17,819
2024 UOSA Bonds	0	1,989	1,989	1,989	1,989	1,989
2027 UOSA Bonds	0	0	0	0	4,406	4,406
<b>Total Debt Service<sup>(3)</sup></b>	\$61,879	\$70,730	\$76,170	\$89,300	\$96,991	\$93,553
<b>Revenue Available after Paying Debt</b>	\$82,874	\$88,931	\$97,795	\$99,825	\$108,016	\$128,828
<b>Senior Debt Service Coverage<sup>(4)</sup></b>	2.34x	2.26x	2.28x	2.12x	2.11x	2.38x
<b>Total Debt Service Coverage<sup>(3)(5)</sup></b>	2.04x	1.99x	2.02x	1.89x	1.89x	2.14x

(1) Includes spur fees.

(2) Includes debt service on the System's share of UOSA subordinate bonds and debt service on the 2021 Subordinate Public Works Bond, in the principal amount of \$20,055,000, representing the System's obligation to reimburse the County for its allocable share of the capital cost of the 2021 Public Works Project. See "SECURITY FOR AND SOURCES OF PAYMENT OF THE 2024 BONDS – Subordinate Obligations."

(3) Accrual Basis. Amounts shown are due on semi-annual interest payment dates. Due to rounding, columns may not total to the amounts indicated.

(4) Revenue available for paying debt divided by Senior Debt Service. Shows 1.25x or greater coverage as required by the General Bond Resolution rate covenant. Revenue does not include non-recurring revenues (availability fees) or income previously received and held by the County derived from the System.

(5) Revenue available for paying debt service divided by total debt service.



### **Capital Improvement Program**

As shown on the table below, the County's Adopted Capital Improvement Plan for Fiscal Years 2024 through 2028 includes approximately \$1.2 billion in System related capital funding. Major initiatives include investment in the System in the following areas. As part of the Washington Metropolitan Area Transit Authority's (WMATA) expansion of its Metrorail system, the Silver Line is being expanded through Fairfax County in two phases. Phase 1 opened in 2014 and includes four Metrorail stations in Tysons, which is the County's largest commercial business district with 29 million square feet of office development. Phase 2 opened in 2022, and provides three additional Metrorail stations in the County. Phase 2 encompasses Reston, which is the second largest commercial business district in the County with 20 million square feet of office development. This planned Transit Oriented Development along the Silver Line was anticipated as part of the County's prior year amendments to its Comprehensive Plan. These areas will require the corresponding increase in conveyance and capacity investments and are included in the System's capital forecast period. In addition, the County continues to invest in its collection system and address all regulatory requirements.

In May 2023, the County revised its policy for reimbursing developers for installing enlarged sewer lines to more equitably distribute costs among system users. The revised policy requires the County to pay developers at the time of construction for the pro rata cost of the increased capacity beyond the developer's need. The County's annual costs associated with this policy are expected to fluctuate. The amounts in the Adopted Capital Improvement Program are estimated only.

**Summary of System Capital Costs for the Forecast Period (in \$000s)**

	Fiscal Year Ending June 30 <sup>(1)</sup>					5-Year Total
	2024	2025	2026	2027	2028	
Uses of Funds:						
Pump Station & Collection <sup>(2)</sup>	\$79,034	\$81,744	\$136,534	\$112,734	\$78,331	\$488,377
Noman M. Cole, Jr., PCP	79,800	75,398	55,010	37,486	51,300	298,994
Treatment by Contract Partners' Plants	39,068	60,632	51,841	66,582	62,555	280,678
UOSA Capital Cost	20,785	20,590	21,066	21,195	21,188	104,824
Developer Reimbursement	<u>22,500</u>	<u>11,250</u>	<u>11,250</u>	<u>11,250</u>	<u>11,250</u>	<u>67,500</u>
Total Uses of Funds	<u>\$241,187</u>	<u>\$249,614</u>	<u>\$275,701</u>	<u>\$249,247</u>	<u>224,624</u>	<u>\$1,240,373</u>

<sup>(1)</sup>Amounts shown reflect when funding is projected to be required and may vary from when funds are actually expended through project completion. Amounts may not add up to the totals due to rounding.

<sup>(2)</sup>Pump Station & Collection amounts include reserves for Extension & Improvements, which may only be used as needed.

The County's Advertised Capital Improvement Plan for Fiscal Years 2025 through 2029 includes approximately \$\_\_\_ billion in System related capital funding. The Board of Supervisors is scheduled to adopt the final Capital Improvement Plan, following a series of public hearings, in May 2024.

The sources of funds for the Capital Improvement Plan include (i) revenues anticipated to be collected by the System during the forecast period (e.g., receipt of System availability fees, deposits made to the Extension and Improvement Subfund from rates, etc.), (ii) contributions from the System's Sale of Service customers, and (iii) bonds assumed to be issued by the County during the forecast period, including the 2024A Bonds.

A summary of the funding sources assumed for the System’s Capital Improvement Plan for the forecast period is presented below.

<b>Capital Improvement Program Funding Plan – For the Forecast Period – (in \$000s)</b>						
	Fiscal Year Ending June 30 <sup>(1)</sup>					
	2024	2025	2026	2027	2028	5-Year Total
<b>Total System Capital Projects</b>	<u>\$241,187</u>	<u>\$249,614</u>	<u>\$275,701</u>	<u>\$249,247</u>	<u>\$224,624</u>	<u>\$1,240,373</u>
<b>Funding Sources:</b>						
Appropriated Carryover from Prior Years	\$131,485	\$150,943	\$111,241	\$86,188	\$130,994	\$610,851
Funds on Hand & Expected Future Revenue	109,702	98,671	164,460	163,059	93,630	629,522
Bond Proceeds	<u>241,187</u>	<u>249,614</u>	<u>275,701</u>	<u>249,247</u>	<u>24,624</u>	<u>1,240,373</u>
<b>Total Funding Sources</b>	<u>\$131,485</u>	<u>\$150,943</u>	<u>\$111,241</u>	<u>\$86,188</u>	<u>\$130,994</u>	<u>\$610,851</u>

<sup>(1)</sup> Amounts shown reflect when funding projected to be required and may vary from when funds are actually expended through project completion. Amounts may not add up to the totals in the “Summary of System Capital Costs for the Forecast Period” above due to rounding.

## **Rates and Charges**

### ***Rate Structure***

The County adopts a sewer rate structure designed to satisfy all System revenue requirements. The rate structure is also designed to derive revenues from customers equitably. The sewer rates and availability and other fees for the last five fiscal years and the proposed rate structure, as of July 1, 2024, for Fiscal Years 2024 through 2029, as set out in the FY 2025 Advertised Budget Plan, are summarized below.

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**SEWER RATE STRUCTURE  
FAIRFAX COUNTY SANITARY SEWER SYSTEM**

Description of Rate	Fiscal Year (Ending June 30)									
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
Sewer Service Charge, \$/Thousand Gallons (TG)	7.28	7.28	7.72	8.18	8.47					
Base Charges, \$/Bill	32.91	32.91	36.54	41.03	45.05					
Availability Fee, \$/Unit:										
Single-Family Dwelling	8,340	8,340	8,507	8,592	8,678					
Apartment or Townhouse	6,672	6,672	6,806	6,874	6,942					
Dorm Unit	2,085	2,085	2,127	2,148	2,170					
Fixture Unit, (Commercial)	417	417	425	430	434					
Connection Charge, \$/Foot	152.50	152.50	152.50	152.50	152.50					

Sewer Service Charges are based on water consumption, in 1,000 gallons (TG), as measured by a water service meter(s). For single-family dwellings and townhouses, water consumption for sewer billing is based on the previous winter quarter consumption. For apartment or multifamily complexes and nonresidential connections, billing is based on actual water used for the quarter. Sewer billings are included in quarterly water and sewer bills issued by the water billing agents.

Base Charges are per bill charges assessed quarterly, in addition to the Sewer Service Charge, to partially recover fixed expenses for billing, wastewater collection, engineering, planning, and administrative expenses.

Availability Fees are one-time charges collected from new sewer customers prior to connection to the System. These fees cover in part the applicants' proportional share of costs for facilities required beyond the collector system; i.e., sub-trunk sewers, pumping stations, and treatment facilities. For nonresidential units, the minimum availability fee is equal to a single-family dwelling rate. The minimum nonresidential rate provides for approximately 20 fixture units. Fixture units in excess of the minimum rate are charged at the prevailing fixture unit rate.

Connection Charges are one-time front footage charges used to offset the cost of installing County-built sewers adjacent to the property. The residential minimum is \$7,625; the nonresidential minimum is \$15,250. The residential maximum is \$15,250; for commercial customers, there is no maximum. An additional lateral spur charge of \$600 is charged for connecting to a County-built sewer spur.

***Rate Development***

Sewer service charge and availability fee rates are reviewed annually by County staff and an outside consultant as part of the County's annual budget process. In Fiscal Year 2023, the Board of Supervisors adopted charges and rates for the following five Fiscal Years. The County anticipates that in May 2024 the Board of Supervisors will adopt charges and rates for Fiscal Years 2025 through 2029. These fees are

analyzed and evaluated, adjusted as necessary, and adopted annually by the Board of Supervisors to ensure that rates are priced accurately. The County allocates operating revenues and expenses, interest income, bond proceeds, debt service payments, and capital improvement expenses between existing and new users of the System as described below.

Separate accounting of revenues and expenses for existing and new customers along with analyses to determine the adequacy of sewer service charges and availability fees is conducted annually by the County. The purpose of these analyses is to allocate System revenues and expenses between existing and new customers such that growth pays for growth.

Sewer service charges are adjusted to maintain minimum reserves in the existing customer portion of the fund balance. The availability fee calculation is based on a “growth related” or marginal-incremental cost method whereby new customers are responsible for the next increment of System expansion costs incurred.

### **Rate Comparison**

The table below compares FY 2024 average annual sewer service revenues per Single-Family Residential Equivalent (“SFRE”) for Fairfax County with selected other regional jurisdictions. Representative average sewer service revenues for the other jurisdictions have been developed by applying each jurisdiction’s sewer service rate schedule to appropriate SFRE usage determined from an analysis of Fairfax Water’s (“FW”) historical average water usage records for SFREs.

As the table illustrates, the County’s estimated average sewer service revenues per SFRE are less than all but two of the estimated equivalent revenues of other jurisdictions. Management anticipates other jurisdictions’ sewer service revenues will also be significantly affected by the Virginia Department of Environmental Quality’s adoption of more stringent discharge standards. Such effects may not be reflected in current revenue levels of the other jurisdictions.

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**Comparison of Fiscal Year 2024  
Average Annual Sewer Service Revenues for Single-Family Residential Equivalents (SFREs)**

Jurisdiction	Average Sewer Service Revenue (a) (\$/SFRE)
DC Water (b)	\$1,008
City of Alexandria (c)	812
WSSC, MD (b)	895
Arlington County (b)	669
<b>Fairfax County (c)</b>	<b>721</b>
Prince William County (b)	441
Loudoun County (c)	825
<p>(a) Each jurisdiction's sewer service rate schedule is applied to the average usage as specified in the respective additional footnotes.</p> <p>(b) Average billed quarterly usage of 16,000 gallons is based on an analysis of Fairfax County Water Authority's annual usage reports.</p> <p>(c) These jurisdictions use a winter quarter billing method for residential customers, eliminating billing of water usage, such as lawn irrigation, that does not enter the sewer system. The average winter quarter usage of 16,000 gallons is based on an analysis of Fairfax County Water Authority's annual usage reports.</p>	

As the following table illustrates, the County's availability fees are competitive with charges of other regional jurisdictions. Management anticipates other jurisdictions' availability fees will also be significantly affected by adoption of more stringent discharge standards. Such effects may not be reflected in current fees of the other jurisdictions.

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### Comparison of Fiscal Year 2024 Single-Family Availability Fees

Jurisdiction	Availability Fees (\$/SFRE)
Arlington County (a)	\$3,720
DC Water	2,809
WSSC, MD improved/unimproved (b)	14,500/6,500
<b>Fairfax County</b>	<b>8,860</b>
Loudoun County	9,241
City of Alexandria	9,446
Prince William County	11,200
<p>(a) The availability fee for an SFRE is based on the Fairfax County Department of Public Works and Environmental Service's evaluation of Arlington County's drainage fixture unit (FU) charge of \$115/FU. The calculated fee is based on Fairfax County's assumption of 20 FU's per SFRE.</p> <p>(b) WSSC charges separate availability charges based on customer geographic location for improved and unimproved areas.</p>	

#### Existing Customer Base

Approximately 425,000 households in the County are served by the System. That represents approximately 959,000 County residents. More than 28,378 nonresidential connections are served by the System. The floor area of the nonresidential customers is approximately 351 million square feet. The following table summarizes the County's sewer customer base in terms of County residential connections and population during Fiscal Years 2019 through 2023. County nonresidential connections and square footage are also shown for the same period.

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**RESIDENTIAL AND NONRESIDENTIAL CUSTOMER BASE  
FAIRFAX COUNTY SANITARY SEWER SYSTEM**

Service Class	Fiscal Year (Ended June 30)				
	2019	2020	2021	2022	2023
Residential Connections:					
Single-Family Dwellings	166,462	166,981	167,359	167,978	168,380
Townhouses	78,636	79,155	79,502	80,045	80,327
Apartments	96,258	96,263	96,264	96,327	96,348
Total Residential Connections	341,356	342,399	343,125	344,350	345,055
Connected County Population	948,000	952,000	945,000	954,000	959,000
Annual Growth – Total Residential Connections, %	0.3%	0.3%	0.2%	0.4%	0.2%
Nonresidential Connections	28,300	28,330	28,335	28,367	28,378
Nonresidential Square Feet, MSF (million square feet) (a)	273.7	291.4 <sup>1</sup>	278.5	279.7	282
Annual Growth of Nonresidential Connections, %	0.13%	0.11%	0.02%	0.11%	0.04%
Total Connections	369,656	370,729	371,460	372,433	373,433
(a) Estimate. FY 2023 Demographic information not yet available.					

The following is a summary of the top ten retail sewer customers (does not include sales of service customers that receive bulk wastewater service on a contractual basis) for the System for the Fiscal Year ended June 30, 2023.

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**Retail Wastewater Top Ten Utility Customers – Fiscal Year 2023 (Based on Sales Revenue)<sup>(1)</sup>**

Retail Account <sup>(2)</sup>	Service Class	Total Revenues	% of Total System Rate Revenues
INOVA - Fair Oaks Hospital	Commercial	\$440,377	0.18%
Skyline Plaza	Commercial	349,483	0.14
INOVA Fairfax Hospital	Commercial	319,380	0.13
5599 Seminary Rd VA Owner LLC	Commercial	293,168	0.12
Rotonda Condominium	Commercial	268,885	0.11
Skyline SQ Owner Association	Commercial	258,295	0.11
Skyline House	Commercial	206,265	0.08
Woodlake Towers Inc.	Commercial	199,983	0.08
7931 Patriot Drive Owners, LLC	Commercial	178,332	0.07
Southern Management Corporation	Commercial	<u>139,247</u>	<u>0.06</u>
Total <sup>(3)</sup>		<u>\$2,653,415</u>	<u>1.09</u>
Total Retail Wastewater Rate Revenues <sup>(4)</sup>		<u>\$242,725,291</u>	100.0%

<sup>(1)</sup> Based on information provided by the County and includes only retail sales information; does not reflect customers that receive wastewater service on a bulk or wholesale basis. Amounts reflect information for the Fiscal Year ended June 30, 2023, the most recently completed fiscal year.

<sup>(2)</sup> Represents the sum of all meters (accounts) that are considered as service to an individual customer, where applicable.

<sup>(3)</sup> Totals may not add due to rounding.

<sup>(4)</sup> Amount reflects revenues derived from the application of retail wastewater service charges and does not include bulk or wholesale service revenues or any other operating revenues received by the System for the respective Fiscal Year.

The System serves a relatively affluent customer base. As shown in the table below, the County and the other localities the System serves have a median family income exceeding that of the Commonwealth and the nation.

<b><u>Locality</u></b>	<b><u>Median Family Income<sup>†</sup></u></b>
United States	\$92,646
Commonwealth of Virginia	107,504
Prince George's County	115,235
Prince William County	135,196
Stafford County	141,167
District of Columbia	142,328
City of Alexandria	149,526
Montgomery County	152,137
Town of Herndon	155,901
Fairfax City	170,100
<b>Fairfax County</b>	<b>172,110</b>
Arlington County	188,191
Loudoun County	189,841
City of Falls Church	207,090
Town of Vienna	249,219

<sup>†</sup>Source: U.S. Census Bureau, 2018-2022 American Community Survey 5-Year Estimates



## FY 2024 Budget

On May 9, 2023, the Fairfax County Board of Supervisors approved the Fiscal Year 2024 Adopted Budget Plan. The Fiscal Year 2024 Adopted Budget Plan represents total sewer revenues increase of approximately \$14.5 million over the Fiscal Year 2023 Adopted Budget Plan due to changes to Sewer Charges and Fees. Sewer Revenue Fund Disbursements totaled \$281.4 million, an increase of \$19.6 million or 7.5% from the Fiscal Year 2023 Adopted Budget Plan, leaving the Fund with a \$126.2 million fund balance. The Fiscal Year 2024 Adopted Budget Plan includes a sewer service charge of \$8.46 per 1,000 gallons of water consumption, which is a 4.6% increase to the prior fiscal year's sewer service charge. The budget also includes a base charge of \$44.81 per quarter, which is a 11.6% increase from the prior fiscal year's base charge. These adjustments to both the sewer service charge and the base charge result in an annual average residential bill of \$720.68 in Fiscal Year 2024, an increase of \$42.36 over Fiscal Year 2023. The Fiscal Year 2024 Adopted Budget Plan decreased availability charge revenue from \$19.4 million to \$18.3 million and increased the revenue from Sewer Service Charges from \$234.6 million to \$251.4 million. The Fiscal Year 2024 Adopted Budget Plan included \$1 million in additional sewer construction improvement expenditures. Through December 2023, total revenues were 50.5% of the Fiscal Year 2024 Adopted Budget Plan. Through the same time period, total operating expenses were 49.9% of the Fiscal Year 2024 Adopted Budget Plan.

## FY 2025 Budget

On March 5, 2024, the County Executive presented the FY 2025 Advertised Budget Plan to the Board of Supervisors. The FY 2025 Advertised Budget Plan represents a proposed total sewer revenue [increase][decrease] of approximately \$\_\_\_ million over the FY 2024 Adopted Budget Plan based on proposed [increases][decreases] to the Sewer Charges and Fees. Sewer Revenue Fund Disbursements total \$\_\_\_ million, a proposed [increase][decrease] of \$\_\_\_ million or \_\_\_% over the FY 2024 Adopted Budget Plan, leaving the Fund with an estimated \$\_\_\_ million fund balance. The FY 2025 Advertised Budget Plan includes a sewer service charge of \$\_\_\_ per 1,000 gallons of water consumption, which is a proposed [increase][decrease] from the prior fiscal year's sewer service charge of \$8.46 per 1,000 gallons of water consumption. The FY 2025 Advertised Budget Plan also includes a base charge of \$\_\_\_ per quarter, which is a proposed [increase][decrease] from the prior fiscal year's base charge of \$44.81 per quarter. These proposed adjustments to both the sewer service charge and the base charge would result in the annual average residential bill to [increase][decrease] from \$720.68 in FY 2024 to \$\_\_\_ in FY 2025. The Board of Supervisors is expected to consider the FY 2025 Advertised Budget Plan on [May 7, 2024].

The FY 2025 Advertised Budget Plan includes certain financial indicators and targets for each indicator. Such targets are reviewed annually. The table below summarizes certain of such financial indicators and targets included in the FY 2025 Advertised Budget Plan.

<u>Financial Indicator</u>	<u>Target</u>	<u>FY 2025 Advertised Budget</u>
Net Revenue Margin	Range 37% to 65%	
Affordability (% of Median Income Spent on Sewer Bill)	Less than 1.2%	
Debt to Net Plant in Service Ratio	Below 40% Never above 50%	
Outstanding Debt per Connection	Max \$3,000	

## **COVID-19 Impacts on System**

The COVID-19 pandemic has not had a material impact on the System’s operating expenses or capital spending.

On May 12, 2020, the County Board of Supervisors adopted the Fiscal Year 2021 budget maintaining wastewater rates at Fiscal Year 2020 levels. This action deferred a 5% rate wastewater rate increase that would have taken effect on July 1, 2020, in consideration of the economic stresses created by the COVID-19 pandemic on ratepayers. On May 10, 2022, the Board adopted a 7% wastewater rate increase for Fiscal Year 2022. The System experienced a 0.7% decline in total revenue in fiscal year 2021 and a further 1.2% decline in FY 2022 due to the impact of the COVID-19 pandemic. During fiscal years 2021 and 2022 declines in commercial consumption were largely offset by an increase in residential consumption, and revenue from Availability Fees averaged \$25.6 million showing development remained strong in the County.

Beginning in March 2020, the System suspended service disconnections for delinquent payments. The balance of delinquent payments totaled over \$2.0 million during fiscal years 2021 and 2022. The County received \$1.47 million in funding through the federal Coronavirus Aid, Relief and Economic Security (CARES) Act program to help customers faced with past due utility bills due to COVID-19-related financial hardships. In fiscal year 2023, Virginia’s federally funded Low Income Household Water Assistance Program (LIWHAP) was introduced to help eligible customers pay for drinking water and wastewater for their homes. As of January 2024, 588 Fairfax County Sewer customers received a total of \$140,871 pursuant to LIWHAP.

Additional information relating to the impact of COVID-19 on the County can be found in Appendix B under the caption “GOVERNMENT SERVICES – COVID-19 Matters.”

## **Environmental Priorities**

In July 2019, the County launched its Office of Environmental and Energy Coordination (“OEEC”) to advance environmental and energy priorities. The creation of the OEEC reflects the County’s commitment to environmental and sustainability initiatives. The Sustainability Initiatives Report for Fiscal Year 2022 provides an overview of many of the projects and programs in support of the targets, goals and policies adopted by the County Board of Supervisors. Additional information regarding OEEC, including its targets, goals, and policies, can be found at <https://www.fairfaxcounty.gov/environment-energy-coordination/>.

The System has multiple projects and initiatives underway in support of the County’s environmental priorities. These capital projects include, but are not limited to, a biosolids project that is anticipated to reduce natural gas and electricity consumption at the Noman M. Cole, Jr., Pollution Control Plant, analyzing the use of energy at facilities to understand areas of improvement and supporting County carbon footprint reduction initiatives, and installation of charging stations for the program’s transition to electric vehicles. In 2021, the Wastewater Treatment Division established an energy team and aligned its energy management program with ISO 50001 standards. In 2022, the facility completed its ninth annual greenhouse gas emissions inventory, which demonstrated a reduction in annual greenhouse gas emissions between 2020 and 2022. In FY 2024, the Wastewater Management budget was approved to purchase 15 % renewable electrical energy.

## LITIGATION

To the County's knowledge, no litigation is pending or threatened (a) to restrain or enjoin the issuance, sale or delivery of any of the 2024 Bonds, the application of the proceeds thereof as provided in the Bond Resolution or the collection of revenues pledged under the Bond Resolution, (b) in any way contesting or affecting any authority for the issuance or validity of the 2024 Bonds or the validity of the Bond Resolution, (c) in any way contesting the creation, existence or powers of the County or (d) that, if determined adversely against the County, would have a material adverse effect on the County.

## APPROVAL OF LEGAL PROCEEDINGS

Certain legal matters relating to the authorization and issuance of the 2024 Bonds are subject to the approval of Norton Rose Fulbright US LLP, Washington, D.C., Bond Counsel, the proposed form of whose opinion is included herein as Appendix E.

Certain legal matters will be passed upon for the County by Elizabeth D. Teare, Esquire, Fairfax County Attorney, and for the Underwriters by Kaufman & Canoles, a Professional Corporation, Richmond, Virginia.

## TAX MATTERS

### **Opinion of Bond Counsel**

The County will covenant in a tax certificate to comply with certain provisions of the Internal Revenue Code of 1986 (the "Code") relating to the exclusion from gross income of the interest on the Series 2024 Bonds for federal income tax purposes. In the opinion of Norton Rose Fulbright US LLP, Bond Counsel, under current law, and assuming continuing compliance by the County with such covenants and subject to the provisions of this section, interest on the 2024 Bonds will not be includable in gross income of the owners of the 2024 Bonds for federal income tax purposes. Interest on the 2024 Bonds will be includable in the gross income of the owners thereof retroactive to the date of issue of the 2024 Bonds in the event of a failure by the County to comply with applicable requirements of the Code and its covenants regarding use, expenditure, and investment of the proceeds of the 2024 Bonds and timely payment of certain investment earnings to the United States Treasury. No opinion is rendered by Bond Counsel as to the effect on the exclusion from gross income of the interest on the 2024 Bonds for federal income tax purposes of any action taken or not taken without the approval of Bond Counsel or upon the advice or approval of counsel other than Bond Counsel.

Interest on the 2024 Bonds will not be an item of tax preference for purposes of the federal alternative minimum tax under the Code on individuals.

For taxable years beginning after 2022, the Code imposes a minimum tax of 15 percent of the adjusted financial statement income of certain large corporations, generally consisting of corporations (other than S corporations, regulated investment companies and real estate investment trusts) with more than one billion dollars in average annual adjusted financial statement income, determined over a three-year period. For this purpose, adjusted financial statement income generally consists of the net income or loss of the taxpayer set forth on the taxpayer's applicable financial statement for such taxable year, subject to various adjustments, but is not reduced for interest earned on tax-exempt obligations, such as the 2024 Bonds. Prospective purchasers that could be subject to this minimum tax should consult with their own tax advisors regarding the potential impact of owning the 2024 Bonds.

## **Original Issue Discount**

The excess, if any, of the amount payable at maturity of any maturity of the 2024 Bonds purchased as part of the initial public offering over the issue price thereof constitutes original issue discount. The amount of original issue discount that has accrued and is properly allocable to an owner of any maturity of the 2024 Bonds with original issue discount (a “Discount Bond”) will be excluded from gross income for federal income tax purposes to the same extent as interest on the 2024 Bonds. In general, the issue price of a maturity of the 2024 Bonds is the first price at which a substantial amount of 2024 Bonds of that maturity was sold (excluding sales to bond houses, brokers, or similar persons or organizations acting in the capacity of underwriters, placement agents, or wholesalers), which may differ from the price for such maturity shown on the inside cover page[s] of this Official Statement, and the amount of original issue discount accrues in accordance with a constant yield method based on the compounding of interest. A purchaser’s adjusted basis in a Discount Bond is to be increased by the amount of such accruing discount for purposes of determining taxable gain or loss on the sale or other disposition of such Discount Bonds for federal income tax purposes.

Original issue discount that accrues in each year to an owner of a Discount Bond is included in the calculation of the distribution requirements of certain regulated investment companies and may result in some of the collateral federal income tax consequences discussed herein. Consequently, an owner of a Discount Bond should be aware that the accrual of original issue discount in each year may result in additional distribution requirements or other collateral federal income tax consequences although the owner of such Discount Bond has not received cash attributable to such original issue discount in such year.

The accrual of original issue discount and its effect on the redemption, sale, or other disposition of a Discount Bond that is not purchased in the initial offering at the first price at which a substantial amount of such 2024 Bonds is sold to the public may be determined according to rules that differ from those described above. A purchaser of a Discount Bond should consult his or her tax advisors with respect to the determination for federal income tax purposes of the amount of original issue discount with respect to such Discount Bond and with respect to state and local tax consequences of owning and disposing of such Discount Bond.

## **Bond Premium**

The excess, if any, of the tax basis of a maturity of 2024 Bonds purchased as part of the initial public offering to a purchaser (other than a purchaser who holds such 2024 Bonds as inventory, stock in trade, or for sale to customers in the ordinary course of business) over the amount payable at maturity is “Bond Premium.” Bond Premium is amortized over the term of such maturity for federal income tax purposes (or, in the case of a bond with bond premium callable prior to its stated maturity, the amortization period and yield may be required to be determined on the basis of an earlier call date that results in the lowest yield on such bond). No deduction is allowed for such amortization of Bond Premium; however, Bond Premium is treated as an offset to qualified stated interest received on the 2024 Bonds. An owner of such 2024 Bonds is required to decrease his adjusted basis in such 2024 Bonds by the amount of amortizable Bond Premium attributable to each taxable year such 2024 Bonds are held. Purchasers of such 2024 Bonds should consult their tax advisors with respect to the precise determination for federal income tax purposes of the treatment of Bond Premium upon sale, redemption or other disposition of such 2024 Bonds and with respect to state and local income tax consequences of owning and disposing of such 2024 Bonds.

## **Backup Withholding**

Interest paid on the 2024 Bonds is subject to information reporting in a manner similar to interest paid on taxable obligations. While this reporting requirement does not by itself, affect the excludability of

interest on the 2024 Bonds from gross income for federal income tax purposes, the reporting requirement causes the payment of interest on the 2024 Bonds to be subject to backup withholding if such interest is paid to beneficial owners who (i) are not “exempt recipients,” and (ii) either fail to provide certain identifying information (such as the beneficial owner’s taxpayer identification number) in the required manner or have been identified by the Internal Revenue Service as having failed to report all interest and dividends required to be shown on their income tax returns. Generally, individuals are not exempt recipients, whereas corporations and certain other entities generally are exempt recipients. Amounts withheld from a payment to a beneficial owner under the backup withholding rules would be allowed as a refund or a credit against such beneficial owner’s federal income tax liability provided the required information is furnished to the Internal Revenue Service.

### **Other Tax Consequences**

Under existing law, the interest on the 2024 Bonds is excluded from Virginia taxable income for purposes of the individual income tax and the income taxation of corporations by the Commonwealth of Virginia under Sections 58.1-322 and 58.1-402 of the Code of Virginia of 1950, as amended (the “Virginia Code”), to the extent that such interest is excludable from gross income for federal income tax purposes.

The Code and the Virginia Code contain other provisions (some of which are noted below) that could result in tax consequences, upon which Bond Counsel expresses no opinion, as a result of ownership of the 2024 Bonds or the inclusion in certain computations of interest on the 2024 Bonds that is excluded from gross income for purposes of federal income taxation.

Ownership of tax-exempt obligations may result in collateral federal income tax consequences to certain taxpayers, including, without limitation, financial institutions, life insurance companies, property and casualty insurance companies, certain foreign corporations doing business in the United States, certain S Corporations with excess passive income, individual recipients of Social Security or Railroad Retirement benefits, owners of an interest in a financial asset securitization investment trust (FASIT), corporations subject to the alternative minimum tax on adjusted financial statement earnings, taxpayers who may be deemed to have incurred or continued indebtedness to purchase or carry tax-exempt obligations and taxpayers who may be eligible for the earned income tax credit.

**PROSPECTIVE PURCHASERS OF THE 2024 BONDS SHOULD CONSULT THEIR TAX ADVISORS AS TO THE APPLICABILITY AND IMPACT OF ANY SUCH COLLATERAL TAX CONSEQUENCES.**

### **Future Tax Developments**

Future or pending legislative proposals, if enacted, regulations, rulings or court decisions may cause interest on the 2024 Bonds to be subject, directly or indirectly, to federal income taxation or to state or local income taxation, or may otherwise prevent beneficial owners from realizing the full current benefit of the tax status of such interest. Legislation or regulatory actions and future or pending proposals may also affect the economic value of the federal or state tax exemption or the market value of the 2024 Bonds. Prospective purchasers of the 2024 Bonds should consult their tax advisors regarding any future, pending or proposed federal or state tax legislation, regulations, rulings or litigation as to which Bond Counsel expresses no opinion.

### **RATINGS**

The 2024 Bonds have been rated “\_\_\_” by Fitch Ratings, Inc. (“Fitch”), “\_\_\_” by Moody’s Investors Service, Inc. (“Moody’s”), and “\_\_\_” by S&P Global Ratings, a division of Standard & Poor’s

Financial Services LLC (“S&P”). The County requested that the 2024 Bonds be rated and furnished certain information to Fitch, Moody’s and S&P, including certain information that is not included in this Official Statement.

These ratings are not a recommendation to buy, sell or hold the 2024 Bonds. Generally, rating agencies base their ratings on such materials and information, as well as investigations, studies and assumptions of the rating agencies. Such ratings may be changed at any time and no assurance can be given that they will not be revised downward or withdrawn entirely by any or all of such rating agencies, if, in the judgment of any or all, circumstances so warrant. Such circumstances may include, without limitation, change in or unavailability of information relating to the County. Any such downward revision or withdrawal of any of such ratings may have an adverse effect on the market price of the 2024 Bonds.

### **FINANCIAL ADVISOR**

The County has retained PFM Financial Advisors LLC, Arlington, Virginia, as financial advisor (the “Financial Advisor”) in connection with the issuance of the 2024 Bonds. Although the Financial Advisor assisted in the preparation and review of this Official Statement, the Financial Advisor is not obligated to undertake, and has not undertaken to make, an independent verification or to assume responsibility for the accuracy, completeness, or fairness of the information contained in the Official Statement. The Financial Advisor is not engaged in the business of underwriting municipal securities.

### **UNDERWRITING**

The 2024 Bonds are being purchased for reoffering by Morgan Stanley & Co. LLC, as representative of itself, BofA Securities, Inc., and Raymond James & Associates, Inc. (collectively, the “Underwriters”), at a purchase price of \$\_\_\_\_\_ (which reflects the par amount of the 2024 Bonds, less \$\_\_\_\_\_ underwriters’ discount and plus \$\_\_\_\_\_ net original issue premium). The Underwriters intend to offer 2024 Bonds to the public at the offering prices set forth on the inside cover pages of this Official Statement. The Underwriters may allow concessions to certain dealers (including dealers in a selling group and the Underwriters and other dealers depositing 2024 Bonds into investments trusts), which may realow concessions to other dealers. After the initial public offering, the public offering price may be varied from time to time by the Underwriters.

The Underwriters and their affiliates are full service financial institutions engaged in various activities, which may include securities trading, commercial and investment banking, financial advisory, investment management, principal investment, hedging, financing and brokerage services. The Underwriters and their affiliates have, from time to time, performed, and may in the future perform, various financial advisory and investment banking services for the County, for which they received or will receive customary fees and expenses. In the ordinary course of their various business activities, the Underwriters and their affiliates may make or hold a broad array of investments and actively trade debt and equity securities (or related derivative securities, which may include credit default swaps) and financial instruments (including bank loans) for their own account and for the accounts of their customers and may at any time hold long and short positions in such securities and instruments. Such investment and securities activities may involve securities and instruments of the County. The Underwriters and their affiliates may also communicate independent investment recommendations, market color or trading ideas or publish or express independent research views in respect of such assets, securities or instruments and may at any time hold, or recommend to clients that they should acquire, long and/or short positions in such assets, securities and instruments.

[Morgan Stanley & Co. LLC has entered into a retail distribution arrangement with its affiliate, Morgan Stanley Smith Barney LLC. As part of the distribution arrangement, Morgan Stanley & Co. LLC

may distribute securities to retail investors through the financial network of Morgan Stanley Smith Barney LLC. As part of this arrangement, Morgan Stanley & Co. LLC may compensate Morgan Stanley Smith Barney LLC for its underwriting efforts with respect to the 2024 Bonds]

### **CONTINUING DISCLOSURE**

The Securities and Exchange Commission has adopted Rule 15c2-12 under the Securities Exchange Act of 1934, as amended (the “Rule”). In general, the Rule prohibits an underwriter from purchasing or selling municipal securities such as the 2024 Bonds, unless it has determined that the issuer of such securities and/or other persons deemed to be material “obligated persons” have committed to provide to The Electronic Municipal Market Access (“EMMA”) system administered by the Municipal Securities Rulemaking Board (i) on an annual basis, certain financial information and operating data (“Annual Reports”), and, if available, audited financial statements, and (ii) notice of various events described in the Rule (“Event Notices”).

The County will covenant in the Continuing Disclosure Agreement (the form of which appears in Appendix F), to be dated the date of delivery of the Bonds, for the benefit of the holders of the Bonds, to provide to EMMA, annually, not later than March 31 of each year, commencing March 31, 2025, Annual Reports with respect to itself, as issuer. Similarly, the County will provide Event Notices with respect to the Bonds to EMMA. The County has updated its procedures relating to compliance with its undertakings under the Rule to reflect the recent amendments to the Rule.

The Continuing Disclosure Agreement requires the County to provide only that information which is subject to the terms of the Continuing Disclosure Agreement and only at specific times. The County may, from time to time, provide certain information and data in addition to that required by the Continuing Disclosure Agreement. If the County chooses to provide such information and data, it has no obligation to update such information or data or to include it in a future disclosure.

On January 23, 2019, S&P upgraded its rating from “AA” to “AA+” on several series of the Fairfax County Economic Development Authority’s Silver Line Phase I Bonds payable from certain revenues of the County, subject to appropriation by the County’s Board of Supervisors. Although the rating upgrade was reflected in the EMMA database for such Bonds, the County did not file a timely Event Notice with EMMA with respect to this rating upgrade. In addition, following the partial defeasance of a portion of one maturity of such Silver Line Phase I Bonds, the Annual Report required to be filed with EMMA on or before March 31, 2021, was timely filed with EMMA but was not correctly cross-referenced to a new CUSIP number assigned to the undefeased portion of such maturity. The undefeased portion of such maturity was thereafter defeased on May 18, 2021. The County has reviewed its procedures to ensure the timely filing and cross-referencing of Event Notices and Annual Reports in the future.

The Upper Occoquan Service Authority has issued regional sewerage system revenue bonds (the “UOSA Bonds”) on which the County is responsible for paying a portion of the debt service from certain revenues of the County’s sewage collection, treatment and disposal systems. In connection with the UOSA Bonds, the County covenanted to file with EMMA certain annual financial information and operating data (the “Sewer System Annual Information”), and if available, audited financial reports, within 270 days after the June 30 end of each County fiscal year (the “Sewer System Audited Financial Report”). With respect to the fiscal year ended June 30, 2022, the Sewer System Annual Information and the Sewer System Audited Financial Report were timely filed with EMMA prior to the March 27, 2023, due date, but the Sewer System Annual Information was not correctly cross-referenced to the CUSIP numbers assigned to certain maturities of the UOSA Bonds until it was filed with EMMA with respect to such CUSIP numbers on June 21, 2023.

Except as described under this caption, in the five years preceding the date of this Official Statement, the County has materially complied with its undertakings under the Rule.

**MISCELLANEOUS**

Any statements in this Official Statement involving matters of opinion or estimates, whether or not expressly so stated, are intended as such and not as representations of fact. No representation is made that any of the estimates will be realized.

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**PRELIMINARY OFFICIAL STATEMENT DEEMED FINAL**

The distribution of this Preliminary Official Statement has been duly authorized by the Board of Supervisors of the County. The County deems this Preliminary Official Statement final as of its date within the meaning of Rule 15c2-12 of the Securities and Exchange Commission except for the omission of certain pricing and other information permitted to be omitted by Rule 15c2-12.

**BOARD OF SUPERVISORS OF FAIRFAX  
COUNTY, VIRGINIA**

By: \_\_\_\_\_, Chairman

**APPENDIX A**

**COUNTY OF FAIRFAX, VIRGINIA, INTEGRATED SEWER SYSTEM  
ANNUAL COMPREHENSIVE FINANCIAL REPORT<sup>(1)</sup>**

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<sup>1</sup> This Appendix comprises the County's Integrated Sewer System Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2023. In order to preserve cross-references within such pages, this Appendix has not been repaginated and, accordingly, retains the original pagination.

**APPENDIX B**

**FAIRFAX COUNTY INFORMATION\***

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\* The inclusion of general information about Fairfax County and its financial position does not imply that Fairfax County is legally obligated to make payments on the 2024 Bonds except from the revenues and other sources of funds described in this Official Statement.

**APPENDIX C****SUMMARY OF CERTAIN PROVISIONS OF THE GENERAL BOND RESOLUTION**

A brief summary of certain provisions of the General Bond Resolution is included in this Appendix C. Such summary does not purport to be comprehensive or definitive; all references herein to the General Bond Resolution, the 2024A Series Resolution, and the 2024B Series Resolution are qualified in their entirety by reference to each such resolution, copies of which are available for review at the Offices of the Bond Registrar.

This summary does not generally include the changes to the General Bond Resolution that would be effected by the Proposed General Bond Resolution Amendments. See “SECURITY FOR AND SOURCES OF PAYMENT OF THE 2024 BONDS – Proposed General Bond Resolution Amendments” and APPENDIX D – “Proposed Amendments to General Bond Resolution” herein.

**Definitions of Certain Terms**

“*Accountant*” means the firm of independent certified public accountants at the time serving as such pursuant to the General Bond Resolution.

“*Accreted Amount*” means, with respect to Capital Appreciation Bonds of any series, the amount set forth in a Series Resolution as the amount representing the initial public offering price, plus the accumulated and compounded interest on such Bonds.

“*Acquisition*” means acquisition by purchase or eminent domain, construction, improvement and placing into operation.

“*Additional Bonds*” means additional Bonds authorized to be issued pursuant to the provisions of the General Bond Resolution described under the heading “Additional Indebtedness – *Additional Bonds*” within this Appendix C.

“*Annual Budget*” means the budget for the County for a Fiscal Year adopted by the County, as the same may be amended from time to time, in accordance with the provisions of the General Bond Resolution.

“*Balloon Indebtedness*” means Indebtedness, twenty-five percent (25%) or more of the principal of which matures on the same date, which portion of the principal is not required by the documents governing such Indebtedness to be amortized by redemption prior to such date. If any Indebtedness consists partially of Variable Rate Indebtedness and partially of Indebtedness bearing interest at a fixed rate, the portion constituting Variable Rate Indebtedness and the portion bearing interest at a fixed rate are to be treated as separate issues for purposes of determining whether any such Indebtedness constitutes Balloon Indebtedness.

“*Board*” or “*Board of Supervisors*” means the Board of Supervisors of the County or any successor entity assuming the functions thereof.

“*Bond Registrar*” means, for the Bonds of any series, the Bond Registrar at the time serving as such under the General Bond Resolution and performing the duties set forth therein and in the applicable Series Resolution, whether the original or a successor Bond Registrar.

“*Bond Year*” means the period commencing on the first day of July of any calendar year and ending on the 30th day of June of the following calendar year or such other annual period commencing and ending on the dates specified in a Series Resolution.

“*Bonds*” means the bonds issued under the General Bond Resolution and includes the 2014 Bonds, the 2016 Bonds, the 2017 Bonds, the 2021 Bonds, the 2024A Bonds, the 2024B Bonds and any Additional Bonds and Refunding Bonds.

“*Business Day*” means any day on which the New York Stock Exchange is open, other than a Saturday or Sunday and other than a day on which commercial banks (including the Depository, the Bond Registrar, any Credit Bank, any Insurer and any Paying Agent) are authorized to close in the Commonwealth of Virginia or in New York, New York.

“*Capital Appreciation Bonds*” means Bonds the interest on which is compounded and accumulated at the rates and on the dates set forth in a Series Resolution and is payable upon redemption or on the maturity date of such Bonds.

“*Chief Financial Officer*” means the Deputy County Executive for Management and Budget or a deputy thereof.

“*Clerk*” means the Clerk or any Deputy Clerk of the Board or any person succeeding to the principal functions thereof.

“*Closing*” means the date on which Bonds are delivered against payment therefor.

“*Commonwealth*” or “*State*” means the Commonwealth of Virginia.

“*Completion Date*” means the date of completion of the Acquisition of the Initial Projects or of any other Projects.

“*Construction Subfund*” means the Sewer Bond Construction Subfund created and so designated by the General Bond Resolution.

“*Contracted Services*” means services rendered or facilities provided to the County in respect of the System or for the performance for or on behalf of the County of functions similar to those performed by the System, from a specific project, projects or systems, pursuant to a contract, whether a financing lease, a service agreement or another arrangement.

“*Cost of Contracted Services*” means the payments to be made by the County for Contracted Services that consist of three elements: (i) a “Debt Service Component” that consists of that part of the payment for Contracted Services for which the County is obligated to pay, and that the Chief Financial Officer of the County has determined in writing in an Officer’s Certificate at the time the County commits to receive such Contracted Services to be for the purpose of paying a fixed charge or the principal of and/or interest on the obligations, directly or indirectly associated with rendering the Contracted Services, of the person providing the Contracted Services, (ii) the “Operating Component” that consists of the portion of the payment for Contracted Services that meets the definition of Operating Expenses under the General Bond Resolution, and (iii) the “Remaining Component” that consists of the remaining portion of the payment for Contracted Services for which the County is obligated to pay and which is not embraced in the definition of Debt Service Component or Operating Component.

“*County Executive*” means the County Executive or any person succeeding to the principal functions thereof.

“*County Representative*” means each of the persons at the time designated to act on behalf of the County in a written certificate furnished to each Depository, any Paying Agent and the Bond Registrar, which certificate is to contain the specimen signature(s) of such person(s) and be signed on behalf of the County by the Chairman.

“*Credit Bank*” means as to any particular series of Bonds, the person (other than an Insurer) providing a letter of credit, a line of credit, a guaranty or another credit- or liquidity-enhancement facility, as designated in the Series Resolution providing for the issuance of such Bonds.

“*Credit Facility*” means, as to any particular series of Bonds, a letter of credit, a line of credit, a guaranty or another credit- or liquidity-enhancement facility (other than an insurance policy issued by an Insurer), as approved in the Series Resolution providing for the issuance of such Bonds.

“*Current Interest Bonds*” means Bonds the interest on which is payable on the Interest Payment Dates provided therefor in a Series Resolution.

“*Debt Service Requirements*” means, for any Bond Year, the aggregate of (a) the Principal and Interest Requirements on Bonds of all series then outstanding for such Bond Year and (b) the payments required to be made in respect of Parity Indebtedness for such Bond Year, employing in each case the methods of calculation set forth in clauses (A), (B) and (C) under the section entitled “ – Additional Indebtedness – *Additional Bonds*” in the cases of Balloon Indebtedness, Variable Rate Indebtedness and Optional Tender Indebtedness; provided, however, that interest expense is to be excluded from the determination of Debt Service Requirements to the extent that such interest is to be paid from the proceeds of Bonds or Parity Indebtedness or from investment (but not reinvestment) earnings thereon (other than proceeds and investment earnings on deposit in the Reserve Subfund) if such proceeds have been invested in Defeasance Obligations and to the extent such earnings may be determined precisely. The County may provide in a Series Resolution that interest expense on Credit Facilities drawn upon to purchase but not to retire Bonds, to the extent such interest exceeds the interest otherwise payable on such Bonds, be included in the determination of Debt Service Requirements.

“*Debt Service Subfund*” means the Sewer Bond Debt Service Subfund created and so designated by the General Bond Resolution.

“*Defeasance Obligations*” means, generally, Government Obligations and obligations described in clause (D) of the definition of “Investment Obligations.” Provided, however, that for purposes of defeasing the 2024 Bonds, “Defeasance Obligations” means (i) Government Obligations, (ii) obligations unconditionally guaranteed by the United States of America, or evidences of indirect ownership of such obligations, and (iii) the obligations described in clause (D) of the definition of “Investment Obligations.”

“*Deposit Day*” means the twenty-fifth (25th) day of each month (or for any series of Bonds any other day that may be designated in the Series Resolution as a “Deposit Day”), on which day a withdrawal from the Revenue Subfund is required to accomplish the payments and transfers required by the General Bond Resolution.

“*Depository*” means one or more banks or trust companies authorized under the laws of the United States of America or the Commonwealth to engage in the banking business within the Commonwealth that meet the requirements of the General Bond Resolution and have been designated by the County by resolution as a depository of money pursuant to the provisions of the General Bond Resolution.

“*Engineer*” means the Director of the Department of Public Works of the County or any person holding the highest ranked engineering position created by the County or an engineer or engineering firm if so designated by the Board.

“*Excluded Revenues*” means the sum of Non-recurring Revenues and all income previously received and currently held by the County to the credit of the Revenue Subfund and all rights to receive the same, whether in the form of accounts receivable, contract rights or other rights, and the proceeds of such rights whether now owned or held or hereafter coming into existence derived by the County from the operation or ownership of the System.

“*Extension and Improvement Subfund*” means the Sewer Bond Extension and Improvement Subfund so created and designated by the General Bond Resolution.

“*Fiscal Year*” means the period commencing on the first day of July of any year and ending on the last day of June of the following year, unless the County notifies the Depository and the Bond Registrar in writing of a change in such period, in which case the Fiscal Year will be the 12-month period set forth in such notice.

“*Government Obligations*” means direct obligations of, or obligations the timely payment of the principal of and the interest on which are fully and unconditionally guaranteed by, the United States of America, or evidences of indirect ownership of such obligations.

“*Gross Revenues*” means (a) all payments, proceeds, rates, fees, charges, rents and all other income derived by or for the County for the use of and for the services and facilities furnished by or from the operation or ownership of the System, (b) Non-recurring Revenues derived by the County from the operation or ownership of the System, (c) all income previously received and currently held by the County to the credit of the Revenue Subfund and all rights to receive the same, whether in the form of accounts receivable, contract rights or other rights, and the proceeds of such rights whether now owned or held or hereafter coming into existence derived by the County from the operation or ownership of the System, (d) any proceeds of use and occupancy or business interruption insurance, and (e) the income from the investment under the provisions of the General Bond Resolution of the money held for the credit of the various funds and accounts created under the General Bond Resolution and required or permitted by the terms of the General Bond Resolution to be credited to the Revenue Subfund, but does not include the proceeds of any insurance, other than as mentioned above, or any capital gifts, grants, donations or contributions or borrowed funds. Payments by any Insurer or Credit Bank with respect to debt service on the Bonds or any Subordinate Obligations do not constitute Gross Revenues. Any lump sum payment or prepayment received by the County (excluding Non-recurring Revenues) is to be reserved by the County in the Revenue Subfund and disbursed from the Revenue Subfund, and recognized as Gross Revenues, monthly over the appropriate accrual period.

“*Holder*” means a person in whose name a Bond (or one or more predecessor Bonds) is registered on the registration books provided for in the General Bond Resolution.

“*Indebtedness*” means (a) the Bonds, (b) the Debt Service Components of the Cost of Contracted Services, (c) all other indebtedness of the County relating to the System and payable from Gross Revenues, and (d) all installment sales and capital lease obligations relating to the System and payable from Gross Revenues and incurred or assumed by the County. Obligations to reimburse Credit Banks for amounts drawn under Credit Facilities to pay the Purchase Price of Optional Tender Indebtedness do not constitute Indebtedness, except to the extent such obligations exceed the Debt Service Requirements on the Bonds or any Parity Indebtedness registered or pledged to or for the account of a Credit Bank that has paid the Purchase Price of Optional Tender Indebtedness.

“*Initial Projects*” means (a) facilities and improvements for the expansion to a capacity above 36 mgd of the Lower Potomac Treatment Plant and (b) the County’s entitlement under a Service Contract with the District of Columbia with respect to improvements to and expansion to a capacity above 309 mgd of the Blue Plains Regional Wastewater Treatment Plant.

“*Insurer*” means, as to any particular maturity or any particular series of the Bonds, the person undertaking to insure such Bonds, as designated in the Series Resolution providing for the issuance of such Bonds.

“*Interest Payment Date*” means, for the 2024 Bonds, each January 15 or July 15, commencing [July 15, 2024].

“*Interest Period*” means each period from and including an Interest Payment Date to and including the day immediately preceding the next Interest Payment Date.

“*Interest Requirement*” for any Bond Year, as applied to Bonds of a series, means the total of the sums that would be deemed to accrue on such Bonds during such Bond Year if the interest on the Current Interest Bonds of such series were deemed to accrue daily during such year in equal amounts; provided, however, that interest expense will be excluded from the determination of Interest Requirement to the extent that such interest is to be paid from the proceeds of Bonds or from investment (but not reinvestment) of earnings thereon (other than proceeds and investment earnings on deposit in the Reserve Subfund) if such proceeds have been invested in Defeasance Obligations and to the extent such earnings may be determined precisely. The County may provide in a Series Resolution that interest expense on Credit Facilities drawn upon to purchase but not to retire Bonds, to the extent such interest exceeds the interest otherwise payable on such Bonds, be included in the determination of Interest Requirement. If interest is not payable at a single numerical rate for the entire term of such Bonds or if an interest liability swap agreement or interest guaranty or protection agreement is entered into pursuant to the General Bond Resolution, then “Interest Requirement” will have the appropriate meaning assigned thereto by the applicable Series Resolution or other supplemental resolution permitted by the General Bond Resolution.

“*Investment Obligations*” means

(A) Government Obligations;

(B) the obligations of (i) Export-Import Bank, (ii) Government National Mortgage Association, (iii) Federal Housing Administration, (iv) Farmers Home Administration and (v) any other agency or instrumentality of the United States of America now or hereafter created which obligations are backed by the full faith and credit of the United States of America;

(C) the obligations of (i) Federal National Mortgage Association, (ii) Federal Intermediate Credit Banks, (iii) Federal Banks for Cooperatives, (iv) Federal Land Banks, (v) Federal Home Loan Banks, (vi) Federal Financing Bank, (vii) Federal Farm Credit System and (viii) Federal Home Loan Mortgage Corporation;

(D) obligations of state or local government bond issuers, provision for the payment of the principal of and interest on which has been made by deposit with an escrow agent or trustee of Government Obligations the principal of and interest on which when due will be sufficient to pay the principal of and interest on such state or local government obligations when due;

(E) any repurchase agreement that is with (i) a bank or trust company (including any Depository, Bond Registrar, Paying Agent and their affiliates) that has a combined capital surplus



and undivided profits not less than \$10,000,000, or (ii) a subsidiary trust company under the Trust Subsidiary Act, Title 6.1, Chapter 2, Article 3.1, Code of Virginia, 1950, as amended, whose parent State bank or bank holding company has undertaken to be responsible for the acts of such subsidiary trust company pursuant to the provisions of Section 6.1-32.7(a) of the Trust Subsidiary Act, or any successor provision of law, and whose combined capital, surplus and undivided profits, together with that of its parent State bank or bank holding company, as the case may be, is not less than \$10,000,000, or (iii) a government bond dealer reporting to, trading with, and recognized as a primary dealer by the Federal Reserve Bank of New York for Government Obligations, which agreement is fully and continuously secured by Government Obligations or obligations described in (A) above and having on the date of the repurchase agreement a fair market value equal to at least 100% of the amount of the repurchase obligations of the bank or trust company; provided, however, that such obligations purchased must be transferred to the Depository or a third party agent by physical delivery or by an entry made on the records of the issuer of such obligations. Any investment in a repurchase agreement will be considered to mature on the date the bank or trust company or dealer providing the repurchase agreement is obligated to repurchase the Investment Obligations;

(F) investments pursuant to the Government Non-Arbitrage Act, Title 2.2, Chapter 47, Code of Virginia 1950, as amended;

(G) subject to the ratings requirements set forth below, shares in any money market mutual fund (including those of the Trustee or any of its affiliates) registered under the Investment Company Act of 1940, as amended, that have been rated AAAM-G or AAAM by Standard & Poor's Ratings Services or Aaa by Moody's Investors Service, Inc., so long as the portfolio of such money market mutual fund is limited to Government Obligations and agreements to repurchase Government Obligations; and

(H) any and all investments authorized by the Investment of Public Funds Act (Title 2.2, Chapter 45, Code of Virginia 1950, as amended) and successor statutes as the same are from time to time amended.

Any investment in obligations described in (A), (B) and (C) above may be made in the form of an entry made on the records of the issuer of the particular obligation.

"*Net Revenues*" means for any period the amount of Gross Revenues for such period, less the Operating Expenses during such period.

"*1954 Resolution*" means the resolution adopted by the Board on May 26, 1954, as supplemented and amended, authorizing the issuance of Fairfax County Sewer Revenue Bonds, Series A, B, C, D, E, F and G.

"*Non-recurring Revenues*" means the fees collected by the County from all users prior to such users' first connection to the System, which fees represent such users' proportional share of the cost of facilities, including subtrunk sewers, trunk sewers, pumping stations and treatment facilities, beyond the collection system and other non-recurring income such as connection fees, reconnection fees, charges for meter replacements and so on.

"*Officer's Certificate*" means a certificate signed by the Chairman, the County Executive, the Clerk or the Chief Financial Officer or by a member of the Board or by a member of the staff of the County, in either case, designated by such Chairman, County Executive, Clerk, or Chief Financial Officer.

“*Operating Expenses*” means, for any period, the County’s reasonable and necessary current expenses for the operation, repair and maintenance of the System, as determined in accordance with generally accepted accounting principles except as modified by this definition. For the purpose of this definition, such current expenses include, without limiting the generality of the foregoing, all ordinary and usual expenses of maintenance, repair and operation, which may include expenses not annually recurring, administrative expenses, any reasonable payments to pension or retirement funds properly chargeable to the System, premiums and reserves for insurance, fees or premiums for a Credit Facility, Reserve Subfund Insurance Policy or bond insurance policy (but not including any amounts payable as interest, whether or not characterized as a fee or premium on draws, advances or loans), all administrative and engineering expenses relating to maintenance, repair and operation, fees and expenses of the Depository, any Paying Agent, remarketing agent, indexing agent, the Bond Registrar and any Trustee, legal expenses, fees of consultants, any taxes that may be lawfully imposed on, or payments in lieu of taxes that may be lawfully paid by, the System or the income therefrom, operating lease payments, the Operating Component of the Cost of Contracted Services, and any other expenses required or permitted to be paid by the County under the provisions of the General Bond Resolution or by law payable on a parity with Operating Expenses under the General Bond Resolution, but does not include any reserves for extraordinary maintenance or repair or any allowance for depreciation, or any deposits to the credit of the Debt Service Subfund, the Reserve Subfund, the Subordinate Obligations Subfund or the Extension and Improvement Subfund (other than Operating Expenses described above in this definition).

**The Proposed General Bond Resolution Amendments, if adopted, would amend the first sentence of the foregoing definition of “Operating Expenses” so the that entire definition would read as follows:**

““*Operating Expenses*” means, for any period, the County’s reasonable and necessary current expenses paid for the operation, repair and maintenance of the System, without intending to limit or restrict any proper definition of such expenses under any applicable laws or generally accepted accounting principles. For the purpose of this definition, such current expenses shall include, without limiting the generality of the foregoing, all ordinary and usual expenses of maintenance, repair and operation, which may include expenses not annually recurring, administrative expenses, any reasonable payments to pension or retirement funds properly chargeable to the System, premiums and reserves for insurance, fees or premiums for a Credit Facility, Reserve Subfund Insurance Policy or bond insurance policy (but not including any amounts payable as interest, whether or not characterized as a fee or premium on draws, advances or loans), all administrative and engineering expenses relating to maintenance, repair and operation, fees and expenses of the Depository, any Paying Agent, remarketing agent, indexing agent, the Bond Registrar and any Trustee, legal expenses, fees of consultants, any taxes that may be lawfully imposed on, or payments in lieu of taxes that may be lawfully paid by, the System or the income therefrom, operating lease payments, the Operating Component of the Cost of Contracted Services, and any other expenses required or permitted to be paid by the County under the provisions of this Resolution or by law payable on a parity with Operating Expenses under this Resolution, but shall not include any reserves for extraordinary maintenance or repair or any allowance for depreciation, or any deposits to the credit of the Debt Service Subfund, the Reserve Subfund, the Subordinate Obligations Subfund or the Extension and Improvement Subfund (other than Operating Expenses hereinabove described in this definition).”

See “SECURITY FOR AND SOURCES OF PAYMENT OF THE 2024 BONDS – Proposed General Bond Resolution Amendments” and APPENDIX D – “PROPOSED AMENDMENTS TO THE GENERAL BOND RESOLUTION” herein.

“*Optional Tender Indebtedness*” means any portion of Indebtedness incurred under the General Bond Resolution a feature of which is an option on the part of the Holders of such Indebtedness to tender

to the County or to any Depository, Paying Agent or other fiduciary for such Holders, or to an agent of any of the foregoing, all or a portion of such Indebtedness for payment or purchase.

“*[O]utstanding*” means all Bonds that have been authenticated and delivered by the Bond Registrar under the General Bond Resolution, except:

- (i) Bonds paid or redeemed or delivered to or acquired by the Bond Registrar for cancellation;
- (ii) Bonds for which the Bond Registrar or any Depository or Paying Agent holds sufficient money or Government Obligations the principal of and the interest on which, when due and payable, will provide sufficient money to pay the principal of, and the interest and redemption premium, if any, on such Bonds to their maturity date or dates or dates fixed for Sinking Fund Redemption or to the date or dates fixed for their optional redemption; provided, however, that for Variable Rate Indebtedness, the County may provide in a Series Resolution adopted prior to the issuance of such Variable Rate Indebtedness for a method of calculating the, or for a maximum assumed, rate of interest to be taken into account in determining the sufficiency of such money or Government Obligations; and
- (iii) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered under the General Bond Resolution.

provided, however, that in determining whether the Holders of the requisite principal amount of outstanding Bonds have given any request, demand, authorization, direction, notice, consent or waiver under the General Bond Resolution, Bonds owned by the County or any other obligor upon the Bonds will be disregarded and deemed not to be outstanding, except that the term “obligor upon the Bonds” does not include any Insurer or any Credit Bank and except that, in determining whether the Bond Registrar will be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds that the Bond Registrar knows to be so owned will be so disregarded. Bonds so owned that have been pledged in good faith may be regarded as outstanding if the pledgee establishes to the satisfaction of the Bond Registrar the pledgee’s right so to act with respect to such Bonds and that the pledgee is not the County or any other obligor upon the Bonds except a Credit Bank or an Insurer.

“*Parity Debt Service Component*” means the Debt Service Components of the Cost of Contracted Services under other Service Contracts where the Chief Financial Officer of the County certifies in an Officer’s Certificate at the time the County commits to receive such Contracted Services that the County has elected to treat such Debt Service Components as payable on a parity as to money in the Debt Service Subfund with the Principal and Interest Requirements of Bonds issued under the General Bond Resolution and that meets the requirements of the General Bond Resolution.

“*Parity Indebtedness*” means (a) Parity Debt Service Components and (b) any other Indebtedness incurred in accordance with the provisions of the General Bond Resolution and payable on a parity with the Principal and Interest Requirements of Bonds issued under the provisions of the General Bond Resolution. Parity Indebtedness does not include Bonds.

“*Paying Agent*” means, for any series of Bonds, the paying agent or tender agent designated as such and performing the duties set forth in the Series Resolution providing for the issuance of such Bonds.

“*Predecessor Bonds*” of any particular Bond means every previous Bond evidencing all or a portion of the same debt as that evidenced by such particular Bond. For purposes of this definition, any Bond authenticated and delivered in lieu of a mutilated, destroyed, stolen or lost Bond will be deemed to evidence the same debt as the mutilated, destroyed, stolen or lost Bond.

“*[P]rincipal*” means (i) with respect to the principal amount of any Capital Appreciation Bond, the Accreted Amount thereof (the difference between the stated amount to be paid at maturity and the Accreted Amount being deemed unearned interest) except as used in the General Bond Resolution in connection with the authorization and issuance of Bonds and with the order of priority of payments of Bonds after an Event of Default, in which cases “principal” means the initial public offering price of a Capital Appreciation Bond (the difference between the Accreted Amount and the initial public offering price being deemed interest) but when used in connection with determining whether the Holders of the requisite principal amount of Bonds then outstanding have given any request, demand, authorization, direction, notice, consent or waiver, “principal” means the Accreted Amount and (ii) with respect to the principal amount of any Current Interest Bond, the principal amount of such Bond payable at maturity.

“*Principal and Interest Requirements*” for any Bond Year means the sum of the Principal Requirement and the Interest Requirement for such year.

“*Principal Payment Date*” means, for the 2024 Bonds, a [July 15] upon which the principal of any 2024 Bond is stated to mature [or upon which the principal of any 2024A Term Bond or 2024B Term Bond is subject to sinking fund redemption].

“*Principal Requirement*” means for any Bond Year, as applied to the Bonds of a series, if and to the extent for such series of Bonds, a Principal Payment Date or Dates occurs on July 2 or thereafter during such Bond Year or on or before June 30 of the next succeeding Bond Year (each, an “Applicable Principal Payment Date”), then beginning

- (x) on the preceding Principal Payment Date, if any, that occurs one year or less before each Applicable Principal Payment Date, or
- (y) one year prior to each Applicable Principal Payment Date if there is no prior Principal Payment Date or if the preceding Principal Payment Date is more than one year prior to the Applicable Principal Payment Date;

the total of the sums that would be deemed to accrue on such Bonds during such Bond Year if

- (i) the principal of the Current Interest Bonds of such series were deemed to accrue daily during such Bond Year in equal amounts, to but not including the Applicable Principal Payment Dates, and
- (ii) the Accreted Amount of the Capital Appreciation Bonds of such series, as of the Applicable Principal Payment Date, were deemed to accrue daily during such Bond Year in equal amounts to but not including the Applicable Principal Payment Date.

“*Project*” means future additions, enlargements, improvements, extensions, alterations, fixtures, equipment, land, appurtenances and other facilities to or for the System, or the undivided ownership interest of the County therein, or any entitlement to capacity or service, or any obligations of the County under any Service Contract.

“*Purchase Price*” means the purchase price established in any Series Resolution for Optional Tender Indebtedness as the purchase price to be paid for such Indebtedness upon an optional or mandatory tender of all or a portion of such Indebtedness.

“*Redemption Price*” means with respect to Bonds or a portion thereof, the principal amount of such Bonds or portion thereof plus the applicable premium, if any, payable upon redemption thereof in the manner contemplated in accordance with its terms and the General Bond Resolution.

“*Refunding Bonds*” means refunding Bonds authorized to be issued pursuant to the provisions of the General Bond Resolution described under the heading “ – Additional Indebtedness – *Refunding Bonds*” within this Appendix C.

“*Reserve Subfund*” means the Sewer Bond Debt Service Reserve Subfund created and so designated by the General Bond Resolution.

“*Reserve Subfund Insurance Policy*” means the insurance policy or surety bond or irrevocable letter of credit or guaranty deposited in the Reserve Subfund in lieu of or in partial substitution for cash on deposit or to be deposited therein. Such Reserve Subfund Insurance Policy is to be payable (upon the giving of notice as required thereunder) on any Interest or Principal Payment Date (for the series of Bonds in respect of which it was deposited) on which a deficiency exists in the Debt Service Subfund. The issuer providing such Reserve Subfund Insurance Policy is to be (A) an insurer that has been assigned either (i) one of the two highest policyholder ratings accorded insurers by A.M. Best & Co. or any comparable service or (ii) for bonds insured by the issuer of such Policy, a rating by either Moody’s Investors Service, Inc. or Standard & Poor’s Ratings Services in one of two highest rating categories (without regard to gradations, such as “plus” or “minus,” of such categories) or (B) a commercial bank, insurance company or other financial institution the bonds payable or guaranteed by which have been assigned a rating by either Moody’s Investors Service, Inc. or Standard & Poor’s Ratings Services in one of the two highest rating categories (without regard to gradations such as “plus” or “minus”).

“*Reserve Subfund Requirement*” as to all Bonds means, as of any date of calculation, an amount of money, securities or Reserve Subfund Insurance Policy equal to the lesser of (i) the maximum Principal and Interest Requirements of the Outstanding Bonds for any Bond Year and (ii) 125% of the average annual Principal and Interest Requirements of the Outstanding Bonds for any Bond Year.

In computing the Reserve Subfund Requirement in respect of any Bonds that constitute Variable Rate Indebtedness, the interest rate on such Bonds will be assumed to be the greatest of (i) the interest rate on any Bonds that do not constitute Variable Rate Indebtedness delivered simultaneously with the Bonds that constitute Variable Rate Indebtedness, (ii) one hundred twenty-five percent (125%) of the daily average interest rate on any outstanding Bonds constituting Variable Rate Indebtedness during the twelve (12) months ending with the month preceding the date of calculation, or such shorter period that such Bonds have been outstanding, (iii) the rate of interest on such Bonds constituting Variable Rate Indebtedness on the date of calculation, and (iv) the interest rate determined in a Series Resolution to be the interest rate such Bonds would have borne had such Bonds not constituted Variable Rate Indebtedness.

In the case of Bonds constituting Balloon Indebtedness, the Principal Requirement will be adjusted to include the greatest principal amount established for any Bond Year pursuant to Paragraph (A)(i) or (ii) under the section entitled “ – Additional Indebtedness – *Additional Bonds* – Balloon Indebtedness.”

In connection with the Bonds constituting Optional Tender Indebtedness, the date or dates on which the Holders thereof may at their option tender such Bonds for payment or purchase will be disregarded.

In the event the County determines to provide for deposits to a separate account within the Reserve Subfund in respect of any Parity Indebtedness, the term “Reserve Subfund Requirement” may be amended to include such additional deposits.

The Proposed General Bond Resolution Amendments would, among other things, permit the modification or elimination of the requirement for funding and maintaining the Reserve Subfund heretofore established under the General Bond Resolution. See “SECURITY FOR AND SOURCES OF PAYMENT OF THE 2024 BONDS – Proposed General Bond Resolution Amendments” above and APPENDIX D – “PROPOSED AMENDMENTS TO THE GENERAL BOND RESOLUTION.”

“*Revenue Subfund*” means the Revenue Subfund created and so designated by the General Bond Resolution.

“*Serial Bonds*” means the Bonds that are stated to mature in consecutive annual installments and that are so designated in a Series Resolution.

“*Series Resolution*” means a resolution of the Board, supplemental to the General Bond Resolution, and in conformity with the provisions of the General Bond Resolution, providing for the issuance of a series of Bonds or for the incurrence of Parity Indebtedness and setting forth the provisions and details thereof not inconsistent with the General Bond Resolution including any amendments and supplements thereto permitted thereby.

“*Service Contracts*” means, collectively, an Agreement, dated as of May 15, 1972, among the County, Upper Occoquan Sewage Authority, the Town of Manassas, the Town of Manassas Park, and Prince William County, as supplemented and amended from time to time; an Agreement, dated as of January 22, 1973, between the County and the City of Alexandria, Virginia Sanitation Authority, as supplemented and amended from time to time; and an Agreement, dated as of April 28, 1959, between the County and the District of Columbia, as supplemented and amended from time to time, and any other contracts or agreements for Contracted Services entered into by the County from time to time.

“*Sinking Fund Requirement*” means, with respect to Term Bonds of each maturity, the principal amount fixed or computed for the retirement of such Term Bonds by purchase or redemption, as contemplated by the General Bond Resolution.

“*Subordinate Obligations*” means any Debt Service Component of the Cost of Contracted Services (other than Parity Debt Service Components), the Remaining Component of the Cost of Contracted Services and any other obligations of the County with respect to the System incurred, issued and secured by or payable from the Subordinate Obligations Subfund under the General Bond Resolution or not otherwise paid or payable from the Revenue Subfund, the Debt Service Subfund, the Reserve Subfund or the Extension and Improvement Subfund.

“*Subordinate Obligations Subfund*” means the Sewer Bond Subordinate Obligations Subfund created and so designated by the General Bond Resolution.

“*System*” means the existing sewage collection, treatment and disposal systems of the County, and all additions, extensions and improvements thereto, including the Initial Projects described in clause (a) of that definition and any other Projects financed under the General Bond Resolution, and any renewals or replacements thereof, notwithstanding that sewage may at any time be treated and/or disposed of by a person other than the County except that the services, products and properties to which the County is entitled under Service Contracts will not be deemed to constitute part of the System.

“*Term Bonds*” means all or some of the Bonds of a series, other than Serial Bonds, stated to be payable by their terms on one or more dates and so designated in a Series Resolution.

“*Trustee*” means the trustee that may be appointed by the Holders in accordance with, and at the time acting as such under, the General Bond Resolution, whether the original or a successor trustee.

“*2024A Series Resolution*” means the Series Resolution adopted by the Board on March \_\_, 2024, supplementing the General Bond Resolution and providing for the issuance of the 2024A Bonds.

“*2024B Series Resolution*” means the Series Resolution adopted by the Board on March \_\_, 2024, supplementing the General Bond Resolution and providing for the issuance of the 2024B Bonds.

“*Variable Rate Indebtedness*” means any portion of Indebtedness the interest rate on which is not established at the time of incurrence of such Indebtedness at a single numerical rate for the entire term of such Indebtedness.

### **Additional Indebtedness**

*Additional Bonds.* The General Bond Resolution authorized the issuance of \$179,000,000 aggregate principal amount of Bonds, all of which have been issued, without meeting the tests described below.

Prior to delivering any Additional Bonds, the Bond Registrar must receive, among other documents, the following:

- (I) except as described below under this heading, an Officer’s Certificate of the Chief Financial Officer of the County setting forth:
  - (i) For any twelve consecutive months in the 24-month period next preceding the date of such Officer’s Certificate and adjusted as described under this heading, the amount of Gross Revenues, the amount of Operating Expenses, the amount of Net Revenues, the amount of Gross Revenues described in clause (b) of the definition of Gross Revenues and the amount of Gross Revenues described in clause (c) of the definition of Gross Revenues;
  - (ii) the amount of the Debt Service Requirements relating to:
    - (A) all Bonds then outstanding under the General Bond Resolution on the date of the Officer’s Certificate (excluding the Additional Bonds then proposed to be delivered), and
    - (B) outstanding Parity Indebtedness;
  - (iii) the amount of the Debt Service Requirements relating to:
    - (A) all Bonds then outstanding under the General Bond Resolution and the Additional Bonds then proposed to be delivered, and
    - (B) all outstanding Parity Indebtedness and any additional Parity Indebtedness proposed to be created in accordance with the applicable provisions of the General Bond Resolution;

- (iv) the debt service requirements of:
  - (A) the outstanding Subordinate Obligations, and
  - (B) Subordinate Obligations proposed to be incurred;
- (II) except as described below under this heading, a report of the Engineer setting forth his estimates of:

(i) the amount of Gross Revenues, the amount of Operating Expenses, the amount of Net Revenues, the amount of Gross Revenues described in clause (b) of the definition of Gross Revenues and the amount of Gross Revenues described in clause (c) of the definition of Gross Revenues of the County for each of the first three (3) complete Bond Years immediately following the Bond Year in which the Initial Project or Projects or the one or more other Projects is to have been placed in use and is to have been in operation for a six-month period, as estimated in a statement provided by a County Representative pursuant to the terms of the General Bond Resolution, and

(ii) in the event that prior to the date the Initial Project or Projects or additional Project is to have been placed in service and is to have been in operation for 6 months (the "In-Service Date"), all or any portion of the interest on the Additional Bonds or on the additional Parity Indebtedness is not to be paid from the proceeds of such Bonds or Parity Indebtedness, the Net Revenues of the County for each of the complete Bond Years following the date of such report, beginning with the first such Year for which all such interest is not to be paid from such proceeds, to and including the Bond Year in which it is estimated the sixth month following the In-Service Date will have occurred;

*provided, however,* that for purposes of estimating for each Bond Year, described in this subparagraph (II), the component of Net Revenues described under clause (c) of the definition of Gross Revenues, such amounts will be estimated as of the last day of each such Bond Year for which an estimate of Net Revenues is being made.

The amounts referred to in paragraph (I)(i) above may be adjusted as follows: (1) to reflect for each such month any changes made in the rates, fees, rentals or other charges for the operation of or connection to or availability of the System placed in effect prior to the date of the Officer's Certificate provided for in paragraph (I) above, as though such charges had been in effect for the full 24 months in such period; and (2) to reflect any change in such Net Revenues caused by the Initial Project or Projects, any one or more other Projects or any other facilities, including the acquisition of any existing facilities, comprising a part of the System having been placed into use and operation subsequent to the date of commencement of such preceding 24-month period and prior to the date of such Certificate provided for in paragraph (I) above, as though such Project or facilities had been in use and operation during the entire 24-month period.

In estimating amounts for each of the Bond Years described in paragraph (II)(i) above, the Engineer may take into account (1) changes in the rates, fees, rentals and other charges for the operation of or connection to or availability of the System to be in effect in each of said Bond Years, provided that the Board has approved such changes prior to the date of the Engineer's report, and (2) any change in Net Revenues expected to be caused by the Initial Projects or any other Project or any other facilities, including the acquisition of any existing facilities, comprising part of the System, expected to be placed into use and operation during any such Bond Year.



The Bond Registrar is not to deliver any such Additional Bonds (except Additional Bonds secured by a Credit Facility if all Bonds then outstanding are secured by a Credit Facility), unless the County provides an Officer's Certificate to the effect that:

- (1) for the period referred to in the statement mentioned in clause (I)(i) of this Section, (A) the amount of Net Revenues set forth therein less any Excluded Revenues is not less than 125% of the Debt Service Requirements for the preceding Bond Year, as set forth in the certificate mentioned in parts (A) and (B) of clause (I)(ii) and (B) the amount of Net Revenues set forth therein is not less than 100% of the Debt Service Requirements for the preceding Bond Year, as set forth in parts (A) and (B) of clause (I)(ii) plus the amount set forth in part (A) of clause I(iv); and
- (2) (x) the amount of Net Revenues for each of the three Bond Years shown in the report mentioned in clause (i) of paragraph (II) of this Section, (A) less any Excluded Revenues for each of the three Bond Years referred to therein is not less than one hundred twenty-five percent (125%) of the Debt Service Requirements for any future Bond Year, as set forth in the certificate mentioned in parts (A) and (B) of clause (I)(iii) and (B) is not less than one hundred percent (100%) of the Debt Service Requirements for any future Bond Year, as set forth in parts (A) and (B) of clause (I)(iii) plus the amounts set forth in parts (A) and (B) of clause (I)(iv), and (y) amounts shown in the report mentioned in clause (ii) of paragraph (II) for each of the Bond Years referred to therein is not less than the amounts to be provided under the provisions of the General Bond Resolution.

Notwithstanding the foregoing provisions, in the case of the following described Indebtedness or Additional Bonds the foregoing requirements and provisions respecting the issuance thereof are to be modified as described below:

(A) *Balloon Indebtedness.* If any of the Outstanding Bonds or Parity Indebtedness or of the Additional Bonds of the series to be issued or Parity Indebtedness to be created constitute Balloon Indebtedness or Balloon Indebtedness and Variable Rate Indebtedness, then for purposes of the amounts to be shown in clauses (ii) and (iii) of paragraph (I) above, the County is to adjust such amounts as if the principal amount of such Bonds or Parity Indebtedness were to be amortized in substantially equal annual installments of principal and interest over a term equal to the lesser of (i) twenty-five (25) years and (ii) the weighted average estimated useful life of the facilities comprising the portion of the Initial Project or the one or more other Projects to be financed from the proceeds of such Bonds or Parity Indebtedness, as determined by the Engineer, the interest rate used for such computation being the rate at which it is assumed that the County could reasonably expect to borrow by issuing such Bonds or creating such Parity Indebtedness with such term and level Debt Service Requirements for each Bond Year, such reasonable expectations being established by an Officer's Certificate and a letter of a banking or investment banking or financial advisory institution knowledgeable in financial matters relating to the County, confirming the interest rate assumption as reasonable.

(B) *Optional Tender Indebtedness.* If any of the Outstanding Bonds or Parity Indebtedness or of the Additional Bonds of the series to be issued or Parity Indebtedness to be created constitute Optional Tender Indebtedness, then (1) for purposes of the amounts to be shown in clauses (ii) and (iii) of paragraph (I) above, the options of the Holders of such Bonds to tender the same for payment prior to their stated maturity or maturities will be ignored, and (2) if such Bonds or Parity Indebtedness also constitute Variable Rate Indebtedness or Variable Rate Indebtedness and Balloon Indebtedness, the County is to adjust such amounts shown in clauses (ii) and (iii) of paragraph (I) above as provided in paragraph (C) below. No Bonds or Parity Indebtedness is to be issued as or converted to Optional Tender Indebtedness unless (x) such Indebtedness has been rated in one of

the three highest rating categories (without reference to gradations of such categories such as “plus” or “minus”) by either Moody’s Investors Service, Inc. or Standard & Poor’s Ratings Services, and (y) any obligation the County may have, other than its obligation on such Indebtedness (which need not be uniform as to all Holders thereof), to reimburse any person for its having extended a Credit Facility or a bond insurance policy, or similar arrangement is to be subordinated to the obligation of the County on the Bonds and be payable in accordance with the provisions of the General Bond Resolution or from funds not constituting Gross Revenues of the County.

(C) *Variable Rate Indebtedness.* If any of the Outstanding Bonds or Parity Indebtedness or of Additional Bonds of the series to be issued or Parity Indebtedness to be created constitute Variable Rate Indebtedness, then for purposes of the amounts shown in clauses (ii) and (iii) of paragraph (I) above, the interest rate used in such computation is to be the least of (1) the average interest rate on such Variable Rate Indebtedness during the prior Bond Year or such shorter period as such Indebtedness may have been outstanding, (2) the fixed interest rate established as provided in the case of paragraph (A) above for Balloon Indebtedness and (3) if and so long as an interest-rate guaranty agreement or an interest-rate protection agreement is in effect with an institution that is rated by Moody’s Investors Service, Inc. or Standard & Poor’s Ratings Services in a category that is equal to or higher than the category in which the Bonds of such series are rated, the maximum interest rate to be paid by the County on such Variable Rate Indebtedness in accordance with such agreement. The conversion of Bonds or other Indebtedness constituting Variable Rate Indebtedness to bear interest at fixed rate, in accordance with their terms, will not constitute a new issuance of Bonds under the General Bond Resolution.

*Refunding Bonds.* Series of refunding Bonds of the County (“Refunding Bonds”) may be also issued from time to time under and secured by the General Bond Resolution, subject to the conditions hereinafter described, for the purpose of providing funds, with any other available funds, for refunding all or any part of any Indebtedness then outstanding (including, without limitation, Bonds, Parity Indebtedness and Subordinated Obligations that may have been issued or incurred under the provisions of the Act and whether or not under the provisions of the General Bond Resolution), including the payment of any redemption premium thereon and interest that will accrue on such Indebtedness to the redemption date or stated maturity date or dates and any expenses in connection with such refunding.

The County is not to deliver such Bonds unless, among other things, either (a) during the years in which any of the Bonds and Parity Indebtedness not so refunded are outstanding, the maximum Debt Service Requirements on account of all Bonds and Parity Indebtedness outstanding (after the issuance of such Refunding Bonds and after the redemption or provision for payment of the Indebtedness to be refunded) for any Bond Year following the Bond Year in which provision for the payment of the Indebtedness to be refunded is effected will not exceed the maximum Debt Service Requirements on account of all the Bonds and Parity Indebtedness outstanding (including the Indebtedness to be refunded) immediately prior to the issuance of such Refunding Bonds for any Bond Year following the Bond Year in which provision for payment of the Bonds to be refunded is effected or (b) the County demonstrates satisfaction of the tests set forth above in connection with the issuance of Additional Bonds as applied *mutatis mutandis* to the Refunding Bonds to be issued and the Project financed from the proceeds of the Indebtedness to be paid or redeemed.

In applying the foregoing tests, (i) if any of the Bonds or Parity Indebtedness outstanding immediately prior to or after the issuance of the Refunding Bonds or the Refunding Bonds to be issued constitute Balloon Indebtedness, Optional Tender Indebtedness or Variable Rate Indebtedness, the conventions described under “– *Additional Bonds*” in paragraphs (A), (B) and (C), respectively, on the date of issuance of the outstanding Bonds or Parity Indebtedness are to be applied in determining the Debt

Service Requirements of such Bonds or such Parity Indebtedness and in determining the Principal and Interest Requirements of the Refunding Bonds to be issued.

*Additional Service Contracts.* The County may enter into additional Service Contracts for the benefit of the System provided that such Service Contracts specify the items payable as the Debt Service Component of the Cost of Contracted Services and provided further that, except in the case of Service Contracts that by their terms do not permit payments from Gross Revenues, the County is not to enter into such additional Service Contracts that would create additional Parity Debt Service Components unless the Chief Financial Officer of the County determines in writing that the requirements of subparagraphs (1) and (2) under “– *Additional Bonds*” are met.

The County covenants in the General Bond Resolution that it will faithfully fulfill all lawful requirements of all Service Contracts and that it will require all other parties thereto to fulfill their lawful obligations thereunder.

Anything to the contrary in the General Bond Resolution notwithstanding, the County’s covenants applicable to the Initial Projects and to other Projects set forth in the General Bond Resolution will be applicable to the facilities, products and services to which the County is entitled under Service Contracts only to the extent that the County may reasonably and practicably fulfill such covenants as a matter of contract right or that the County can legally enforce the covenants of other parties thereto.

The County is not to enter into any new Service Contract that provides under any circumstances for the acceleration of the amounts payable by the County thereunder otherwise than at the option of the County unless all of the Bonds have first been declared to have become due and payable as provided in the General Bond Resolution and described in the section entitled “– Events of Defaults and Remedies” and unless such Service Contract provides for an automatic rescission if such acceleration has been rescinded.

The Chief Financial Officer of the County is to determine in writing on or before the effective date of any new Service Contract the amounts and due dates of any Debt Service Components of the Cost of Contracted Services and any Parity Debt Service Components payable by the County under such Service Contract and the interest and principal portions of such Components.

*Other Parity Indebtedness.* The County may incur and refund Parity Indebtedness other than Parity Debt Service Components, provided that the documents providing for such Parity Indebtedness specify the amounts and due dates of the Debt Service Requirements of such Parity Indebtedness and the principal and interest components of such Debt Service Requirements and that the Bond Registrar determines that all the requirements described under “– *Additional Bonds*” or under “– *Refunding Bonds*,” as appropriate, have been met the same as if such Parity Indebtedness to be incurred were an additional Series of Bonds.

The County covenants that it will faithfully fulfill all lawful requirements of all contracts or agreements creating such Parity Indebtedness and that it will require all other parties thereto to fulfill their lawful obligations thereunder.

### **Construction Subfund**

The Sewer Bond Construction Subfund (the “Construction Subfund”) is established under the General Bond Resolution, to the credit of which certain proceeds of Bonds other than Refunding Bonds are to be deposited. Within the Construction Subfund a separate account for each Project and in respect of Service Contracts may also be established. In addition, accounts may be established for Projects and in respect of Service Contracts for the purpose of depositing and disbursing Revenues transferred from the Extension and Improvement Subfund established under the 1954 Resolution and from the Revenue

Subfund, after all deposits described under “ – Collection and Disposition of Revenues – *Flow of Funds*” have been made. The provisions described in the first paragraph under “ – Completion” below will not apply to such separate accounts, and, unless otherwise directed by the County Executive, amounts deposited to the Construction Subfund from Bond proceeds are to be expended before amounts derived from revenues.

The money in the Construction Subfund is to be held by the County in trust and, subject to the conditions described below, applied to the payment of the cost of the Initial Projects or of one or more other Projects and, pending such application, will be subject to a lien and charge in favor of the Holders and for the further security of such Holders until paid out or transferred.

Such payments are to be made by an appropriate officer of the County upon receipt of a requisition complying with the usual and customary procedures established by the County for payment of costs of capital projects.

*Completion.* When either of the Initial Projects or any other Projects have been completed, which fact is evidenced to the County Executive by a certificate of the Engineer, setting forth the date of such completion (the “Completion Date”) and also stating that requisitions have been made for the payment of all obligations that are payable from the Construction Subfund, delivered to the County Executive, the balance in the Construction Subfund not reserved by the County for the payment of any remaining part of the cost of the Initial Projects completed or of such other Project, will be transferred, as directed by the County Executive, (i) to the appropriate account in the Construction Subfund established for a Project that has not been completed, (ii) to the Extension and Improvement Subfund, or (iii) to the Debt Service Subfund for the payment, purchase or redemption of Bonds in accordance with the provisions of the General Bond Resolution. Such direction of the County Executive is to be accompanied by an opinion of bond counsel to the effect that such proposed application will not adversely affect any exemption from federal income tax of interest on any of the Bonds.

If at any time the available amount credited to the Construction Subfund and allocated to either of the Initial Projects or to an additional Project, together with estimated investment income thereon and other available funds, exceeds 105% of the estimated remaining Cost of such Initial Project or additional Project (which fact is evidenced to the County Executive by a certificate of the Engineer), the amount in excess of 105% of such remaining Cost is to be transferred at the direction of the County Executive to any other account within the Construction Subfund and applied to the payment of the Cost of the other Initial Project or of any other Project.

### **Collection and Disposition of Revenues**

*Rate Covenant.* The County covenants that it will at all times fix, charge and collect reasonable rates and charges for the use of, and for the services and facilities furnished by, the System and that from time to time, and as often as it appears necessary, it will adjust such rates and charges so that the Net Revenues, excluding for purposes of paragraph (A) Excluded Revenues, will be sufficient to provide in each Bond Year an amount at least equal to

- (A) one hundred twenty-five percent (125%) of the sum of:
  - (I) the Principal and Interest Requirements in such Bond Year on account of all the Bonds then outstanding under the General Bond Resolution in such Bond Year, and
  - (II) the Debt Service Requirements relating to Parity Indebtedness in such Bond Year; and

- (B) one hundred percent (100%) of the sum of:
- (I) the debt service requirements of Subordinate Obligations in such applicable Bond Year,
  - (II) the Debt Service Requirements relating to Parity Indebtedness in such Bond Year, and
  - (III) the sum of Principal and Interest Requirements in such Bond Year on account of all the Bonds then outstanding under the General Bond Resolution in such Bond Year.

The County further covenants in the General Bond Resolution that if the money available for the payment of the sum of the amounts set forth in the preceding paragraph does not equal or exceed the amount described above for any Bond Year, it will revise the rates and charges for the services and facilities furnished by the System and, if necessary, it will revise its plan of operation in relation to the collection of bills for such services and facilities, so that such deficiency will be made up before the end of the Bond Year following the Bond Year in which the deficiency occurred. Should any deficiency not be made up in such next ensuing Bond Year, the requirement therefor will be cumulative, and the County is to continue to revise such rates until such deficiency has been completely made up.

*Annual Budget.* The County covenants in the General Bond Resolution that it will adopt for each Fiscal Year budgets of Gross Revenues and Operating Expenses and capital expenditures, which budgets may be amended from time to time. The County further covenants that the amount expended for Operating Expenses in any Fiscal Year will not exceed the reasonable and necessary amount thereof, and that it will not expend any amount for maintenance, repair and operation of the System in excess of the total amount provided for Operating Expenses in the Annual Budget. Nothing described in this paragraph limits the amount the County may expend for Operating Expenses in any Fiscal Year provided any amounts expended therefor in excess of the total amount provided in the Annual Budget are to be received by the County from some source other than the Gross Revenues of the System, and the County is not to make any reimbursement therefor from such Gross Revenues.

*Flow of Funds.* All Gross Revenues received by the County are to be deposited in the Revenue Subfund. The money to the credit of the Revenue Subfund is to be held by the County and, pending the withdrawal of money from such Subfund and the payment of Operating Expenses and the application of such money as hereinafter described, such money is to be subject to a lien and charge in favor of the Holders. The money to the credit of the Revenue Subfund following the withdrawal of money from such Subfund and the payment of Operating Expenses and the application of such money as described above may be used by the County for any lawful purposes of the System.

Monthly, on or before the twenty-fifth (25th) day of each month or on such other Deposit Day as may be required by a Service Contract or for Bonds of any one or more series or for Parity Indebtedness pursuant to a Series Resolution, the County is to withdraw from the Revenue Subfund any legally available money then held to the credit of such Subfund and set aside or transfer or pay to the Depositary or otherwise dispose of such money for the following purposes in the following order in amounts sufficient in the aggregate to satisfy the following requirements, subject to credits as provided below:

- (i) pay or set aside for payment the Operating Expenses (except expenses for extraordinary repairs or maintenance) due and payable in such month;
- (ii) pay to the Depositary for deposit into, or, in the case of Parity Indebtedness, set aside to the credit of a special account in, the Debt Service Subfund (after first taking into account any

accrued interest deposited from the proceeds of any Bonds and any transfers from the Construction Subfund by deducting such amounts from the amount of interest otherwise payable), the sum of:

- (1) so much of the Interest Requirement as would accrue during such month,
  - (2) so much of the Principal Requirement as would accrue during such month,
  - (3) such amount of the Debt Service Requirements for Parity Indebtedness as the Chief Financial Officer determines is necessary to accrue in equal monthly installments to ensure the sufficiency of deposits to make timely payment of the Parity Indebtedness;
- (iii) pay to the Depository for deposit into the Reserve Subfund, (a) beginning on the Deposit Day of the month next succeeding the month in which an amount is transferred from the Reserve Subfund to the Debt Service Subfund to cure a deficiency therein pursuant to the General Bond Resolution an amount that, together with investment income credited to such subfund during such month, is equal to one thirty-fifth (1/35th) of the amount or amounts so transferred until the amount then on deposit in the Reserve Subfund is equal to the current Reserve Subfund Requirement and (b) beginning on the Deposit Day of the month next succeeding a valuation made in accordance with the General Bond Resolution in which valuation a loss resulting from a decline in value of investments held to the credit of the Reserve Subfund is computed, an amount that, taking into account any gain or loss in a subsequent valuation and any investment income credited to such Subfund during such month is equal to one thirty-fifth (1/35th) of such loss until the amount of such loss is reimbursed;
- (iv) deposit into one or more special accounts in the Subordinate Obligations Subfund, beginning on the Deposit Day of the month next succeeding the month in which the Closing occurs, an amount that together with funds then held to the credit of the Subordinate Obligations Subfund will make the total amount then to the credit of the Subordinate Obligations Subfund equal to the entire aggregate amount of Subordinate Obligations due and payable prior to the Deposit Day of the next succeeding month; and
- (v) deposit into the Extension and Improvement Subfund, beginning on the Deposit Day of the month next succeeding the month in which each Closing occurs, an amount that, together with funds then held to the credit of the Extension and Improvement Subfund, will make the total amount then to the credit of the Extension and Improvement Subfund equal to the amount, if any, budgeted for expenditure therefrom by the County in its Annual Budget.

The payments and deposits described above are to be cumulative, and the amount of any deficiency in any month will be added to the amount otherwise required to be paid or deposited in each month thereafter until such time as such deficiency has been made up.

Notwithstanding the foregoing provisions of clauses (ii), (iii) and (iv), if there shall be to the credit of any of such Subfunds on a Deposit Day the amount required to be on deposit to the credit of such Subfund on the next Interest Payment Date or the next Principal Payment Date or the next Parity Indebtedness payment date or Subordinate Obligations payment date, no further deposit into such Subfund on account of the requirements of said clause (ii), (iii) or (iv) will then be required.

If on the Business Day next preceding an Interest Payment Date or a Principal Payment Date money to the credit of the Debt Service Subfund, or any special account created therein, is not sufficient to pay the principal and interest due and payable on the Bonds on such Interest or Principal Payment Date, before any transfer is made from the Reserve Subfund, the County is to transfer from the Revenue Subfund, if and to

the extent money in the Revenue Subfund is legally available for such purpose, an amount equal to the deficiency in the Debt Service Subfund or special account therein.

If the County determines to provide for deposits to a separate account within the Reserve Subfund on account of any Parity Indebtedness, the Board of Supervisors is to provide in a Series Resolution for such additional deposits.

*Debt Service Subfund.* Except as otherwise provided in the General Bond Resolution, money in the Debt Service Subfund is to be used solely for the payment of Parity Indebtedness and the principal of and premium, if any, and the interest on the Bonds. The Depository on each Interest Payment Date is to withdraw from such money and transfer to the Bond Registrar or Paying Agent which is to remit to each registered owner the amounts required for paying interest on such Bonds, and on each Principal Payment Date the Depository is to withdraw from such money and transfer to the Bond Registrar or Paying Agent which is to set aside in trust the amounts required for paying the principal of the Bonds on such date. Payment of Parity Indebtedness is to be timely made from money set aside for such purpose, and such amounts are to be paid or are to be deposited in trust with the Bond Registrar or any Paying Agent for such purpose.

*Reserve Subfund.* Not later than each Interest Payment Date, the Depository is to transfer from the Reserve Subfund to the Debt Service Subfund

- (i) if such Interest Payment Date is not a Principal Payment Date, the amount, if any, required to increase the amount then held to the credit of the Debt Service Subfund to an amount equal to the amount of interest scheduled to become due on such date; or
- (ii) if such Interest Payment Date is also a Principal Payment Date, the amount, if any, required to increase the amount then held for the credit of the Debt Service Subfund to an amount equal to the sum of (i) the amount of interest schedule to become due on such date, (ii) the aggregate principal amount of the Serial Bonds that will become due and payable on such date, and (iii) the amount of the Sinking Fund Requirement for the Term Bonds on such date.

If the amount transferred from the Reserve Subfund to the Debt Service Subfund as described in the foregoing provisions is less than the amount required to be transferred, any amount thereafter deposited to the credit of the Reserve Subfund is to be immediately transferred to the Debt Service Subfund as, and to the extent, required to make up any such deficiency.

In the event that two or more accounts have been established in the Reserve Subfund as contemplated by the General Bond Resolution or in the event that Bonds constituting Balloon Indebtedness or Optional Tender Indebtedness or Bonds secured by a Credit Facility are issued and outstanding and a deficiency in the amount of money to the credit of the Debt Service Subfund or a Subfund or account established under a Series Resolution shall exist with respect to a series of Bonds constituting Optional Tender Indebtedness or Balloon Indebtedness by virtue of the exercise by the Holders of Optional Tender Indebtedness of their rights to tender such Bonds for payment or purchase or by virtue of an insufficiency of money in the Debt Service Subfund to meet the balloon Principal Requirement, respectively, or, with respect to Bonds secured by a Credit Facility by virtue of a draw under such Credit Facility, the necessary withdrawals shall be made solely from and to the extent of money credited to the account corresponding to such series of Bonds; otherwise, such accounts are to be drawn upon pro rata in accordance with the amounts of principal and interest coming due on the Bonds of different series that, on the one hand do not, and, on the other hand, do constitute Balloon Indebtedness or Optional Tender Indebtedness or Bonds secured by a Credit Facility, to the extent necessary to remedy such deficiencies.

Except as provided in a Series Resolution, if on the first Business Day before any Interest Payment Date, the amount of money held for the credit of the Reserve Subfund exceeds the Reserve Subfund Requirement as then calculated, the County is to direct the Depository to transfer from the Reserve Subfund the amount of such excess to the following Subfunds in the following order: (i) prior to the Completion Date, the Construction Subfund and (ii) thereafter, the Debt Service Subfund; provided, however, that the County may direct the Depository to transfer to the Revenue Subfund the portion of such excess derived from Gross Revenues but not from proceeds of Bonds.

Whenever the amount on deposit in the Reserve Subfund is less than the Reserve Subfund Requirement, the Depository is to notify the County of the amount of the deficiency. Upon notification, the County immediately is to deliver and is to deliver on the Deposit Day in each month thereafter, to the Depository an amount not less than one thirty-sixth (1/36th) of the amount of such deficiency until such deficiency is made up, drawing upon funds available in the Revenue Subfund.

In the case of Bonds secured by a Credit Facility, amounts on deposit in a separate account in the Reserve Subfund may be applied as provided in the applicable Series Resolution to reimburse the Credit Bank for amounts drawn under such Credit Facility to pay the principal of and premium, if any, and interest on such Bonds and to pay the Purchase Price of Optional Tender Indebtedness.

Any provision of the General Bond Resolution to the contrary notwithstanding, no money to the credit of the Reserve Subfund may be withdrawn and applied to the payment of Parity Indebtedness unless the County has first provided for deposits to a separate account within the Reserve Subfund with respect to such Parity Indebtedness.

**As described above, the Proposed General Bond Resolution Amendments would, among other things, permit the modification or elimination of the requirement for funding and maintaining the Reserve Subfund heretofore established under the General Bond Resolution. The Board of Supervisors would be authorized to adopt the Proposed General Bond Resolution Amendments following the County's timely receipt of consents thereto of not less than a majority in aggregate principal amount of the Bonds outstanding, which is expected to occur upon the issuance of the 2024 Bonds. Accordingly, prospective purchasers of the 2024 Bonds should not rely upon the continued existence and funding of the Reserve Subfund in making an investment decisions with respect to the 2024 Bonds. See "SECURITY FOR AND SOURCES OF PAYMENT OF THE 2024 BONDS – Proposed General Bond Resolution Amendments" and APPENDIX D – "PROPOSED AMENDMENTS TO THE GENERAL BOND RESOLUTION." herein.**

*Subordinate Obligations Subfund.* Money held for the credit of the Subordinate Obligations Subfund is to be paid out by the County as necessary to enable the County to meet its obligations constituting Subordinate Obligations. Money held for the credit of the Subordinate Obligations Subfund may be pledged to the payment of the principal of and the interest on any Subordinate Obligations issued by the County. Subordinate Obligations may be issued by the County for the purpose of paying all or any part of the cost of additional Projects, and the proceeds of the such Subordinate Obligations are to be deposited with the County to the credit of the Construction Subfund.

*Extension and Improvement Subfund.* Money held for the credit of the Extension and Improvement Subfund may be disbursed by the County (i) for paying, in connection with the System, expenses related to the System payable as Operating Expenses, and not previously paid, the cost of unusual or extraordinary maintenance or repairs, repairs or maintenance not recurring annually, renewals, replacements and repairs resulting from any emergency caused by some extraordinary occurrence, engineering and architectural expenses incurred in connection therewith, premiums on insurance carried under the provisions of the General Bond Resolution, the cost of fixtures, machinery, equipment, furniture, real property and additions



to, or improvements, extensions or enlargements of, the System and (ii) for deposit to the credit of the Debt Service Subfund or the Reserve Subfund.

If on the first Business Day before any Interest Payment Date, the amount on deposit in the Extension and Improvement Subfund exceeds the amount then required to be on deposit therein, the County is to transfer such excess to the Revenue Subfund.

*Money Held in Trust.* All money that the Depository has withdrawn from the Debt Service Subfund or has received from any other source and set aside or transferred to the Bond Registrar or any Paying Agent for the purpose of paying any of the Bonds or Parity Indebtedness, either at the maturity thereof or by purchase or call for redemption, or for the purpose of paying interest on the Bonds or Parity Indebtedness, is to be held in trust for the respective Holders or owners. All money that the County has withdrawn from the Subordinate Obligations Subfund and set aside or transferred to the Bond Registrar or any Paying Agent for the purpose of paying any Subordinate Obligation or the premium, if any, or interest thereon is to be held in trust for the owners of such Subordinate Obligations. Except as otherwise provided in a Series Resolution, any money that is so set aside or transferred and that remains unclaimed by the Holders or by the owners of Subordinate Obligations for a period of three (3) years after the date on which such Bonds or Parity Indebtedness, or Subordinate Obligations have become payable are to be paid to the County, or to such successor as may then be entitled by law to receive the same, and thereafter the Holders or owners, as the case may be, shall look only to the County, or to such successor, as the case may be, for payment and then only to the extent of the amounts so received, without any interest thereon, and the Depository, the Bond Registrar and any Paying Agent will have no responsibility with respect to such money.

*Interest Liability Swaps.* If and to the extent permitted by law, the County may enter into interest liability swaps under which the other party to the interest liability swap contract agrees to make payments to the County during a specified period (the “Swap Period”) equal to the interest payable by the County on specified Bonds (the “Swap Bonds”), and the County agrees to make payments to such party (“Deemed Interest Payments”) equal to the interest the County would be required to pay on such Swap Bonds during the Swap Period if such Swap Bonds had borne a different interest rate specified in said interest liability swap contract. If and so long as (A) the interest liability swap contract with respect to any Swap Bonds is with a party that is rated by Moody’s Investors Service, Inc. or Standard & Poor’s Ratings Services in a category that is equal to or higher than the category in which the Swap Bonds are rated or (B) the Swap Bonds are rated in the highest category by either Moody’s Investors Service, Inc. or Standard & Poor’s Ratings Services and the interest liability swap contract with respect to such Swap Bonds is with a party that is rated in one of the two highest categories (without regard to gradations, such as “plus” or “minus” of such categories) of either Moody’s Investors Service, Inc. or Standard & Poor’s Ratings Services, then the County’s liability to make such Deemed Interest Payments to such other party during such Swap Period will be included in the calculation of Interest Requirements during the Swap Period (and the liability of the County for interest on the Swap Bonds during the Swap Period will be ignored to eliminate any duplication of cash requirements), for purposes of the rate covenant (described in “– Rate Covenant” above) and for purposes of determining whether Additional Bonds or Refunding Bonds may be issued under the General Bond Resolution and for purposes of making monthly deposits to the Debt Service Subfund. During such time as the party with which the County enters into the interest liability swap contract is not rated by Moody’s Investors Service, Inc. or Standard & Poor’s Ratings Services in a category that is equal to or higher than the category in which the Swap Bonds are rated, then the liability of the County for interest on the Swap Bonds will be included in the calculation of Interest Requirements during the Swap Period (and the liability to make such Deemed Interest Payments to such other party will be ignored) for the purposes described in the preceding sentence. The County’s liability to make Deemed Interest Payments to such other party to such contract will be on a parity with the Principal and Interest Requirements of the Bonds and will be paid out of the Debt Service Subfund. Any amounts received by the County from such other party will not be deemed to be Gross Revenues, but all such receipts and the right to receive the same are

irrevocably pledged under the General Bond Resolution as security for all Bonds and, upon receipt, are to be deposited to the Debt Service Subfund. The County may use such interest liability swap contracts to convert (on an economic, but not a legal basis) a variable-rate liability on Swap Bonds to a fixed-rate liability or a fixed-rate liability to a variable-rate liability. The County may enter into such interest liability swap contracts whether or not the County could, on the date such contract is entered into, issue any Additional Bonds under the provisions described under the heading “ – Additional Indebtedness.” The County is not to enter into any interest liability swap contract unless it has first obtained the opinion of Bond Counsel to the effect that the County’s entering into such a contract is authorized under the General Bond Resolution and is permitted by law.

### **Investments**

Money held for the credit of the Revenue Subfund, the Extension and Improvement Subfund and the Construction Subfund is, as nearly as may be practicable, to be invested and reinvested in Investment Obligations that mature, or that are subject to redemption at the option of the holder thereof, at the times required and not in any event in the case of the Construction Subfund later than the date, estimated by the County on each Closing Date, to be the Completion Date. For purposes of the foregoing sentence, Investment Obligations will include units or shares, including fractional units or shares, in a pool or pools of Investment Obligations owned and managed by the County. Money held for the credit of the Revenue Subfund in excess of the amount required on the next succeeding Deposit Day to make all the deposits required by the General Bond Resolution may be invested in any investments that are legal investments for public funds under the laws of the Commonwealth, and money held for the credit of the Extension and Improvement Subfund to the extent such money is in excess of the amount, if any, budgeted for expenditure from the Extension and Improvement Subfund by the County in its current Annual Budget may be invested in any investments that are legal investments for public funds under the laws of the Commonwealth. Pending final disposition thereof, any money held for the credit of the Construction Subfund at the Completion Date or thereafter is, as nearly as may be practicable, to be invested and reinvested in Government Obligations that mature, or that are subject to redemption at the option of the holder thereof, not later than one year after the date of such investment.

Money held for the credit of the Debt Service Subfund is, as nearly as may be practicable, to be invested and reinvested in obligations described in clauses (A), (B), (C), (E) and (G) of the definition of Investment Obligations that mature, or that will be subject to redemption at the option of the holder thereof, not later than the respective dates when the money held for the credit of said Subfund will be required for the purposes intended.

Money held for the credit of the Reserve Subfund is, as nearly as may be practicable, to be invested and reinvested, to the extent permitted by law, in obligations described in clauses (A) and (B) of the definition of Investment Obligations that mature, or are subject to redemption at the option of the holder thereof, not later than ten (10) years after the date of such investment; provided, however, that in the event of a transfer by the Depository of money from the Reserve Subfund to the Debt Service Subfund pursuant to the first paragraph of “ – Collection and Disposition of Revenues – *Reserve Subfund*,” with the result that the balance in the Reserve Subfund is for any period less than the Reserve Subfund Requirement, such obligations are to mature, or be subject to redemption at the option of the holder thereof, not later than the next Interest Payment Date after the date of such reinvestment.

Subject to any more restrictive covenants of the County in instruments other than the General Bond Resolution, money held for the credit of the Subordinate Obligations Subfund is to be invested and reinvested in any investments that at the time of such investment are lawful investments for the County under the laws of the Commonwealth.

For the purpose of determining the amount on deposit to the credit of any such Subfund or account, if the obligations to the credit thereof have an average weighted maturity of, or are subject to redemption at the option of the holder thereof in, five years or less, all such obligations are to be valued at the amortized cost thereof, and if the obligations to the credit thereof have an average weighted maturity of, or subject to redemption at the option of the holder thereof in, more than five years, all such obligations are to be valued at the market value or the amortized cost thereof, whichever is lower.

The County and each Depository are to value the Investment Obligations in the Subfunds and accounts held by them at least once in every Fiscal Year.

### **Covenants of the County**

*Insurance.* The County covenants in the General Bond Resolution that it will maintain a practical insurance program, with reasonable terms, conditions provisions and costs, which the County determines (i) will afford adequate protection against loss caused by damage to or destruction of the System or any part thereof and (ii) will include reasonable liability insurance on all of the System for bodily injury and property damage resulting from the construction or operation of the System. All such insurance policies are to be carried in a responsible insurance company or companies authorized and qualified to assume the risks thereof; provided that the County may self-insure against such risks, in accordance with and as permitted by law.

*Records and Audits.* The County covenants that it will keep the Subfunds of the Integrated Sewer System Fund separate from all other funds and accounts, if any, of the County, and that it will keep accurate records and accounts of all items of cost and of all expenditures relating to the System and of the Gross Revenues collected and the application of such Gross Revenues. Such records and accounts are to be open at all reasonable times to the inspection of the Holders of the Bonds.

The County further covenants that within one hundred fifty (150) days after the close of each Fiscal Year it will cause an audit to be made of its books and accounts relating to the System for the preceding Fiscal Year by an Accountant. The opinion of the Accountant accompanying such audit is to state that the examinations were made in accordance with generally accepted auditing standards and that the financial statements have been presented in conformity with generally accepted accounting principles. In the event that for any reason beyond the control of the County, it is unable to obtain the foregoing opinion as to compliance with generally accepted auditing standards, or in the event that the County is unable to obtain such opinion as to conformity with generally accepted accounting principles, and is taking all reasonable and feasible actions to obtain such opinion as to subsequent Fiscal Years, the County will be deemed to be in compliance with such provisions of the General Bond Resolution if, in lieu of the opinion described above, such opinion states the reasons for such noncompliance or nonconformity.

*Payment of Principal, Interest and Premium.* The County is to cause to be paid, when due, the principal of (whether at maturity, by call for redemption or otherwise) and the premium, if any, and the interest on the Bonds at the places, on the dates and in the manner provided in the General Bond Resolution and in the Bonds according to the true intent and meaning thereof.

The Gross Revenues of the County, subject to the prior provision for the payment of Operating Expenses, are pledged to the payment of the principal of and redemption premium, if any, and interest on the Bonds, as provided in the General Bond Resolution. The Bonds are payable solely from Net Revenues derived by the County from the ownership and operation of the System as provided in the General Bond Resolution. The Bonds issued under the General Bond Resolution shall not be deemed to constitute a pledge of the faith and credit of the Commonwealth or of any political subdivision thereof, including the County. Neither the faith and credit of the Commonwealth nor the faith and credit of the County are pledged

to the payment of the principal of or premium, if any, or interest on the Bonds, and the issuance of the Bonds shall not directly or indirectly or contingently obligate the Commonwealth or the County to levy any taxes whatever therefor or to make any appropriation for their payment except from the revenues and receipts provided for their payment under the General Bond Resolution.

*Covenant of the County to Perform.* The County covenants in the General Bond Resolution to faithfully perform at all times all of its covenants, undertakings and agreements contained in the General Bond Resolution and in any Bond executed, authenticated and delivered thereunder.

*Covenants With Credit Banks, Insurers, etc.* The County may make such covenants as it may in its sole discretion determine to be appropriate with any Insurer, Credit Bank or other financial institution that agrees to insure or to provide for Bonds of any one or more series credit or liquidity support that enhances the security or the value of such Bonds and thereby reduces the Principal and Interest Requirements on such Bonds.

*Covenant Relating to Construction of Projects.* The County is to require 100% performance and payment bonds, or their legal equivalent, in connection with contracts for the construction of any Projects and will cause each contractor to carry such worker's compensation or employers' liability insurance as may be required by law and such public liability and property damage insurance, including provisions to indemnify and save the County harmless, and such builders' risk insurance, if any, as the County may deem appropriate.

*Use and Operation of System.* The County covenants that it will establish and enforce reasonable rules and regulations governing the use of the System and the operation thereof, that all conditions of employment and all compensation, salaries, fees and wages paid by it in connection with the maintenance, repair and operation of the System will be reasonable, that no more persons will be employed by it than are necessary, that all persons employed by it will be qualified for their respective positions, that it will maintain and operate the System in an efficient and economical manner, that, from Gross Revenues and from any other available money, it will at all times maintain the same in good repair and in sound operating condition and will make all necessary repairs, renewals and replacements, and that it will comply, subject to the right to contest, with all valid acts, rules, regulations, orders and directives of any legislative, executive, administrative or judicial body applicable to the System.

*Payment of Lawful Charges.* The County covenants that, except as provided in the General Bond Resolution, it will not create or suffer to be created any lien or charge upon the System or upon the Gross Revenues, and that, from such Gross Revenues or other available funds, it will pay all taxes and assessments, or payments in lieu thereof, or other municipal or governmental charges lawfully levied or assessed upon the County or the System or the Gross Revenues, and that it will pay or cause to be discharged, or will make adequate provision to satisfy and discharge, within sixty (60) days after the same accrue, all lawful claims and demands for labor, materials, supplies or other objects which, if unpaid, might by law become a lien upon the System or the Gross Revenues; provided, however, that nothing in the General Bond Resolution contained will require the County to pay or cause to be discharged, or make provision for, any such tax assessment, lien or charge so long as the validity thereof is contested in good faith and by appropriate legal proceedings.

*Budgets and Covenants as to Operating Expenses.* The County covenants that it will prepare with respect to the System a preliminary budget of Gross Revenues and Operating Expenses and a preliminary budget of capital expenditures for the ensuing Fiscal Year and file copies of each such preliminary budget with the Bond Registrar.

Each such budget of Gross Revenues and Operating Expenses is to be a pro forma statement of Gross Revenues and Operating Expenses and prepared in such a manner that it will be possible to determine from such budget the Operating Expenses and the amounts to be deposited to the credit of the various Subfunds created by the General Bond Resolution. In preparing such budget, the County covenants that it will give due consideration to the provisions of the rate covenant described under “ – Collection and Disposition of Revenues – *Rate Covenant*” above.

*Contracts, Leases and Other Agreements.* Subject to the provisions of the General Bond Resolution described under “ – Additional Indebtedness – *Additional Service Contracts*” and “– *Other Parity Indebtedness*” above, the County may lease, as lessor, all or any part of the System, or contract or make an agreement for Contracted Services on or in connection with the System or any part thereof, for any lawful purpose; provided that:

- (a) each such lease, contract or agreement, or any amendment or rescission thereof, is not inconsistent with the provisions of the General Bond Resolution,
- (b) the County remains fully obligated and responsible under the General Bond Resolution to the same extent as if such lease, contract or agreement, or any amendment or rescission thereof, had not been executed, and
- (c) if the amount payable by or to the County in the then current or any subsequent Fiscal Year under any such lease, contract or agreement, or any amendment or rescission thereof, exceeds five percent (5%) of the Gross Revenues of the County for the preceding Fiscal Year, then, the County must expressly determine by resolution and obtain a statement from the Engineer affirming such determination, that such lease, contract or agreement, or amendment or rescission thereof, does not materially impair the ability of the county to meet its rate covenant as set forth in the General Bond Resolution.

*Covenant Against Sale or Encumbrance and Exceptions Thereto.* The County covenants that, except described in the preceding paragraph or as described under this subcaption, it will not sell, exchange or otherwise dispose of or encumber the System or any part thereof.

The County may from time to time sell, exchange or otherwise dispose of any equipment, motor vehicles, machinery, fixtures, apparatus, tools, instruments or other movable property if it determines that such articles are no longer needed or are no longer useful in connection with the System, and the proceeds thereof are to be applied to the replacement of the properties so sold, exchanged or disposed of or are to be transferred first to the Revenue Subfund to the extent of any deficiency in the balance required to pay Operating Expenses then due and payable, then to the Reserve Subfund to the extent of any deficiency therein, then to the Extension and Improvement Subfund to the extent of any deficiency therein, and then to the Debt Service Subfund for the purchase or redemption of Bonds in accordance with the provisions of the General Bond Resolution.

The County may from time to time sell, exchange or otherwise dispose of (but not lease, contract or agree for the use thereof except as permitted under the General Bond Resolution) any other property of the System upon proper determination of the Board by resolution as provided the General Bond Resolution.

*Tax Covenant.* The County in the 2024A Series Resolution covenants that it will comply with the provisions of the Internal Revenue Code of 1986, as amended, to the extent necessary so that interest on the 2024A Bonds will remain excludable from gross income from existing federal income tax to the same extent as it is excludable on the date of the issuance of such 2024A Bonds.

The County in the 2024B Series Resolution covenants that it will comply with the provisions of the Internal Revenue Code of 1986, as amended, to the extent necessary so that interest on the 2024B Bonds will remain excludable from gross income from existing federal income tax to the same extent as it is excludable on the date of the issuance of such 2024B Bonds.

### Events of Default and Remedies

Each of the following events is defined as an Event of Default under the General Bond Resolution:

- (a) payment of any installment of interest on any Bonds or any Parity Indebtedness is not made when the same becomes due and payable; or
- (b) payment of the principal or of the redemption premium, if any, of any Bonds or any Parity Indebtedness is not made when the same becomes due and payable, whether at maturity or by proceedings for redemption or pursuant to a Sinking Fund Requirement or otherwise; or
- (c) default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the General Bond Resolution or any resolution supplemental thereto and such default continues for ninety (90) days after receipt by the County of a written notice from the Holders of a majority in aggregate principal amount of Bonds then outstanding specifying such default and requiring the same to be remedied; provided, however, that no Event of Default described under the provisions of this paragraph (c) will occur so long as the County is in good faith acting to remedy the default and such default is curable by such remedial action; or
- (d) the County: (i) becomes insolvent or the subject of insolvency proceedings; or (ii) is unable, or admits in writing its inability, to pay its debts as they mature; or (iii) makes a general assignment for the benefit of creditors or to an agent authorized to liquidate any substantial amount of its property; or (iv) files a petition or other pleading seeking reorganization, composition, readjustment or liquidation of assets, or requesting similar relief; or (v) applies to a court for the appointment of a receiver for any of its assets; or (vi) has a receiver or liquidator appointed for any of its assets (with or without the consent of the County) and such receiver is not discharged within 90 consecutive days after his appointment; or (vii) becomes the subject of an “order for relief” within the meaning of the United States Bankruptcy Code; or (viii) files an answer to a creditor’s petition admitting the material allegations thereof for liquidation, reorganization, readjustment or composition or to effect a plan or other arrangement with creditors or fails to have such petition dismissed within 60 consecutive days after the same is filed against the County.

The provisions described in clause (c) above are subject to the following limitations: if by reason of *force majeure*, the County is unable in whole or in part to carry out any of its agreements contained in the General Bond Resolution, the failure of the County to carry out any such agreements, other than the obligations on the part of the County with respect to insurance and the rate covenant, will not be deemed an Event of Default during the continuance of such inability, including a reasonable time for the removal of the effect thereof.

The term “*force majeure*” means any cause, circumstance or event that is not reasonably foreseeable and that is not within the control of the County, including, without limitation, the following: acts of God; strikes, lockouts or other industrial disturbances; acts of public enemies; orders or restraints of any kind of the government of the United States or of the Commonwealth or any of their departments, agencies, political subdivisions or officials, or any civil or military authority; war; insurrections; civil disturbances; riots; epidemics; landslides; lightning; earthquakes; fires; hurricanes; storms; droughts;

floods; washouts; arrests; restraint of government and people; explosions, breakage, malfunction of or accident to facilities, machinery, transmission pipes or canals; partial or entire failure of utilities; or shortages of or inability to obtain labor, materials, supplies or transportation.

The County agrees, however, to use its best efforts to remedy with all reasonable dispatch any *force majeure* preventing it from carrying out its agreements; provided, that the settlement of strikes, lockouts and other industrial disturbances will be entirely within the discretion of the County, and the County shall not be required to make settlement of strikes, lockouts and other industrial disturbances by acceding to the demands of the opposing party or parties when such course is in the judgment of the County unfavorable to the County.

Upon the occurrence of an Event of Default known to the Bond Registrar, the Bond Registrar is to give prompt written notice to the County specifying the nature of the Event of Default. The County is to give the Bond Registrar and any Trustee notice of all events of which it is aware that either constitute Events of Default under the General Bond Resolution or, upon notice by or to the County or the passage of time, would constitute Events of Default under the General Bond Resolution.

*Acceleration.* Upon the happening and continuance of any Event of Default described in clause (a) or (b) above, then and in every such case a Trustee appointed by the Holders of a majority in aggregate principal amount of Bonds then outstanding may (and upon the written request of the Holders of not less than a majority in aggregate principal amount of the Bonds then outstanding must), or if no Trustee has been appointed, the Holders of not less than a majority in aggregate principal amount of Bonds then outstanding may, by a notice in writing to the Board, declare the principal of all of the Bonds then outstanding (if not then due and payable) to be due and payable immediately, and upon such declaration the same will become and be immediately due and payable, anything contained in the Bonds or the General Bond Resolution to the contrary notwithstanding; provided, however, that if at any time after the principal of the Bonds has been so declared to be due and payable, and before the entry of final judgment or decree in any suit, action or proceeding instituted on account of such default, or before the completion of the enforcement of any other remedy under the General Bond Resolution, money has accumulated in the Debt Service Subfund sufficient to pay the principal of all matured Bonds and all arrears of interest, if any, upon all the Bonds then outstanding (except the principal of any Bonds not then due and payable by their terms and the interest accrued on such Bonds since the last Interest Payment Date) and sufficient to satisfy the Sinking Fund Requirements of the then current Bond Year, and the charges, compensation, expenses, disbursements, advances and liabilities of the Bond Registrar and any Trustee and all other amounts then payable by the County under the General Bond Resolution have been paid or a sum sufficient to pay the same has been deposited with the Trustee or with a Depositary appointed by the Holders of a majority in aggregate principal amount of Bonds then outstanding, and every other default known to the Bond Registrar and any Trustee in the observance or performance of any covenant, condition, agreement or provision contained in the Bonds or the General Bond Resolution (other than a default in the payment of the principal of such Bonds then due and payable only because of such declaration) has been remedied to the satisfaction of the Trustee or if no Trustee has been appointed, the Holders of a majority in aggregate principal amount of Bonds then outstanding, then and in every such case the Trustee or if no Trustee has been appointed, the Holders of a majority in aggregate principal amount of Bonds then outstanding shall, by written notice to the Board, rescind and annul such declaration and its consequences, but no such rescission or annulment will extend to or affect any subsequent Event of Default or impair any right consequent thereon.

*Enforcement of Remedies.* Upon the occurrence and continuing of any Event of Default, then and in every such case the Trustee or if no Trustee has been appointed, the Holders of a majority in aggregate principal amount of Bonds then outstanding may proceed and upon the written request of the Holders of not less than a majority in aggregate principal amount of Bonds then outstanding is to proceed to protect and enforce its rights and the rights of the Holders under the laws of the Commonwealth or under the

General Bond Resolution by such suits, actions or special proceedings in equity or at law, or by proceedings in the office of any board or officer having jurisdiction, either for the specific performance of any covenant or agreement contained therein or in aid or execution of any power therein granted or for the enforcement of any proper legal or equitable remedy, as the Trustee or if no Trustee has been appointed, the Holders of a majority in aggregate principal amount of Bonds then outstanding, being advised by counsel chosen by the Trustee or by such Holders, deems most effectual to protect and enforce such rights.

In the enforcement of any remedy under the General Bond Resolution, the Trustee or if no Trustee has been appointed, the Holders of a majority in aggregate principal amount of Bonds will be entitled to sue for, enforce payment of and receive any and all amounts then or during any Event of Default becoming and remaining due from the County for principal, interest or otherwise under any of the provisions of the General Bond Resolution or of the Bonds, together with interest on overdue payments of principal at the rate or rates of interest payable on any Bonds outstanding and all costs and expenses of collection and of all proceedings under the General Bond Resolution, without prejudice to any other right or remedy of the Trustee or of the Holders and to recover and enforce any judgment or decree against the County, but solely as provided in the General Bond Resolution, for any portion of such amounts remaining unpaid and interest, costs and expenses as above provided, and to collect (but solely from money available for such purposes), in any manner provided by law, the money adjudged or decreed to be payable.

*Pro Rata Application of Funds.* Anything in the General Bond Resolution to the contrary notwithstanding, if at any time the money in the Debt Service Subfund is not sufficient to pay the interest on or the principal of the Bonds as the same becomes due and payable, such money, together with any money then available or thereafter becoming available for such purpose, whether through the exercise of the remedies described in this section “ – Events of Default and Remedies” or otherwise, will be applied as provided below.

(a) If the principal of all the Bonds has not become or has not been declared due and payable, all such money is to be applied first: to the payment to the persons entitled thereto of all installments of interest on the Bonds then due and payable in the order in which such installments became due and payable and, if the amount available is not sufficient to pay in full any particular installment, then to the payment, ratably, according to the amounts due on such installment to the persons entitled thereto, without any discrimination or preference except as to any difference in the respective rates of interest specified in the Bonds; second: to the payment to the persons entitled thereto of the unpaid principal of any of the Bonds that have become due and payable (other than Bonds called for redemption for the payment of which money is held pursuant to the provisions of the General Bond Resolution), in the order of their due dates, with interest on the principal amount of such Bonds at the respective dates upon which such Bonds became due and payable, and, if the amount available is not sufficient to pay in full the principal of the Bonds due and payable on any particular date, together with such interest, then to the payment first of such interest ratably, according to the amount of interest due on such date, and then to the payment of such principal, ratably, according to the amount of such principal due on such date, to the persons entitled thereto, without any discrimination or preference except as to any difference in the respective rates of interest specified in the Bonds; and third: to the payment of the interest on and the principal of the Bonds, to the purchase or retirement of Bonds and to the redemption of Bonds, all in accordance with the provisions of the General Bond Resolution.

(b) If the principal of all the Bonds has become or has been declared due and payable, all such money is to be applied first: to the payment to the persons entitled thereto of all installments of interest on the Bonds due and payable on or prior to maturity, if any, in the order in which such installments became due and payable and, if the amount available is not sufficient to pay in full any particular installment, then to the payment, ratably, according to the amounts due on such



installment, to the persons entitled thereto, without any discrimination or preference except as to any difference in the respective rates of interest specified in the Bonds, and then to the payment of any interest due and payable after maturity on the Bonds, ratably, to the persons entitled thereto, without any discrimination or preference except as to any difference in the respective rates of interest specified in the Bonds and second: to the payment of the principal of the Bonds, ratably, to the persons entitled thereto, without preference or priority of any Bond over any other Bond.

(c) If the principal of all the Bonds has been declared due and payable and if such declaration thereafter is rescinded and annulled under the provisions of the General Bond Resolution then, subject to the provisions described in paragraph (b) above in the event that the principal of all the Bonds later becomes due and payable or is declared due and payable, the money remaining in and thereafter accruing to the Debt Service Subfund is to be applied in accordance with the provisions described in paragraph (a) above.

Whenever money is to be applied by the Trustee or by the County as described above, such money is to be applied by the Trustee or by the County at such times, and from time to time, as the Trustee or the Chief Financial Officer of the County in its sole discretion determines, having due regard to the amount of such money available for such application and the likelihood of additional money becoming available for such application in the future, the deposit of such money with any paying agents, or otherwise setting aside such money, in trust for the proper purpose will constitute proper application by the Trustee or by the County; and the Trustee or the County will incur no liability whatsoever to the County, to any Holder of Bonds or to any other person for any delay in applying any such money, so long as the Trustee or the County acts with reasonable diligence, having due regard to the circumstances, and ultimately applies the same in accordance with such provisions of the General Bond Resolution as may be applicable at the time of application by the Trustee or by the County.

For the purposes of the provisions of the General Bond Resolution summarized under this sub-caption, the principal portion of Parity Debt Service Components is to be paid pro rata with the principal of the Bonds, and the interest portion of such components is to be payable pro rata with the interest on the Bonds.

### **Supplemental Resolutions**

*Supplemental Resolutions Without Consent of Holders.* The County, from time to time and at any time, may enter into such supplemental resolutions as are consistent with the terms and provisions of the General Bond Resolution:

- (a) to cure any ambiguity or formal defect or omission, or to correct or supplement any provision of the General Bond Resolution that may be inconsistent with any other provision of the General Bond Resolution, or
- (b) to grant to or confer upon the Holders any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the Holders or to appoint a Trustee for the benefit of the Holders, or
- (c) to add to the conditions, limitations and restrictions thereafter to be observed by the County under the provisions of the General Bond Resolution, or
- (d) to add to the covenants and agreements of the County in the General Bond Resolution other covenants and agreements thereafter to be observed by the County or to surrender any right or power therein reserved to or conferred upon the County, or

- (e) in the case of Series Resolutions, to provide for the issuance of Additional and Refunding Bonds and to provide for such other related matters as may be required or contemplated by or appropriate under the General Bond Resolution, or
- (f) to make any change necessary to comply with the requirements of Moody's Investors Service, Inc. or Standard & Poor's Ratings Services or Fitch, Inc., or
- (g) to make any other change that, in the opinion of the County, would not materially adversely affect the security for the Bonds.

*Modification of Resolutions With Consent of Holders.* The Holders of not less than a majority in aggregate principal amount of Bonds then outstanding that will be affected by a proposed supplemental resolution will have the right, from time to time, anything contained in the General Bond Resolution to the contrary notwithstanding, to consent to and approve the adoption by the County of such resolution or resolutions supplemental thereto as is deemed necessary or desirable by the County for the purpose of modifying, altering, amending, adding to or rescinding, in any particular, any of the terms or provisions contained in the General Bond Resolution; provided, however, that nothing contained in the General Bond Resolution will permit, or be construed as permitting (a) an extension of the maturity of the principal of or the interest on any Bonds issued under the General Bond Resolution, or (b) a reduction in the principal amount of any Bonds or the redemption premium or the rate of interest thereon, or (c) the creation of a pledge or lien on the money credited to the Debt Service Subfund, Reserve Subfund, Extension and Improvement Subfund or Construction Subfund other than the pledge and lien created by the General Bond Resolution, or (d) a preference or priority of any Bonds over any other Bonds, or (e) a reduction in the aggregate principal amount of Bonds required for consent to such supplemental resolution. Nothing described in this paragraph, however, is to be construed as making necessary the approval by the Holders of the adoption and acceptance of any supplemental resolution described under the preceding caption “—*Supplemental Resolutions Without Consent of Holders.*”

## **Defeasance**

When (a) the Bonds secured under the General Bond Resolution have become due and payable in accordance with their terms or otherwise as provided in the General Bond Resolution, and (b) the whole amount of the principal and the interest and premium, if any, so due and payable upon all Bonds is paid or if the Bond Registrar or any Depositary or Paying Agent holds sufficient money or Defeasance Obligations the principal of and the interest on which, when due and payable, will provide sufficient moneys to pay the principal of, and the interest and redemption premium, if any, on all Bonds then outstanding to the maturity date or dates of such Bonds or dates fixed for Sinking Fund Redemption or to the date or dates specified for the optional redemption thereof, and (c) if Bonds are to be called for redemption, irrevocable instructions to call the Bonds for redemption have been given by the County, and (d) sufficient funds also have been provided or provision made for paying all other obligations payable under the General Bond Resolution by the County, then and in that case the right, title and interest of the Holders in the Subfunds mentioned in the General Bond Resolution will thereupon cease, determine and become void and, on demand of the County and upon being furnished with an opinion, in form and substance satisfactory to the Bond Registrar, of counsel approved by the Bond Registrar, to the effect that all conditions precedent to the release of the General Bond Resolution have been satisfied, the Bond Registrar is to release the General Bond Resolution and execute such documents to evidence such release as may be reasonably required by the County and turn over to the County any surplus in any and all balances remaining in all Subfunds, other than money held for the redemption or payment of Bonds. Otherwise, the General Bond Resolution shall be, continue and remain in full force and effect; provided, that, in the event Defeasance Obligations are deposited with and held by the Bond Registrar or any Depositary or Paying Agent as hereinabove provided, (i) in addition to the requirements concerning the redemption of Bonds set forth in the General Bond Resolution, the

County, within thirty (30) days after such money or Defeasance Obligations have been deposited with it, is to cause a notice signed by the Bond Registrar to be mailed to all Holders setting forth (a) the date or dates, if any, designated for the redemption of the Bonds, (b) the deposit of such money or Defeasance Obligations so held by it, and (c) that the General Bond Resolution has been released in accordance with the provisions described in this paragraph, and (ii) the Bond Registrar is to retain such rights, powers and privileges under the General Bond Resolution as may be necessary and convenient for the registration, registration of transfer and exchange of Bonds.

All money and Defeasance Obligations held by the Paying Agent (or the Bond Registrar) as described in the preceding paragraph are to be held in trust and applied to the payment, when due, of the obligations payable therewith.

The provisions of the General Bond Resolution described under this caption may be modified by the applicable Series Resolution with respect to Bonds of any series that constitute Variable Rate Indebtedness or Optional Tender Indebtedness, with respect to any Parity Indebtedness and with respect to Subordinate Obligations.

### **Miscellaneous Provisions**

*Effect of Dissolution of County.* In the event the County for any reason is merged or annexed or its legal existence is otherwise terminated, all of the covenants, stipulations, obligations and agreements contained in the General Bond Resolution by or on behalf of or for the benefit of the County will bind or inure to the benefit of the successor or successors of the County from time to time.

*Successorship of Depositary; Paying Agent and Bond Registrar.* Any bank or trust company with or into which any Depositary, Paying Agent or the Bond Registrar may be merged or consolidated, or to which the assets and business of such Depositary, Paying Agent or the Bond Registrar may be sold, will be deemed the successor of such Depositary, Paying Agent and Bond Registrar for the purposes of the General Bond Resolution. The Bond Registrar is to give notice of each appointment of such successor by mailing written notice of such event by first class mail, postage prepaid, to all registered owners of the Bonds at their addresses as they appear on the registration books.

*Parties, Bond Registrar and Holders Alone Have Rights Under the General Bond Resolution.* Except as otherwise expressly provided, nothing in the General Bond Resolution, express or implied, is intended or is to be construed to confer upon any person, firm or corporation, other than the Bond Registrar, the County and the Holders, any right, remedy or claim, legal or equitable, under or by reason of the General Bond Resolution or any provision thereof, the General Bond Resolution and all its provisions being intended to be and being for the sole and exclusive benefit of the Bond Registrar, the County and the Holders.

*Effect of Partial Invalidity.* In case any one or more of the provisions of the General Bond Resolution or of the Bonds for any reason is held to be illegal or invalid, such illegality or invalidity is not to affect any other provisions of the General Bond Resolution or the Bonds, but the General Bond Resolution and the Bonds are to be construed and enforced as if such illegal or invalid provisions had not been contained therein.

*Taxable Bonds.* The County may, if it so elects, issue one or more series of Bonds the interest on which is (or may be) payable to the Holder as a whole or in part, subject directly or indirectly to federal income taxes so long as each Bond of such series states in the body thereof that interest payable thereon is (or may be) subject to federal income taxation and provided that the issuance thereof will not cause the

interest on any other Bonds theretofore issued under the General Bond Resolution to be or to become subject to federal income taxation.

*No Recourse Against Officers, Etc.* No recourse under, or upon, any statement, obligation, covenant, or agreement contained in the General Bond Resolution or in any Bond, or in any Series Resolution, or in any document or certification whatsoever, or under any judgment obtained against the County or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise or under any circumstances, shall be had against any member, officer or employee or agent of the Board or any officer, agent or employee of the County, as such, of the County either directly or through the Board or otherwise, for the payment for, or to, the County or any receiver of either of them, or for, or to, any Holder or otherwise, of any sum that may be due and unpaid upon any such Bond.

*Payments Due on Sundays and Holidays.* Except as otherwise provided in a Series Resolution, in any case where the date of maturity of interest on or principal of the Bonds or the date fixed for redemption of any Bonds is a Sunday or a legal holiday or not a Business Day, then payment of interest or principal and premium, if any, need not be made on such date but may be made on the next succeeding Business Day with the same force and effect as if made on the date of maturity or the date fixed for redemption or the interest payment date and no interest on such payment will accrue for the period after such date.

**APPENDIX D**

**PROPOSED AMENDMENTS TO THE GENERAL BOND RESOLUTION**

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Fairfax County,  
Virginia

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SUPPLEMENTAL RESOLUTION

**RESOLUTION SUPPLEMENTING AND AMENDING THE GENERAL BOND RESOLUTION OF THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, AUTHORIZING THE ISSUANCE OF SEWER REVENUE BONDS, TO AMEND THE DEFINITIONS OF THE TERMS “OPERATING EXPENSES” AND “RESERVE SUBFUND REQUIREMENT” IN SUCH GENERAL BOND RESOLUTION AND TO AMEND CERTAIN PROVISIONS RELATING TO THE RESERVE SUBFUND ESTABLISHED UNDER SUCH GENERAL BOND RESOLUTION.**

**WHEREAS**, the Board of Supervisors (the “Board of Supervisors” or “Board”) of Fairfax County, Virginia (“County”), has adopted a General Bond Resolution authorizing the issuance initially of not exceeding \$179,000,000 Sewer Revenue Bonds and thereafter the issuance of additional and refunding sewer revenue bonds (such resolution as initially adopted on July 29, 1985, amended and restated on July 21, 1986, further amended on January 9, 1989, further amended and restated on June 26, 1989, further amended and restated on May 18, 2009, effective July 1, 2009, and as further supplemented and amended, herein called the “General Bond Resolution”); and

**WHEREAS**, the Board of Supervisors has determined to adopt this resolution (this “Supplemental Resolution”) to supplement and amend the General Bond Resolution to (i) amend the definitions of the terms “Operating Expenses” and “Reserve Subfund Requirement” under the General Bond Resolution, and (ii) permit the County to modify or eliminate the requirement for funding and maintaining the Reserve Subfund heretofore established under the General Bond Resolution, provided, however, that the County may elect, but shall not be required, at any time after any modification or elimination of the Reserve Subfund Requirement, to fund the Reserve Subfund in an amount or amounts set forth in a supplemental resolution; and

**WHEREAS**, in accordance with Section 1102 of the General Bond Resolution, the County has (i) given notice to the Holders of all Bonds Outstanding (each as defined in the General Bond Resolution) of the proposed adoption of this Supplemental Resolution and (ii) within three years of the initial notice to such Holders of such proposed adoption, has received, from the Holders of not less than a majority in

aggregate principal amount of Bonds Outstanding that affected thereby, consent and approval to the adoption of this Supplemental Resolution;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, AS FOLLOWS:**

**Section 1. Amendment to Definition of “Operating Expenses.”** The term “Operating Expenses” defined in Section 101 of the General Bond Resolution is hereby amended and restated in its entirety so that it shall read as follows:

“**Operating Expenses**” means, for any period, the County’s reasonable and necessary current expenses paid for the operation, repair and maintenance of the System, without intending to limit or restrict any proper definition of such expenses under any applicable laws or generally accepted accounting principles. For the purpose of this definition, such current expenses shall include, without limiting the generality of the foregoing, all ordinary and usual expenses of maintenance, repair and operation, which may include expenses not annually recurring, administrative expenses, any reasonable payments to pension or retirement funds properly chargeable to the System, premiums and reserves for insurance, fees or premiums for a Credit Facility, Reserve Subfund Insurance Policy or bond insurance policy (but not including any amounts payable as interest, whether or not characterized as a fee or premium on draws, advances or loans), all administrative and engineering expenses relating to maintenance, repair and operation, fees and expenses of the Depository, any Paying Agent, remarketing agent, indexing agent, the Bond Registrar and any Trustee, legal expenses, fees of consultants, any taxes that may be lawfully imposed on, or payments in lieu of taxes that may be lawfully paid by, the System or the income therefrom, operating lease payments, the Operating Component of the Cost of Contracted Services, and any other expenses required or permitted to be paid by the County under the provisions of this Resolution or by law payable on a parity with Operating Expenses under this Resolution, but shall not include any reserves for extraordinary maintenance or repair or any allowance for depreciation, or any deposits to the credit of the Debt Service Subfund, the Reserve Subfund, the Subordinate Obligations Subfund or the Extension and Improvement Subfund (other than Operating Expenses hereinabove described in this definition).”

**Section 2. Amendment to Definition of “Reserve Subfund Requirement”.** The first paragraph of the term “Reserve Subfund Requirement” defined in Section 101 of the General Bond Resolution is hereby amended and restated in its entirety so that it shall read as follows:

“**Reserve Subfund Requirement**” as to all Bonds means, except as otherwise provided in accordance with Section 506 of this Resolution, as of any date of calculation, an amount of money, securities or Reserve Subfund Insurance Policy equal to the lesser of (i) the maximum Principal and Interest Requirements of the Outstanding Bonds for any Bond Year and (ii) 125% of the average annual Principal and Interest Requirements of the Outstanding Bonds for any Bond Year.”

**Section 3. Amendment to Section 506 of General Bond Resolution.** Section 506 of the General Bond Resolution is hereby amended to delete in its entirety the third paragraph of such Section 506 (which begins with the words “Except as provided in a Series Resolution...”) and to add the following paragraphs at the end of such section:

“Notwithstanding anything to the contrary in this Section 506 or otherwise in this Resolution, the County may, at any time and from time to time, by written notice from a County Representative to the Depository, modify or eliminate the Reserve Subfund Requirement heretofore established under this Resolution with respect to all or any Series of Bonds Outstanding.

The Depository shall apply or transfer all amounts in the Reserve Subfund in excess of such modified or eliminated Reserve Subfund Requirement for one or more of the following purposes, as

directed in a written notice from a County Representative: to (i) redeem Bonds in accordance with their terms, (ii) pay principal installments of Bonds as they come due for payment, (iii) pay the costs of certain additions, extensions and improvements to the County's sewage collection, treatment and disposal systems, paying capital improvement costs allocable to the County at certain wastewater treatment facilities that provide service to the County and, if necessary, purchasing additional capacity at certain wastewater treatment facilities for the benefit of the County, or (iv) pay rebate amounts to the United States Treasury in accordance with Section 148(f) of the Internal Revenue Code or similar provisions. Such direction shall be accompanied by an opinion of counsel nationally recognized as expert in tax matters relating to obligations of states and their political subdivisions to the effect that such proposed application of such amounts will not adversely affect the exclusion of interest on any of the Bonds from the gross income of the recipients thereof for federal income tax purposes.

Except as provided in the immediately preceding paragraph or in a Series Resolution, if on the first Business Day before any Interest Payment Date, the amount of money held for the credit of the Reserve Subfund shall exceed the Reserve Subfund Requirement as then calculated, the County shall direct the Depository to transfer from the Reserve Subfund the amount of such excess to the following Subfunds in the following order: (i) prior to the Completion Date, the Construction Subfund and (ii) thereafter, the Debt Service Subfund; provided, however, that the County may direct the Depository to transfer to the Revenue Subfund the portion of such excess derived from Gross Revenues but not from proceeds of Bonds.

The County may elect, but shall not be required, at any time after any modification or elimination of the Reserve Subfund Requirement, to fund the Reserve Subfund in an amount or amounts set forth in a supplemental resolution adopted pursuant to Section 1101 of this Resolution."

**Section 4. Effect of Covenants.** All covenants, stipulations, obligations and agreements of the County contained in this Supplemental Resolution shall be deemed to be covenants, stipulations, obligations and agreements of the County to the full extent permitted by the Constitution and laws of the Commonwealth of Virginia. This Supplemental Resolution is adopted with the intent that the laws of the Commonwealth of Virginia shall govern its construction.

**Section 5. Expenses Payable Under this Supplemental Resolution.** All expenses incurred in carrying out this Supplemental Resolution shall be payable solely from funds derived by the County from the System. Anything in this Supplemental Resolution to the contrary notwithstanding, the performance by the County of all duties and obligations imposed upon it hereby, the exercise by it of all powers granted to it hereunder, the carrying out of all covenants, agreements and promises made by it hereunder, and the liability of the County for all warranties and other covenants herein shall be limited solely to the money and revenues received from the payments from the System, and from money attributable to the proceeds of Bonds, or the income from the temporary investment thereof, and, to the extent herein, the proceeds of insurance, sale and condemnation awards; and the County shall not be required to effectuate any of its duties, obligations, powers or covenants except from, and to the extent of, such money, revenues, proceeds, and payments.

**Section 6. Headings.** Any heading preceding the text of the several articles hereof, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this Supplemental Resolution, nor shall they affect its meaning, construction or effect.

**Section 7. Definitions.** All terms not otherwise defined herein shall have the meanings ascribed thereto by the General Bond Resolution.



**Section 8. Further Authority.** The officers of the County, members of the Board and other agents or employees of the County are hereby authorized to do all acts and things required of them by this Supplemental Resolution for the full, punctual and complete performance of all of the terms, covenants and agreements contained in the Bonds and this Supplemental Resolution.

**Section 9. Supplemental Resolution Effective.** This Supplemental Resolution shall take effect immediately upon its adoption.

A Copy - Teste:

\_\_\_\_\_  
Clerk for the Board of Supervisors

**APPENDIX E****FORM OF BOND COUNSEL OPINION**

April \_\_, 2024

Board of Supervisors  
of Fairfax County, Virginia  
Fairfax, Virginia

As bond counsel to Fairfax County, Virginia (the “County”), we have examined Article 3, Chapter 21, Title 15.2 of the Code of Virginia, 1950, as amended, and the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia, 1950, as amended, and other applicable law (collectively, the “Act”), and certified copies of the proceedings of the Board of Supervisors (the “Board”) of the County showing the adoption of the General Bond Resolution on July 29, 1985 (said resolution, as supplemented, amended and restated, herein called the “General Bond Resolution”), and Series Resolutions adopted on March [5], 2024 (each, a “Series Resolution”), pursuant to which the County has authorized, and other proofs submitted relative to, the issuance and sale of

§ \_\_\_\_\_  
**FAIRFAX COUNTY, VIRGINIA**  
**SEWER REVENUE BONDS**  
**SERIES 2024A**  
**(the “2024A Bonds”)**  
**and**

§ \_\_\_\_\_  
**SEWER REVENUE REFUNDING BONDS**  
**SERIES 2024B**

**(the “2024B Bonds” and collectively with the 2024A Bonds, the “2024 Bonds”)**

The 2024 Bonds are dated the date of their delivery, maturing in annual installments on [July 15 in each of the years 2025 to 2045, inclusive, and on July 15, 2049 and July 15, 2054], bearing interest, payable on the 15th days of January and July in each year, commencing [July 15, 2024], and subject to redemption prior to their respective maturities in the manner and upon the terms and conditions in the related Series Resolution.

The proceeds of the 2024A Bonds are to be used to provide funds, with other available funds, to (i) pay the costs of certain additions, extensions and improvements to the County’s sewage collection, treatment and disposal systems (the “System”), paying capital improvement costs allocable to the County at certain wastewater treatment facilities that provide service to the County and, if necessary, purchasing additional capacity at certain wastewater treatment facilities for the benefit of the County, (ii) make a deposit to the Reserve Subfund, pending an expected amendment to the General Bond Resolution after the issuance of the 2024 Bonds, and (iii) pay the costs of issuing the 2024A Bonds. The proceeds of the 2024B Bonds are to be used to provide funds, with other available funds, to (i) refund certain of the outstanding sewer revenue bonds issued by the County and (ii) pay the costs of issuing the 2024B Bonds.

Under the General Bond Resolution, the County may issue additional series of bonds and otherwise incur indebtedness on a parity with the 2024 Bonds, as to their lien on the Net Revenues of the System, only on the terms and conditions set forth in the General Bond Resolution. The 2024 Bonds, the bonds

outstanding under the General Bond Resolution and any such additional series of parity bonds are hereinafter referred to collectively as “Bonds.”

Pursuant to the General Bond Resolution, the County has pledged to the payment of the principal of and redemption premium, if any, and interest on the Bonds issued under the General Bond Resolution, including the 2024 Bonds, all of the Gross Revenues (as defined in the General Bond Resolution) of the System, subject to the prior payment of Operating Expenses (as defined in the General Bond Resolution) of the System (such Gross Revenues, less such Operating Expenses, being herein referred to as “Net Revenues”).

Based on such examination, we are of the opinion that the General Bond Resolution and the Series Resolutions have been duly adopted by the Board and are legal, valid and binding agreements of the County and that the 2024 Bonds have been duly authorized and issued by the County and constitute legal, valid and binding limited obligations of the County. The 2024 Bonds do not constitute a pledge of the faith and credit of the Commonwealth of Virginia or the faith and credit of the County, and neither the faith and credit of the Commonwealth of Virginia nor the faith and credit of the County are pledged to the payment of the principal of or the interest or premium, if any, on the 2024 Bonds. In addition, the outstanding Bonds, including the 2024 Bonds, will be secured by the General Bond Resolution and will be payable from the Net Revenues of the System, which have been pledged to the payment of the Bonds and other parity indebtedness to the extent and in the manner provided in the General Bond Resolution.

We are further of the opinion that, assuming continuing compliance by the County with its covenants to comply with the requirements of the Internal Revenue Code of 1986, as amended (the “Code”), and, except as provided in the following sentence, interest on the 2024 Bonds is not includable in the gross income of the owners thereof for federal income tax purposes under current law. Interest on the 2024 Bonds will be includable in the gross income of the owners thereof retroactive to the date of issue of the 2024 Bonds in the event of a failure by the County to comply with applicable requirements of the Code, and its covenants regarding the use, expenditure, and investment of the proceeds of the 2024 Bonds and the timely payment of certain investment earnings to the United States Treasury. We render no opinion as to the effect on the exclusion from gross income of the interest on the 2024 Bonds for federal income tax purposes of any action taken or not taken without our approval or upon the advice or approval of counsel other than us. Interest on the 2024 Bonds is not an item of tax preference for purposes of the federal alternative minimum tax on individuals.

The Code contains other provisions that could result in tax consequences, as to which we render no opinion, as a result of ownership of the 2024 Bonds or the inclusion in certain computations (including without limitation those related to the corporate alternative minimum tax) of interest that is excluded from gross income.

Respectfully submitted,

**APPENDIX F****FORM OF CONTINUING DISCLOSURE AGREEMENT**

This Continuing Disclosure Agreement (this “Disclosure Agreement”) is executed and delivered by Fairfax County, Virginia (the “County”), in connection with the issuance by the County of \$ \_\_\_\_\_ aggregate principal amount of its Sewer Revenue Bonds, Series 2024A, and \$ \_\_\_\_\_ aggregate principal amount of its Sewer Revenue Refunding Bonds, Series 2024B (collectively, the “2024 Bonds”) pursuant to the provisions of the General Bond Resolution adopted by the Board of Supervisors of Fairfax County (the “Board of Supervisors”) on July 29, 1985, amended and restated on July 21, 1986, further amended on January 9, 1989, further amended and restated on June 26, 1989, and further amended and restated on May 18, 2009, effective July 1, 2009 (the “General Bond Resolution”), as supplemented by the separate Series Resolutions adopted by the Board of Supervisors on March [5], 2024, providing for the issuance of the 2024 Bonds (the “Series Resolutions”). The 2024A Bonds are being issued to provide funds for (i) paying the costs of certain additions, extensions and improvements to the County’s sewage collection, treatment and disposal systems, paying capital improvement costs allocable to the County at certain wastewater treatment facilities that provide service to the County and, if necessary, purchasing additional capacity at certain wastewater treatment facilities for the benefit of the County, (ii) making a deposit to the Reserve Subfund, pending an expected amendment to the General Bond Resolution after the issuance of the 2024 Bonds, and (iii) paying the costs of issuing the 2024A Bonds. The 2024B Bonds are being issued to provide funds for (i) paying the costs of issuing the 2024B Bonds, and (ii) refunding certain sewer revenue bonds of the County. The County hereby covenants and agrees as follows:

**SECTION 1. Purpose of the Disclosure Agreement.** This Disclosure Agreement is being executed and delivered by the County for the benefit of the holders of the 2024 Bonds and to assist the Participating Underwriters (defined below) in complying with the Rule (defined below). The County acknowledges that it is undertaking primary responsibility for any reports, notices or disclosures that may be required under this Disclosure Agreement.

**SECTION 2. Definitions.** In addition to the definitions set forth in the General Bond Resolution and the Series Resolutions, which apply to any capitalized term used in this Disclosure Agreement unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

“Annual Report” shall mean any Annual Report provided by the County pursuant to, and as described in, Sections 3 and 4 of this Disclosure Agreement.

“Dissemination Agent” shall mean the County, acting in its capacity as Dissemination Agent hereunder, or any successor Dissemination Agent designated in writing by the County and which has filed with the County a written acceptance of such designation.

“Filing Date” shall have the meaning given to such term in Section 3(A) hereof.

“Financial Obligation” means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of a debt obligation or any such derivative instrument; provided that “financial obligation” shall not include municipal securities (as defined in the Securities Exchange Act of 1934, as amended) as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.

“Fiscal Year” shall mean the twelve-month period at the end of which financial position and results of operations are determined. Currently, the County’s Fiscal Year begins July 1 and continues through June 30 of the next calendar year.

“Holder” or “holder” shall mean, for purposes of this Disclosure Agreement, any person who is a record owner or beneficial owner of a 2024 Bond.

“Listed Events” shall mean any of the events listed in subsection (b)(5)(i)(C) of the Rule, which are as follows:

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults; if material;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) substitution of credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 570-TEB) or other material notices or determinations with respect to or events affecting the tax status of the 2024 Bonds;
- (7) modifications to rights of holders, if material;
- (8) bond calls, if material, and tender offers;
- (9) defeasances;
- (10) release, substitution, or sale of property securing repayment of the 2024 Bonds, if material;
- (11) rating changes;
- (12) bankruptcy, insolvency, receivership or similar event of the County;
- (13) the consummation of a merger, consolidation, or acquisition involving the County or the sale of all or substantially all of the assets of the County, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating any such actions, other than pursuant to its terms, if material;
- (14) appointment of a successor or additional paying agent or the change of name of a paying agent, if material;
- (15) incurrence of a Financial Obligation of the County, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the County, any of which affect security holders, if material; and

- (16) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the County, any of which reflect financial difficulties.

“MSRB” means the Municipal Securities Rulemaking Board.

“Participating Underwriter” shall mean any of the original underwriters of the County’s 2024 Bonds required to comply with the Rule in connection with the offering of such 2024 Bonds.

“Repository” shall mean the Electronic Municipal Market Access (“EMMA”) system administered by the Municipal Securities Rulemaking Board. EMMA is recognized as a National Repository for purposes of the Rule.

“Rule” shall mean Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

For these purposes, (a) any event described in the immediately preceding paragraph (12) is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the County in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the County or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers of the County in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the County, and (b) the County intends the words used in the immediately preceding paragraphs (15) and (16) and the definition of Financial Obligation in this Section 2 to have the same meanings as when they are used in the Rule, as evidenced by SEC Release No. 34-83885, dated August 20, 2018.

### SECTION 3. Provision of Annual Reports.

A. The Dissemination Agent shall provide to the Repository an Annual Report which is consistent with the requirements of Section 4 of this Disclosure Agreement. Such Annual Report shall be filed on a date (the “Filing Date”) that is not later than March 31 after the end of the immediately preceding Fiscal Year (commencing with its Fiscal Year ending June 30, 2024). At least ten (10) days before the Filing Date, the County shall provide the Annual Report to the Dissemination Agent (if applicable). The Annual Report (i) may be submitted as a single document or as separate documents comprising a package, (ii) may cross-reference other information as provided in Section 4 of this Disclosure Agreement and (iii) shall include the County’s audited financial statements for the County’s Integrated Sewer System (the “System”) or, if audited financial statements are not available, such unaudited financial statements as may be required by the Rule. In any event, audited financial statements for the System must be submitted, when publicly available, and may be submitted together with or separately from the Annual Report.

B. The annual financial statements for the System shall be prepared on the basis of generally accepted accounting principles and will be audited. Copies of the audited financial statements, which may be filed separately from the Annual Report, will be filed with the Repository when they become publicly available if such audited financial reports are not available at the time of the filing of the Annual Report.

C. If the County fails to provide an Annual Report to the Repository by the date required in subsection (A) above or fails to file its audited annual financial statements for the System with the

Repository when they become publicly available thereafter, the County shall send a notice, in a timely manner, to the Repository in substantially the form attached hereto as Exhibit B.

SECTION 4. Content of Annual Reports. Except as otherwise agreed, any Annual Report required to be filed hereunder shall contain or incorporate by reference, at a minimum, annual financial information relating to the System, including operating data, updating such information relating to the System as described in Exhibit A, all with a view toward assisting Participating Underwriters in complying with the Rule.

Any or all of such information may be incorporated by reference from other documents, including official statements of securities issues with respect to which the County is an “obligated person” (within the meaning of the Rule), which have been filed with the Repository or the Securities and Exchange Commission. If the document incorporated by reference is a final official statement, it must be available from the Repository. The County shall clearly identify each such other document so incorporated by reference.

SECTION 5. Reporting of Listed Events. The County will provide within 10 business days of the occurrence of any of the Listed Events notice to the Repository of such occurrence.

SECTION 6. Termination of Reporting Obligation. The County’s obligations under this Disclosure Agreement shall terminate upon the earlier to occur of the legal defeasance or final retirement of all the 2024 Bonds.

SECTION 7. Dissemination Agent. The County may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Agreement and may discharge any such Agent, with or without appointing a successor Dissemination Agent. If at any time there is not any other designated Dissemination Agent, the County shall be the Dissemination Agent.

SECTION 8. Amendment. Notwithstanding any other provision of this Disclosure Agreement, the County may amend this Disclosure Agreement, if such amendment is supported by an opinion of independent counsel with expertise in federal securities laws, to the effect that such amendment is permitted or required by the Rule.

SECTION 9. Additional Information; Identifying Information. Nothing in this Disclosure Agreement shall be deemed to prevent the County from disseminating any other information, using the means of dissemination set forth in this Disclosure Agreement or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Agreement. If the County chooses to include any information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is specifically required by this Disclosure Agreement, the County shall have no obligation under this Disclosure Agreement to update such additional information or include it in any future Annual Report or notice of occurrence of a Listed Event. In accordance with Section (b)(5)(iv) of the Rule, all documents provided to the MSRB pursuant to this Disclosure Agreement shall be accompanied by identifying information as prescribed by the MSRB.

SECTION 10. Default. Any person referred to in Section 11 (other than the County) may take such action as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the County to file its Annual Report or to give notice of a Listed Event. The holders of not less than a majority in aggregate principal amount of the 2024 Bonds outstanding may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to challenge the adequacy of any information provided pursuant to this Disclosure Agreement, or to

enforce any other obligation of the County hereunder. A default under this Disclosure Agreement shall not be deemed an event of default under the General Bond Resolution, the Series Resolutions or the 2024 Bonds, and the sole remedy under this Disclosure Agreement in the event of any failure of the County to comply herewith shall be an action to compel performance. Nothing in this provision shall be deemed to restrict the rights or remedies of any holder pursuant to the Securities Exchange Act of 1934, the rules and regulations promulgated thereunder, or other applicable laws.

SECTION 11. Beneficiaries. This Disclosure Agreement shall inure solely to the benefit of the County, the Participating Underwriters, and holders from time to time of the 2024 Bonds, and shall create no rights in any other person or entity.

Date: April \_\_, 2024

FAIRFAX COUNTY, VIRGINIA

By: \_\_\_\_\_  
Christina C. Jackson  
Chief Financial Officer



**CONTENT OF ANNUAL REPORT**

For the most recent complete fiscal year:

- (a) Number of connections (or accounts).
- (b) Rate schedule.
- (c) Total amounts for:
  - (i) Service charge revenues,
  - (ii) Availability/connection fee revenues,
  - (iii) Interest income revenues,
  - (iv) Total System Gross Revenues,
  - (v) System Operating Expenses,
  - (vi) Expense payments,
  - (vii) Debt service payments on Bonds and Parity Indebtedness, and
  - (viii) Debt service payments on Subordinate Obligations.
- (d) Identity of any customer of the System paying over 5% of the total service charge revenues of the System and the specific percentage for such customer.
- (e) System capacity (flows in mgd) and System wastewater flows.

In general, the foregoing will include information as of the end of the most recent fiscal year or as of the most recent practicable date. Where information for the fiscal year just ended is provided, it may be preliminary and unaudited. Where information has historically been provided for more than a single period, comparable information will in general be provided for the same number of periods where valid and available. Where, in the judgment of the County, an accompanying narrative is required to make data presented not misleading, such narrative will be provided.

**Exhibit B**

**NOTICE OF FAILURE TO FILE ANNUAL REPORT  
[AUDITED ANNUAL FINANCIAL STATEMENTS]**

**Re: FAIRFAX COUNTY, VIRGINIA  
SEWER REVENUE BONDS,  
SERIES 2024A  
and  
SEWER REVENUE REFUNDING BONDS,  
SERIES 2024B**

**CUSIP NOS.:**

Dated: \_\_\_\_\_

NOTICE IS HEREBY GIVEN that Fairfax County, Virginia, has not provided an Annual Report [Audited Annual Financial Statements] as required by Section 3 of the Continuing Disclosure Agreement, which was entered into in connection with the above-named bonds issued pursuant to separate Series Resolutions adopted on March [5], 2024, by the Board of Supervisors of the County. [The County anticipates that the Annual Report [Audited Annual Financial Statements] will be filed by \_\_\_\_\_.]

Dated: \_\_\_\_\_

FAIRFAX COUNTY, VIRGINIA

By \_\_\_\_\_

## APPENDIX G

**FORM OF BONDHOLDER CONSENT TO  
PROPOSED GENERAL BOND RESOLUTION AMENDMENTS**  
IRREVOCABLE WRITTEN CONSENT TO PROPOSED AMENDMENTS

FAIRFAX COUNTY, VIRGINIA

\$ \_\_\_\_\_ Sewer Revenue Bonds,  
Series 2024A

\$ \_\_\_\_\_ Sewer Revenue Refunding Bonds,  
Series 2024B

This communication is made to prospective purchasers of the above-captioned bonds (the “2024 Bonds”) to be issued by Fairfax County, Virginia (the “County”), to evidence the irrevocable written consent of such prospective purchaser to the proposed amendments referred to below (the “Proposed General Bond Resolution Amendments”).

If you agree with the following, please reply to this email with the bolded information directly below:

**ACKNOWLEDGED AND AGREED**

**Name of Purchaser or Managing Firm (with authority to consent on behalf of the purchaser):**

**Name of Purchaser or Authorized Employee of Managing Firm:**

The Proposed General Bond Resolution Amendments are described in the County’s Preliminary Official Statement, dated March [5], 2024, prepared for the offering of the 2024 Bonds (the “POS”), in the section “SECURITY FOR AND SOURCES OF PAYMENT OF THE SERIES 2024 Bonds – Proposed General Bond Resolution Amendments.” Their text is set forth in Appendix D to the POS (together, the “POS Consent Description”).

As described in the POS Consent Description, the County’s Board of Supervisors would be authorized to adopt the Proposed General Bond Resolution Amendments following the County’s timely receipt of consents of not less than a majority in aggregate principal amount of the bonds (the “Bonds”) then outstanding under the General Bond Resolution (as defined in the POS) and affected by the Proposed General Bond Resolution Amendments.

You may agree to purchase certain maturities and amounts of the 2024 Bonds. Each initial purchaser of 2024 Bonds is expected to provide irrevocable written consent to the Proposed General Bond Resolution Amendments. It is not expected that any underwriter for the 2024 Bonds will consent to the Proposed General Bond Resolution Amendments on your behalf.

The County and the applicable underwriter request that you evidence your irrevocable written consent to and approval of the Proposed General Bond Resolution Amendments by replying to this email as set forth above.

By supplying the information requested above and replying to this email, **you thereby acknowledge and agree that you** (i) have read and understand the foregoing and represent that you have authority to provide this consent; (ii) provide your express and irrevocable written consent to and approval of the Proposed General Bond Resolution Amendments, such consent to become effective immediately upon the issuance of the 2024 Bonds; (iii) waive any requirement that notice of the Proposed General Bond Resolution Amendments be mailed to you under the provisions of the General Bond Resolution; and (iv) acknowledge that the aforementioned consent and waiver shall be on behalf of you and all successors in interest in the 2024 Bonds that you purchase.

***This Form of Consent Email is the requested form of written consent to the Proposed General Bond Resolution Amendments but in no way shall constitute the exclusive means of obtaining written consent to the Proposed General Bond Resolution Amendments under the General Bond Resolution.***

**APPENDIX B****FAIRFAX COUNTY INFORMATION\*****TABLE OF CONTENTS**

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\* The inclusion of general information about Fairfax County and its financial position does not imply that Fairfax County is legally obligated to make payments on the 2024 Bonds except from the revenues and other sources of funds described in this Official Statement.

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**FAIRFAX COUNTY**  
**GENERAL DESCRIPTION**

**Overview**

Fairfax County, Virginia (“Fairfax County” or the “County”), is located in the northeastern corner of the Commonwealth of Virginia (the “Commonwealth”) and encompasses a net land area of 407 square miles. Its current estimated population exceeds one million. The County is part of the Washington, D.C., metropolitan area, which includes jurisdictions in Maryland, the District of Columbia and Northern Virginia.

The Fairfax County government is organized under the Urban County Executive form of government (as defined under Virginia law). The governing body of Fairfax County is the Board of Supervisors (the “Board of Supervisors”), which makes policies for the administration of the County. The Board of Supervisors is comprised of ten members: the Chairman, elected at large for a four-year term, and one member from each of nine districts, each elected for a four-year term by the voters of the district in which the member resides. The Board of Supervisors appoints a County Executive to act as the administrative head of the County. The County Executive serves at the pleasure of the Board of Supervisors, carries out the policies established by the Board of Supervisors, directs business and administrative procedures, and recommends officers and personnel to be appointed by the Board of Supervisors.

In Virginia, cities and counties are discrete units of government and do not overlap. Fairfax County completely surrounds the City of Fairfax and is adjacent to the City of Falls Church and the City of Alexandria. Property within these cities is not subject to taxation by Fairfax County, and the County generally is not required to provide governmental services to their residents. The County does, however, provide certain services to the residents of certain of these cities pursuant to agreements with such cities.

In Fairfax County there are three incorporated towns, Clifton, Herndon and Vienna, which are underlying units of government within the County, and the ordinances and regulations of the County are, with certain limitations prescribed by Virginia law, generally effective in them. Property in these towns is subject to County taxation, and the County provides certain services to their residents. These towns may incur general obligation bonded indebtedness without the prior approval of the County (more fully discussed in “DEBT ADMINISTRATION – Underlying Bonded Indebtedness”).

**Population**

Fairfax County’s estimated 2022 population is 1,172,646. In 1980, Fairfax County was the third most populous jurisdiction in the Washington, D.C., primary metropolitan statistical area, as defined by the U.S. Bureau of the Census. By 1990, Fairfax County, with 818,584 residents, had become the most populous jurisdiction in the Washington, D.C. area, having added an average of 22,168 people per year in the 1980s. Population growth during the 1990s and 2000s slowed; on average, the County gained about 7,579 people per year during 2010-2022.

[Remainder of page intentionally left blank]

### Fairfax County Population

<u>Calendar Year</u>	<u>Population</u>
1940	40,929
1950	98,557
1960	248,897
1970	454,275
1980	596,901
1990	818,584
2000	969,749
2010	1,081,726
2011	1,100,692
2012	1,118,602
2013	1,130,924
2014	1,137,538
2015	1,142,234
2016	1,138,652
2017	1,142,888
2018	1,152,873
2019	1,166,965
2020 <sup>1</sup>	1,171,847
2021	1,170,033
2022	1,172,646

*Sources:* U.S. Bureau of the Census (1940-2000 and 2010 Decennial Censuses); FY 2011-2023 Fairfax County Annual Comprehensive Financial Reports

<sup>1</sup>The 2020 population shown as estimated by the Fairfax County Economic, Demographic and Statistical Research Unit. This estimate differs from County population shown in the 2020 Decennial Census of 1,150,309 and results from different methodologies independently developed by Fairfax County Demographers designed to provide accurate and updated information. The 2020 Decennial Census may have certain statistical anomalies in the County-level data.

The following table reflects the population age distribution of County residents, based on the U.S. Census Bureau's 2020 Decennial Census. The census estimated the County's total population in 2020 at 1,150,309.

### Household Population Age Distribution Fairfax County

<u>Age Group</u>	<u>2020</u>	
	<u>Number</u>	<u>Percent (%)</u>
Under 20 years	294,275	25.6
20 – 34	224,440	19.5
35 – 54	325,677	28.3
55 – 64	147,230	12.8
65 and Over	<u>158,687</u>	<u>13.8</u>
Total	1,150,309	100.0

*Sources:* U.S. Bureau of the Census, 2020 Decennial Census and Virginia Employment Commission

Based on the latest data released by the U.S. Census Bureau, Fairfax County's median household income was \$145,165, and median family income was \$172,110 in 2022. Approximately 48.5% of the County's households and 57.5% of families had annual incomes of \$150,000 or more. The following table shows the 2022 household and family income distribution in the County.

**2022 Household and Family Income Distribution (by Percentage)<sup>1</sup>**

<u>Income Level</u>	<u>Household</u>	<u>Family</u>
Under \$25,000	6.2%	4.2%
\$25,000 – 49,999	8.0	6.3
\$50,000 – 74,999	9.1	7.3
\$75,000 – 99,999	9.9	8.0
\$100,000 – 149,999	18.3	16.7
\$150,000 or more	48.5	57.5
Median Income	\$145,165	\$172,110

*Source:* U.S. Census Bureau, 2018-2022 American Community Survey 5-Year Estimates

<sup>1</sup> Household Income is defined as that income which is available to all residents of a housing unit, regardless of relationship. Income is from all sources, before taxes and deductions, and includes wages, business, retirement, SSI, alimony, child support, interest, etc. Family Income is derived by including only those households containing two or more persons related by blood, marriage or adoption. Percentages may add to more than 100% due to rounding.

**Certain County Administrative and Financial Staff Members**

Bryan J. Hill, County Executive, was appointed as County Executive by the Fairfax County Board of Supervisors effective January 2, 2018. He was previously the Chief Administrative Officer and Clerk to the Board for James City County from 2014 to 2017; he previously spent seven years with Beaufort County, South Carolina, as deputy county administrator. At James City County, Mr. Hill was responsible for oversight of staff, major infrastructure projects, economic development, transportation initiatives and the development and implementation of that county's first strategic plan. He led the realignment of James City County's debt portfolio, which resulted in AAA ratings from each of the three major bond rating agencies. Mr. Hill also has served as the vice chancellor for finance and operations at the University of South Carolina's Beaufort/Bluffton Campus, and as the director of finance for the University of Maryland's Office of Information and Technology as well as director of administration for the Department of Aerospace Engineering. He has a bachelor's degree in public administration from Alfred University and a master's degree in public administration from the University of Southern California.

Thomas G. Arnold, Deputy County Executive, was appointed effective February 26, 2022. As Deputy County Executive for Safety & Security, Mr. Arnold directly oversees the Public Safety Agencies and is a Liaison to Executive Director for Police Civilian Review Panel, Independent Police Auditor, Circuit Court, General District Court, and Office of the Sheriff. Previously, Mr. Arnold was an Assistant Fire Chief with the Fire and Rescue Department. Mr. Arnold has 21 years of service with the County. He began with the Fairfax County Fire and Rescue Department as a firefighter in 2001. He has also published papers on fire and rescue-related topics. Mr. Arnold holds a Master of Science in executive fire service leadership from Grand Canyon University and a Bachelor of Science in business administration from Pennsylvania State University. Mr. Arnold is a graduate of the National Fire Academy Executive Fire Officer Program (EFO), a Center for Public Safety Excellence Chief Fire Officer (CFO), and a member of the International Association of Fire Chiefs (IAFC).



Ellicia L. Seard-McCormick, Deputy County Executive, was appointed effective November 22, 2021. Ms. Seard-McCormick oversees the various departments that provide administrative operations for the County, including the Facilities Management Department, the Department of Cable and Consumer Services, the Department of Human Resources, the Department of Information Technology, the Office of Public Affairs, and others. She has more than two decades of experience as a County employee. Prior to her appointment, she was a Deputy Director of the Department of Management and Budget (DMB) where she led overall system coordination and decision-making for the County's enterprise resource planning (ERP) system for business functions related to overall human resource, financial, procurement and budget operations. She was also lead for multiple special projects, including countywide space planning and IT projects, a liaison to boards, authorities and commissions and the agencies that support them, and she served as a liaison for large-scale county reorganization efforts, among other duties. Ms. Seard-McCormick earned a Bachelor of Arts in Political Science and a master's degree in Public Administration, both from the University of North Carolina at Chapel Hill.

Christopher A. Leonard, Deputy County Executive, was appointed on January 2, 2021, by the Board of Supervisors. Mr. Leonard oversees the Park Authority and various departments that make up the provision of Health, Housing, and Human Services in Fairfax County. He has more than two decades of experience as a County employee, starting as a budget analyst in the Department of Management and Budget. Mr. Leonard spent the ten years prior to his current appointment serving as the Director of the Department of Neighborhood and Community Services. In that role, he led the considerable change management effort required for the consolidation of two existing county departments into one department, an effort that resulted in considerable savings. Mr. Leonard earned a bachelor's degree in sport management and a master's degree in public administration, both from West Virginia University.

Rachel O'Dwyer Flynn, Deputy County Executive, was appointed on January 22, 2019, by the Board of Supervisors. Ms. Flynn oversees the Department of Public Works and Environmental Services, the Department of Transportation, the Department of Code Compliance, Land Development Services, and the Department of Planning and Development. Ms. Flynn has 35 years of experience in both private and public organizations as an architect, urban planner, director of planning/building/economic development and real estate development executive. Before her appointment as Deputy County Executive, Ms. Flynn was the director of design management, planning and entitlements at Google, and from 2016-2018, she was the vice president of FivePoint Communities. Previously, Ms. Flynn served as the director of the Department of Planning and Building for the City of Oakland, California, from 2013-2016; the director of planning for Otak International in Abu Dhabi from 2011-2012; the director for the Department of Community Development for the City of Richmond from 2006-2011; and the director of the Department of Community Planning and Development for the City of Lynchburg from 1998-2006. Ms. Flynn has led efforts to develop award-winning master plans and city-wide general plans throughout her career. She has been honored with numerous awards from civic and professional organizations for implementing successful and complex plans, progressive environmental initiatives and innovative GIS/technology programs. Ms. Flynn holds a bachelor's degree in architecture and a master's degree in engineering management from Catholic University and a master's degree in public administration from Harvard University. Ms. Flynn is a licensed architect and a member of the American Institute of Architects.

Elizabeth D. Teare was appointed County Attorney by the Fairfax County Board of Supervisors effective July 1, 2016. Prior to her appointment, Ms. Teare served as the Deputy County Attorney for the Land Use and Environmental Law Section of the Fairfax County Attorney's Office from 2012 through 2016. From 2009 through 2012, she served as a Senior Assistant County Attorney and from 2000 to 2008 as an Assistant County Attorney. Prior to her tenure with the Fairfax County Attorney's Office, Ms. Teare was an associate attorney with a law firm known at that time as Surovell, Jackson, Colten & Dugan, P.C., in Fairfax, Virginia, from 1992 to 2000. She also worked as an Assistant Attorney General in Richmond, Virginia, in a temporary position from 1991 to 1992. Ms. Teare clerked for the Honorable

Rosemarie Annunziata, who was then a Fairfax County Circuit Court Judge, from 1990 to 1991. Ms. Teare has been appointed by the Supreme Court of Virginia to serve on the faculty of the Virginia State Bar's Harry L. Carrico Professionalism Course. In addition, she has lectured on land use and environmental law related issues for the Fairfax County Bar Association and the Local Government Attorneys of Virginia. Ms. Teare received a Bachelor of Arts degree from Sweet Briar College, magna cum laude with high honors in English, in 1986. In 1990, Ms. Teare received her Juris Doctorate degree, cum laude, from the Washington and Lee University School of Law and was admitted to the Virginia State Bar later that year.

Christina C. Jackson was appointed Fairfax County's Chief Financial Officer (CFO) effective September 13, 2021. Prior to assuming the duties of CFO, Ms. Jackson served as Director of the Department of Management and Budget of the County since July 2019 and served as Deputy Director from November 2015. Ms. Jackson received her bachelor's degree in Public Policy Studies and Political Science from Duke University and a Master of Public Affairs degree from the University of North Carolina at Greensboro. Ms. Jackson joined the Fairfax County Department of Management and Budget in December 2003 as a budget analyst.

Philip A. Hagen was appointed Director of the Department of Management and Budget for Fairfax County, effective November 19, 2022. Prior to his appointment, Mr. Hagen joined the Fairfax County Department of Management and Budget in November 2010 as a budget analyst and served as Deputy Director from October 2019. Mr. Hagen received his bachelor's degree in finance from the University of Florida and a Master of Public Administration degree from George Mason University.

Christopher J. Pietsch was appointed Director of Finance for Fairfax County effective December 30, 2013. From 2003 until his appointment as Director of Finance, Mr. Pietsch served as the Director of the Fairfax County Internal Audit Office. Prior to that, Mr. Pietsch spent 16 years working in bank auditing as well as governmental auditing with the Commonwealth. Mr. Pietsch is a graduate of James Madison University, Harrisonburg, Virginia, with a degree in finance. In addition, he is a Certified Public Finance Officer, a Certified Internal Auditor, and a Certified Bank Auditor.

### **County Employees**

As of July 2023, the School Board of Fairfax County, Virginia (the "School Board"), supported 25,526 full-time equivalent positions. The County supported 12,349 full-time equivalent positions in activities funded directly or supported by the General Fund and 1,392 full-time equivalent positions employed in activities not supported by the General Fund, principally the County's Integrated Sewer System (the "Integrated Sewer System").

During the 2020 legislative session, the Virginia General Assembly voted to provide localities and local school boards with the ability to collectively bargain with some public employees if permitted by the adoption of a local ordinance or resolution. The legislation was subsequently signed by the Governor with an amendment making this legislation effective May 1, 2021. Over several months, through its Personnel Committee, the Board received a presentation about the framework of collective bargaining under the newly enacted authority, discussed collective bargaining, and was presented with draft collective bargaining ordinances for its consideration. Consistent with Virginia law, the Board held a public hearing on the collective bargaining ordinance, and it was adopted on October 19, 2021.

Among other things, the ordinance prescribes the process by which an employee organization can be elected and certified as the exclusive bargaining representative for all employees in a bargaining unit. There are three recognized collective bargaining units per the County collective bargaining ordinance: Fire and Emergency Medical Services, Police, and General Government. Per the ordinance, negotiations

with a collective bargaining unit must commence no later than July 1 and conclude by October 15 of any year where an agreement is sought to be effective at the beginning of the next fiscal year.

On November 15, 2022, the International Association of Fire Fighters Local 2068 was certified as the exclusive representative of all employees in the Fire and Emergency Medical Services bargaining unit. Negotiations between the County and Local 2068 resulted in a tentative agreement, which has been ratified in accordance with the union's governing procedures.

On January 30, 2022, the Southern States Police Benevolent Association ("SSPBA") was certified as the exclusive bargaining representative for the Police bargaining unit. Negotiations between the County and the SSPBA resulted in a tentative agreement on all but two articles, which went to arbitration as provided under the collective bargaining ordinance. The arbitrator found for the SSPBA on one article and for the County on the second article. The tentative agreement has been ratified in accordance with the SSPBA's governing procedures.

In addition to ratification of the tentative agreements, to be enforceable the ordinance also requires a fiscal impact study by the Department of Management and Budget as well as a resolution adopted by the Board of Supervisors, no later than the last day of December 2023, specifying its good faith commitment to appropriate funding necessary for the County to meet its obligations under the tentative agreements. The Board of Supervisors adopted the resolutions on December 5, 2023. The resolutions remain subject to actual appropriation by the Board.

The Fairfax County Public Schools has separately established its own collective bargaining framework for its employees. In March 2023, the School Board approved a collective bargaining resolution, granting employees the right to collectively negotiate terms and conditions of employment. Eligible positions are assigned to one of the following bargaining units: Administrators and Supervisors, Licensed Instructional Staff, and Operational Employees. Employee Associations (unions) seeking certification to become exclusive representatives must become eligible to be included in an election ballot by demonstrating 30% or more employee support.

## **GOVERNMENT SERVICES**

Reflecting its urban character, Fairfax County provides a comprehensive range of public services characteristic of its form of government under Virginia law and its integral position within the Washington metropolitan area. The following subsections describe principal governmental services and services performed in conjunction with other governmental entities.

### **General Government Administration**

The County government center complex is located in the Fairfax Center area and is accessible by U.S. Routes 50 and 29, near Interstate Highway 66. The 675,000 square foot government center houses core County services and agencies. Three adjacent County office buildings provide an additional 760,000 square feet of space and house primarily human services, community development and public safety agencies and departments of the County. The County also occupies a 135,000 square foot governmental center for delivery of County services in the southeast part of the County, and has six remote governmental centers throughout the County. The centers provide office space for members of the Board of Supervisors, personnel, police, and building inspectors, and provide meeting rooms for community activities.

In June 2022, the International City/County Management Association ("ICMA") announced that it had awarded its Certificate of Excellence to Fairfax County for the 13th consecutive year. The County

is among only 31 jurisdictions across the nation being recognized for their superior efforts and results in performance measurement and management with this award – the organization’s highest level of recognition – from the ICMA Center for Performance Measurement™ (“CPM”). The Certificate of Excellence is the highest of CPM’s three levels of recognition, and pays special tribute to the County’s efforts in identifying and reporting to the public key outcome measures and surveying of residents and employees, as well as the pervasiveness of performance measurement in the County’s culture.

Fairfax County’s Annual Comprehensive Financial Report for the fiscal year ended June 30, 2022, received the Certificate of Achievement for Excellence in Financial Reporting for the 45th year from the Government Finance Officers Association (“GFOA”). Fairfax County has also earned GFOA’s Distinguished Budget Presentation Award for the past 39 years. This award represents the highest form of recognition in governmental budgeting and reflects the commitment of the governing body and staff to meet the highest principles of public budgeting. The Association of Public Treasurers of the United States and Canada (“APT”) has awarded the County certification for its investment policy every year since 1998, confirming that the County meets the high public investment standards set forth by the Association. Written investment policies submitted to the APT received vigorous peer team review for conformity with principles of sound investment management, careful public stewardship, and adoption of the profession’s best practices.

### **Public Schools**

Fairfax County Public Schools (“FCPS”) is the largest educational system in the Commonwealth and the twelfth largest school system nationwide, ranked by enrollment. The system is directed by a twelve-person School Board elected by County residents to serve four-year terms. A student representative with a one-year term participates in the School Board’s discussions but does not vote. Because the School Board is not empowered to levy taxes or to incur indebtedness, the operating costs of FCPS are provided by transfers to the School Board from the General Fund of the County and the federal and Commonwealth governments (see “FINANCIAL INFORMATION – General Fund Summary” herein). Capital construction funding for FCPS facilities is provided primarily by the sale of general obligation bonds of the County.

The FCPS system is a high-quality system offering a variety of programs. There is a strong academic program for college-bound students. More than 88% of FCPS graduates self-reported plans to enroll in post-secondary educational programs. In addition to the traditional academic curriculum, the Thomas Jefferson High School for Science and Technology provides a four-year college preparatory program for students who have a strong interest and high aptitude in mathematics, science, computer science, engineering, or related professional fields. The school is designated as one of the Governor’s magnet schools for science and technology, and students from other Northern Virginia counties are admitted on a tuition-paying basis.

FCPS also offers an extensive program for students pursuing opportunities in technical careers, with courses in business, health occupations, industrial technology, marketing, trade and industrial, and family and consumer sciences studies. In addition, there are special programs offered for gifted children and for students with disabilities spanning ages 2 through 21. FCPS also provides an extensive adult education program offering basic education courses and general education, vocational, and enrichment programs.

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As of FY 2024, the School Board operates 192 schools and 7 special education centers:

### Fairfax County Public Schools

<u>Type of School</u>	<u>Number of Public Schools</u>
Elementary School	142
Middle School	23
High School	22
Secondary School <sup>1</sup>	3
Alternative High School	2
Special Education Center	<u>7</u>
Total	199

*Source:* Fairfax County Public Schools FY 2024 Approved Budget

<sup>1</sup> Grades 7-12.

The number of students attending Fairfax County Public Schools decreased overall between FY 2015 and FY 2023. Enrollment for FY 2023 was 179,795. FY 2024 approved enrollment is 179,952 students, a decrease of 5,962 students over the FY 2015 enrollment.

### Fairfax County Public Schools Enrollment

<u>Fiscal Year</u>	<u>Number of Public School Students</u>	<u>% Change</u>
2015	185,914	-
2016	185,979	0.03
2017	186,842	0.46
2018	188,403	0.84
2019	187,474	(0.49)
2020	188,355	0.47
2021	179,748	(4.57)
2022	178,421	(0.74)
2023	179,795	0.77
2024	179,952	(0.09)

*Source:* Fairfax County Public Schools FY 2024 Approved Budget

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The average per pupil expenditures based on FY 2024 budget operating costs for several Washington metropolitan area jurisdictions are as follows:

### Washington Metropolitan Area Per Pupil Expenditures

<u>Jurisdiction</u>	<u>Per Pupil Expenditures</u>
Arlington County	\$23,521
Falls Church City	22,826
Alexandria City	20,777
Fairfax County	18,772
Loudoun County	18,719
Manassas City	15,755
Prince William County	15,406
Manassas Park City	13,546

*Source:* FY 2024 Washington Area Boards of Education Guide

*Note:* Data not available for Prince George’s County and Montgomery County, Maryland.

Of the Advanced Placement (“AP”) tests taken by FCPS students in 2022, 72% rated a score of 3 or above (on a grading scale of 1 to 5). In 2022, 35,223 AP tests were given, a decrease of 5% from 2019. Students who score a 3 or above on at least three AP exams are recognized by the College Board as AP Scholars; the total number of FCPS students recognized as AP Scholars decreased from 6,763 in 2019 to 6,111 in 2022.

For the 2021-2022 school year, FCPS’ average SAT score was 1185, compared with the Virginia average of 1124 and the national average of 1050.

### Public Works

The Department of Public Works and Environmental Services (“DPWES”) provides essential management, professional engineering, design, and construction services in support of the construction of roads, sidewalks, trails, storm drainage, sewers, street lights, bus shelters, and public facilities (except schools, housing, and parks). DPWES is also responsible for the acquisition of land for, and timely construction of, public facilities projects contained in bond referenda questions approved by the voters of Fairfax County. See “DEBT ADMINISTRATION – Bond Referenda Authorization” herein.

The County’s wastewater system provides sewer service to residents and businesses through a system of approximately 3,300 miles of sewer lines, 70 pumping stations, 57 metering stations and one treatment plant owned and operated by the County. Wastewater generated in the County is treated at one County-owned treatment facility (Noman M. Cole, Jr., Pollution Control Plant), four inter-jurisdictional treatment facilities (District of Columbia Water and Sewer Authority’s Blue Plains Facility, and plants operated by the Upper Occoquan Sewage Authority, Arlington County, and Alexandria Renew Enterprises), and one private treatment facility (Harbor View Wastewater Treatment Plant). The County’s treatment capacity in the six facilities totals 156.6 million gallons per day (“mgd”). In addition, the County has purchased 1.0 mgd from the Loudoun County Sanitation Authority and 0.1 mgd of capacity from the Prince William County Service Authority for future flow needs in the southern portion of the County. In July 2019, the County sold 0.5 mgd of its allocation at the Upper Occoquan Sewage Authority to the City of Manassas.

The County’s stormwater management program is managed on a comprehensive watershed basis and consists of regulatory compliance, dam safety and facility rehabilitation, stream and water quality,

emergency and flood control, conveyance system rehabilitation, contributory funding requirements, and operating support. The stormwater system has multiple projects and initiatives underway in support of the County's environmental priorities.

DPWES manages and operates the I-95 Sanitary Landfill located on approximately 500 acres in the southern portion of the County. This facility is operated on a "special fund" basis, which utilizes tipping fees to pay for the operation and capital expenditures of the landfill. Since January 1, 1996, the landfill has been dedicated to the disposal of ash generated primarily by the incineration of municipal solid waste at the Arlington/Alexandria Energy-from-Waste Facility and the I-95 Energy/Resource Recovery Facility ("E/RRF") located in Fairfax County. On older portions of the landfill, the County has initiated closure activities, which involve placing a synthetic or low permeability soil cap over the closed section of the landfill along with installation of landfill gas extraction wells and leachate collection systems. Capping activity has been completed on approximately 260 acres of the site. The closure project is a multi-phase construction project to continue through the remaining life of the facility. The County has established reserves for this purpose and has met the financial assurance requirements established by the Virginia Department of Environmental Quality regarding closure and post-closure care. Additional landfill requirements, whether debris or municipal solid waste, are met through separate contracts.

The E/RRF, which is operated by Covanta Fairfax, Inc., burns solid waste delivered to the facility from the County, other local governments, and merchants. The facility has a dependable electric capacity rating of 63 megawatts for sale to Dominion Virginia Power, although it has the ability to generate over 80 megawatts. Fairfax County and the Fairfax County Solid Waste Authority, which was created by the County, entered into a service contract in August 1987 with Ogden Martin Systems of Fairfax (now Covanta Fairfax, Inc.), under which Covanta Fairfax, Inc., was obligated to design, construct, operate, and maintain a 3,000 ton per day resource recovery facility at the I-95 Landfill Site. On April 11, 2014, the County and Covanta Fairfax, Inc. entered into a Waste Disposal Agreement ("WDA") that became effective on February 2, 2016, and had an initial five-year term that has since been extended to February 1, 2026. Under the WDA, the County's delivery commitment is 650,000 tons (as may be adjusted under the terms of the WDA). During FY 2022, the E/RRF processed 731,342 tons of material.

### **Water Supply Service**

Fairfax Water ("FW") provides retail water service to residents of Fairfax County and the Cities of Fairfax and Falls Church. In addition, FW supplies water for resale, principally in the City of Alexandria, Loudoun County, Prince William County, Fort Belvoir, Dulles International Airport and the Towns of Vienna and Herndon. The average total retail and wholesale population served by FW is estimated at 2,000,000 persons. FW, which operates the largest water system in the Commonwealth of Virginia, was established by the Board of Supervisors in 1957 to develop a comprehensive, County-wide water supply system through the acquisition of existing systems and the construction of new facilities. FW is an independent body administered by a ten-member board appointed by the Board of Supervisors. FW finances its capital improvements through the issuance of revenue bonds that are not backed by the full faith and credit of the County but principally repaid by revenues derived from charges for services rendered. Effective April 1, 2023, FW's basic retail water charge is \$3.65 per 1,000 gallons (increasing to \$3.84 per 1,000 gallons effective April 1, 2024), plus a quarterly service charge (effective April 1, 2023, \$14.95 for most single family homes and townhouses; increasing to \$15.60 effective April 1, 2024). To pay for treatment and pumping capacity that is used only during periods of high demand, FW also levies a peak use charge of an additional \$4.00 per 1,000 gallons (effective April 1, 2023; increasing to \$4.10 effective April 1, 2024), on customers who exceed their winter quarter consumption by 6,000 gallons or 30%, whichever is greater. There also are fees for initial connection to the system and for opening, closing, or transferring an account.

FW uses three sources of water supply (Occoquan and Potomac Rivers and the Washington Aqueduct), operates associated treatment, transmission, storage, and distribution facilities, and provides service to approximately 283,000 retail accounts in Fairfax County, with an average production of about 166 million gallons per day (“mgd”) (based on the fiscal year ended December 31, 2023). The combined maximum daily capacity of the supply and treatment facilities is 376 mgd, which is sufficient to meet current demand.

Under an agreement with the Board of Supervisors, FW annually submits a 10-year capital improvement program which is reviewed and approved by the Board of Supervisors as part of the County’s total capital improvement program. FW’s 10-year Capital Improvement Program for FY 2024-2033 includes projects totaling \$127 million.

### **Environmental Initiatives**

In July 2019, the County launched its Office of Environmental and Energy Coordination (“OEEC”) to advance environmental and energy priorities. The creation of the OEEC reflects the County’s commitment to environmental and sustainability initiatives. The Sustainability Initiatives Report for fiscal year 2020 provides an overview of many of the projects and programs in support of the targets, goals and policies adopted by the Board of Supervisors. Additional information regarding OEEC, including its targets, goals, and policies, can be found at <https://www.fairfaxcounty.gov/environment-energy-coordination/>.

On July 13, 2021, the Board of Supervisors adopted a new greenhouse gas emissions reduction goal through the Carbon Neutral Counties Declaration. Led by Fairfax County, the Carbon Neutral Counties Declaration provides a mechanism for counties across the country to commit to operational emissions reductions. By signing the declaration, Fairfax County pledged to be energy carbon neutral by 2040, to work with state and federal counterparts to advance this goal and to ensure it is implemented equitably.

Also on July 13, 2021, the Board of Supervisors adopted an update to the Fairfax County Operational Energy Strategy (“OES”), which includes an overarching goal of carbon neutrality. To significantly reduce the fossil fuel usage and resulting carbon emissions of County government operations, the updated OES sets ambitious goals across eleven focus areas and provides examples of supporting actions that can be taken to help achieve these reductions. All County buildings that begin design after July 13, 2021, will be designed in compliance with the OES. The full OES can be found on the County’s website at:

[https://www.fairfaxcounty.gov/environment-energy-coordination/sites/environment-energy-coordination/files/assets/documents/2022%20ff%20sustainability%20report\\_508.pdf](https://www.fairfaxcounty.gov/environment-energy-coordination/sites/environment-energy-coordination/files/assets/documents/2022%20ff%20sustainability%20report_508.pdf)

In addition, the Board of Supervisors and School Board formed the Joint Environmental Task Force, or JET, with the mission of joining the political and administrative capabilities of the county and the school system to proactively address climate change and environmental sustainability. The JET issued its Final Report in October 2020 with an overarching recommendation of energy carbon neutrality by 2040 and supporting recommendations in the areas of energy, transportation, waste and recycling, and workforce development. In October 2020, the Board of Supervisors accepted the JET’s Final Report and directed staff to begin work on an implementation plan.

On November 1, 2022, the Board of Supervisors adopted Resilient Fairfax, the County’s first climate adaptation and resilience plan. Resilient Fairfax focuses on climate effects, with the goal of helping Fairfax County adapt to increasing climate hazards experienced locally. There are 48 strategies in



the Resilient Fairfax plan, including 18 prioritized strategies. These strategies are organized into four main pillars: Integrated Action Planning, Climate Ready Communities, Resilient Infrastructure and Buildings, and Adaptive Environments. The plan includes detailed implementation roadmaps for each of the 18 prioritized strategies.

## **Transportation**

### *General*

Fairfax County is served by various highway, rail, and air transportation facilities. The Capital Beltway (Interstate Highways 95 and 495), Interstate Highways 395 and 66, and the Dulles Toll Road provide access to all parts of the Washington metropolitan area and major surface transportation corridors along the eastern seaboard. The Washington Metropolitan Area Transit Authority (“WMATA”) Metrorail system provides area residents with one of the largest and most modern regional transit systems in the world.

Two major airports serve the County with daily national and international service. Washington Dulles International Airport (“Dulles Airport”), located along the County’s western boundary, is also the site of a designated Foreign Trade Zone. Ronald Reagan Washington National Airport, located a few miles east of the County, is accessible by Interstate Highways 66 and 395. In 1987, control of these facilities was transferred by a 50-year lease from the federal government to the Metropolitan Washington Airports Authority (“MWA”), a public authority created by inter-jurisdictional compact between the Commonwealth and the District of Columbia. In June 2003, the lease was extended to 2067.

Ground transportation receives significant attention from the County, primarily in an effort to relieve traffic congestion along the major arterials leading to Washington, D.C., and also to facilitate cross-County movement, connecting established and developing centers of commerce and industry. Recent efforts have included increased local funding for highway improvements, establishment of transportation improvement districts, creation of County transit systems, continued participation in WMATA, and other improvements which encourage increased use of Metrorail, bus services, and carpooling. The County also participates in a regional commuter rail system to expand transportation services available to County residents. In Virginia, the Commonwealth is generally responsible for highway construction and maintenance. However, highway improvement needs in Fairfax County far exceed the highway revenues available from the Commonwealth.

Since 1993, funding for County transportation projects has been received from Commonwealth bond financing, Federal Highway Reimbursement Anticipation Notes, Commonwealth general funds, fuel tax collections, County bond financing, Northern Virginia Transportation Authority tax collections and other revenue sources. A few of the many projects supported by these funding sources have included the Fairfax County Parkway, the County’s share of capital costs for the WMATA’s Metrorail system, the Dulles Toll Road, and improvements to U.S. Route 1, U.S. Route 29, I-66, I-95, I-495, the Fairfax County Parkway, State Route 7, and State Route 28.

### *Metro Transit System*

Since 1970, Fairfax County and the other major political subdivisions in the Washington, D.C., metropolitan area have contracted with WMATA to finance, construct and operate a 103-mile Metrorail subway and surface rail transit system. Funding for the construction of the Metrorail system has come from direct Congressional appropriations and by direct local contributions. Five Interim Capital Contributions Agreements between WMATA and the participating political jurisdictions were executed to fully fund and complete the original 103-mile adopted regional system. In July 2014, 11.5 miles of the

Silver Line extension were completed and began operation. On November 15, 2022, an additional 11.6 miles were added to the system with completion of Phase II of the Silver Line, with new tracks connecting downtown Washington, D.C., to Washington Dulles International Airport and the terminus in Loudoun County.

WMATA's Board of Directors periodically adopts a Capital Improvement Plan ("CIP"), which prioritizes and maintains the existing capital plant and rolling stock of the Metrobus and Metrorail systems. The regional counter-parties to WMATA periodically agree to updated funding agreements regarding their portion of capital priorities and infrastructure renewal projects. The County issues bonds as the primary source of the County's share of WMATA's CIP.

In 2018, the Virginia General Assembly adopted legislation to provide annual dedicated funding sources to WMATA to address long-term capital needs. Revenue sources previously dedicated to the Northern Virginia Transportation Authority for the Transient Occupancy Tax and Grantor's Tax, in addition to redirecting two statewide revenue sources (state recordation tax currently used to pay bonds from the Northern Virginia Transportation District Fund and motor vehicle rental tax revenues), have been redirected to WMATA. Also, a price floor on the regional gas tax was established to provide further dedicated funds to WMATA.

The County's operating assistance to WMATA is funded from the General Fund, gasoline tax receipts, and State aid. Fairfax County's share of the bus and rail operating subsidies for FY 2015-FY 2024 are shown in the following table:

**Fairfax County WMATA Operating Subsidies  
(Millions of Dollars)**

Fiscal Year	Bus Operations <sup>1,2</sup>	Rail Operations <sup>1</sup>	ADA Para-transit <sup>1</sup>	Less State Aid <sup>3</sup>	Less Gas Tax Receipts <sup>4</sup>	Adjustments and Interest Applied	Net General Fund
2015	\$53.349	\$39.271	\$13.367	\$69.971	\$24.501	\$1.974	\$9.541
2016	57.820	46.666	13.661	91.867	17.262	0.168	8.850
2017	63.200	42.186	13.262	91.247	15.841	0.701	10.859
2018	63.732	58.237	13.417	106.977	16.631	0.874	10.904
2019	63.106	62.230	14.884	108.403	18.407	1.039	12.371
2020	65.273	70.136	20.803	95.546	18.287	1.292	41.087
2021	56.894	75.706	20.188	83.314	7.522	0.300	61.652
2022	62.089	67.381	23.334	57.444	7.751	0.000	87.609
2023	74.111	69.092	20.028	102.450	14.331	4.640	41.810
2024	66.091	80.931	20.851	110.028	13.000	0.000	44.845

Sources: Fairfax County Department of Transportation and Department of Management and Budget

<sup>1</sup> The amounts shown for operating subsidies represent actual disbursements in those years. Adjustments based on final WMATA annual audited figures are incorporated in the fiscal year in which the credit for an overpayment was applied or a debited amount was paid rather than the fiscal year in which the credit or debit was earned. fiscal years 2015-2023 are actual amounts, and fiscal year 2024 is an estimate.

<sup>2</sup> Includes other service enhancements.

<sup>3</sup> Virginia law permits the use of State aid for transportation to fund transit program operating costs in addition to transit program capital costs.

<sup>4</sup> A 2% retail gasoline tax is dedicated to mass transit costs in those Northern Virginia jurisdictions covered by the Northern Virginia Transportation Commission ("NVTC"). The receipts from this tax are paid to NVTC, which then allocates these funds to participating jurisdictions for payment of transit operating, capital and debt service costs.

### *Tax Districts*

Transportation improvement districts provide another source of funding for transportation improvements in the County. The County, together with Loudoun County, a neighboring jurisdiction, formed the Route 28 Highway Transportation Improvement District (the “Route 28 District”) in 1987 to accelerate highway improvements proposed by the Commonwealth to State Route 28. State Route 28 runs approximately parallel to the County’s western border and connects State Route 7 in eastern Loudoun County to U.S. Route 50 and Interstate Highway 66 in western Fairfax County. The initial improvements, which consisted of expanding State Route 28 from two to six lanes, with additional turning lanes, are now complete. State Route 28 provides access to Washington Dulles International Airport, as do the Dulles Access Road and the Dulles Toll Road, both of which connect the Capital Beltway to Dulles Airport. Such improvements were financed from proceeds of a special improvements tax (the “Route 28 Special Improvements Tax”) collected from owners of real property zoned for commercial and industrial use in the Route 28 District and bonds issued by the Fairfax County Economic Development Authority (the “EDA”) secured by the Route 28 Special Improvements Tax collections.

In 2001, the Virginia General Assembly enacted legislation permitting the creation of one or more special transportation taxing districts located between the West Falls Church Metrorail station and the Dulles Airport area to provide a means of financing an extension of rail service in the Dulles Corridor. The structure of any such district is modeled after the existing Route 28 District. In February 2004, pursuant to a petition submitted by landowners representing a majority of the assessed value of property zoned for commercial or industrial use in the Tysons and Reston commercial districts, the Board of Supervisors formed the Phase I Dulles Rail Transportation Improvement District (the “Phase I District”) to provide funds to support the County’s share of Phase I of a proposed expansion of the Metrorail system to Dulles Airport and beyond (“Phase I”). Funds for financing the County’s \$400 million share of the Phase I expansion of the Metrorail system are provided from a real estate tax levy on all property zoned for commercial and industrial use in the Phase I District (the “Phase I Special Improvements Tax”). In December 2013, the County provided to MWAA its required \$400 million share for the Phase I Project from the proceeds of the Phase I Special Improvements Tax and from bonds issued by the EDA secured by the Phase I Special Improvements Tax collections. Metrorail service for Phase I began in July 2014.

Phase II of the Silver Line expansion of the Metrorail system (“Phase II”) opened for service on November 15, 2022, completing the 23-mile line to Dulles Airport and beyond into Loudoun County. In October 2009, the County received a valid petition to form another special tax district comprised of the Reston-Herndon-Dulles commercial districts to provide \$330 million toward the County’s portion of the Phase II financing. The Phase II tax district was approved by the Herndon Town Council on November 11, 2009, and by the Fairfax County Board of Supervisors on December 7, 2009. On May 9, 2014, the United States Department of Transportation (“USDOT”) approved an application of the County to receive loans in the aggregate principal amount of up to \$403,274,894 plus capitalized interest to fund County obligated Phase II project costs (the “TIFIA Loan”). The TIFIA Loan closed on December 17, 2014. As of June 30, 2023, the outstanding balance on the TIFIA Loan, including accrued interest, was \$398,909,166. The County prepaid \$38,464,783 of the TIFIA Loan principal on November 17, 2022, and an additional \$27,700,000 of TIFIA Loan principal on October 2, 2023.

### *County Transit Systems*

Within the County, the Fairfax Connector System provides feeder bus service to Metrorail Stations. The Fairfax Connector operates 91 routes to 17 Metrorail Stations, which include the Dunn Loring, Crystal City, Franconia-Springfield, Huntington, McLean, Pentagon, Pentagon City, Spring Hill, Tysons, Van Dorn Street, Vienna, West Falls Church, Wiehle-Reston East, Reston Town Center, Herndon, Innovation Center, and Washington-Dulles International Airport stations. Private contractors

operate and maintain the service and have the responsibility to employ and supervise all transit personnel, while the Board of Supervisors maintains control and approves all policies for bus service such as routes and service levels, fare structures, and funding assistance. The Fairfax Connector System is supported from General Fund and fare box revenues. FY 2023 actual results also include support of \$11.9 million from State aid. The Fairfax Connector carried approximately 5.1 million passengers in FY 2022, and approximately 8.4 million passengers in FY 2023. FY 2024 ridership is anticipated to be approximately 8.9 million. Fairfax Connector System expenditures totaled approximately \$144.8 million in FY 2023, and are projected to be \$188.7 million in FY 2024, including capital expenditures. The County runs three permanent maintenance and garage facilities for the Fairfax Connector System, with bus operations management provided by a third-party contractor.

### *Commuter Rail*

Fairfax County is a member of the Northern Virginia Transportation Commission and, in cooperation with the Potomac and Rappahannock Transportation Commission, is a participating jurisdiction in the operation of the Virginia Railway Express (“VRE”) commuter rail service. Since October 2021, the service consists of eight peak period trips from south of the County in Spotsylvania County to north of the County in the District of Columbia and eight peak trips that run from west of the County in the City of Manassas to north of the County in the District of Columbia. Under a Master Agreement among VRE’s participating jurisdictions, the County is to contribute to capital, operating, and debt service costs of the VRE on a pro rata basis according to its share of ridership. The County’s share of the FY 2024 commuter rail operating and capital budget is \$5.0 million.

### **Parks, Recreation and Libraries**

Fairfax County provides a variety of recreational, educational, and cultural activities and services. In FY 2022, the Fairfax County Public Library system (the “Library System”) made more than 10.5 million loans and recorded more than 2.4 million visits to its 23 branches, which represented an increase from the prior fiscal year’s 10.1 million loans and 1.2 million visits. In both FY 2021 and 2022, the Library System recorded over 1.8 million user visits to its web site. The Library System offers free events and activities, including puppet shows for toddlers, story time for school-aged children, book discussion groups for teens, author visits for adults, and English conversation classes for English for Speakers of other Languages customers (or new arrivals). The Library System also makes library services available and accessible to people who have disabilities or are homebound.

The Department of Neighborhood and Community Services provides a variety of recreational, community, and human services for County residents. These services include senior adult programs and centers, therapeutic recreation services for individuals with disabilities, a variety of youth programs including recreational activities at youth centers, community-based recreational opportunities, support for Fairfax County’s various volunteer sports councils and leagues, and a variety of volunteer opportunities.

Fairfax County also operates an extensive park system that provides a variety of recreational activities and facilities. Under the direction of a 12-member Park Authority Board appointed by the Board of Supervisors, the Fairfax County Park Authority (“FCPA”) works with constituents, government leaders and appointees to implement Park Authority Board policies, preserve and protect natural and cultural resources, and facilitate the development of park and recreation programs and facilities. FCPA oversees operation and management of a 23,636-acre County park system with 420 parks, nine recreation centers, eight golf courses, an ice skating rink, 228 playgrounds, 665 public garden plots, seven nature centers, three equestrian facilities, 452 FCPS athletic fields, 52 synthetic turf fields, 260 Park Authority-owned athletic fields, 136 historic buildings across 38 park sites, two waterparks, a horticultural center, and more than 334 miles of trails. In FY 2022, FCPA welcomed 12.73 million visitors to 420 parks,

groomed fields for more than 200 youth and adult sports organizations, improved its 337-mile trail system, and worked to control non-native invasive plants, promote native species and preserve woodlands and green open spaces.

FCPA charges fees for the use of certain park facilities including the recreation and fitness centers, classes, camps, programs and golf courses, which are operated on a cost recovery basis, and represent approximately 60% of FCPA's funding. The remaining operating funds are appropriated by the Board of Supervisors from the County's combined general fund, providing the main operating funds for natural and cultural preservation and protection, administrative tasks, general access parks, planning and development, and park maintenance and operations. User fees do not cover the cost of new development of facilities, land acquisition, or the major renovation of existing facilities. These improvements are funded primarily through revenue bonds and general obligation bonds. General obligation bonds are primarily used for the renovation of existing facilities.

The NOVA Parks (formerly the Northern Virginia Regional Park Authority), an independent entity in which the County participates, operates 33 parks covering approximately 12,000 acres throughout Northern Virginia including the County. NOVA Parks is continually in the process of completing, acquiring, developing, or expanding its regional park facilities.

### **Community Development**

The Fairfax County Redevelopment and Housing Authority ("FCRHA") was established in 1966 to meet low and moderate income family housing needs. It owns or administers housing developments in Fairfax County with staff and funding provided from County, federal, Commonwealth, and private sources. As of August 2023, the FCRHA owns or operates 102 properties, which are comprised of approximately 3,900, including apartments, townhouses, senior retirement homes, assisted living facilities, and specialized housing units, including mobile home pads and beds in group homes. The FCRHA also administers 5,469 federal Housing Choice Vouchers and Rental Assistance Demonstration-Project Based Vouchers. In FY 2023, more than 17,000 people were served through the FCRHA's major affordable housing programs: the Housing Choice Voucher ("HCV") and the Rental Assistance Demonstration-Project-Based Voucher ("RAD-PBV") assistance programs and the Fairfax County Rental Program ("FCRP"). In FY 2023, the average income of households served in the HCV and RAD-PBV programs was approximately \$19,689, or 16% of Area Median Income for a family of two (the average size of the households served). This meets HUD's definition of "extremely low income."

The FCRHA has provided various financing resources to developers to help create or preserve privately-owned affordable multifamily rental developments. The FCRHA has issued fixed-rate bonds for 48 multifamily financings totaling approximately \$690 million. The Board of Supervisors adopted the Countywide and Tysons Workforce Dwelling Unit Administrative Policy Guidelines (the "WDU Policies") in 2007 and 2010, respectively. In February 2021, the Board of Supervisors approved an amendment to the WDU Policies to lower the eligibility threshold of the committed rental units from the previous limit of 120 percent of the Area Median Income ("AMI") to households earning between 60 and 80 percent of AMI. A study of WDU for-sale policy and program improvements is underway.

The WDU Policies were designed to encourage the development of rental and for-sale units affordable to households with a wide range of income throughout the County. The WDU Policies provide a proffer-based incentive system that encourages the voluntary development of WDUs in the County's high-density areas in exchange for a "density bonus" in these areas consistent with its Comprehensive Plan. The current WDU Policies create between 8 to 20 percent of total new units as WDUs for households earning up to 120 percent of AMI and allow a maximum density bonus of up to 20 percent.

As of November 28, 2023, the WDU Policies have produced approximately 2,262 WDUs (2,180 rental and 82 for sale).

In support of the County's affordable housing preservation goals, the Board adopted the Affordable Housing Preservation Policy into the Comprehensive Plan in March 2023. The policy seeks no net loss of existing multifamily affordable housing and a goal of one-for-one replacement of existing affordable units that are redeveloping.

## **Health and Welfare**

The County provides services designed to protect, promote, and improve the health and welfare of Fairfax County citizens through a decentralized human services program. Based on individual needs, County human service centers define a comprehensive assistance plan that utilizes the services provided by all County departments. The County operates human service centers in locations convenient to residents to provide financial, medical, vocational, and social services. The Fairfax-Falls Church Community Services Board ("CSB") is responsible for planning, organizing, and providing services to individuals who have a mental illness, intellectual disability, or a substance use disorder. The CSB provides state mandated services to assist, improve, and maximize the potential of individuals affected by these conditions and strengthen their capacity for living self-determined, productive, and valued lives. As part of the Fairfax County Human Services System, the CSB provides its services at many sites throughout the County, including seven community mental health centers, several outpatient sites, a detoxification center, group homes, consumer-operated drop-in centers, and several specialized residential treatment sites.

The County also provides subsidized day care programs for older adults and children of low-income families, two special needs centers that serve emotionally disturbed or physically challenged children, and group homes for youth with serious emotional disturbances. Residential treatment services are also offered in the areas of substance abuse as well as substance abuse outpatient and specialized day treatment programs. Vocational and residential programs are also available for adults with intellectual disabilities and serious mental illness.

Financial assistance and social services are available to eligible residents. For low-income families and individuals, the Department of Family Services ("DFS") administers federal, Commonwealth, and local programs, such as public assistance, employment and training, and subsidized child care, as well as programs targeted to at-risk children, such as child abuse prevention, Child Protective Services, Foster Care and Adoption, and services purchased under the Comprehensive Services Act. For older adults, DFS also administers programs that include federal funds granted to localities, Commonwealth funds and additional support from the County. The federal and state governments partially reimburse DFS for the cost of administering the programs based on an annual allocation to the County as well as program costs. DFS operates the County's School-Age Child Care ("SACC") program in 139 centers located in 136 Fairfax County public schools, one FCPS community building, one County recreation center, and one County community center. Approximately 11,000 children participate in before-and-after-school SACC programs during the school year and in full-day programs in the summer and during school vacations. Since FY 1986, the County has provided a comprehensive County transportation service, Fastran, for qualified elderly, disabled, and low-income persons. Transportation is provided by bus, van, or cab on a door-to-door basis to County programs, medical care, grocery stores, and other destinations.

## **COVID-19 Matters**

COVID-19, a respiratory disease caused by a new strain of coronavirus, first detected in China and since spread across the world, was declared a pandemic by the World Health Organization on March 11, 2020. The COVID-19 (Coronavirus) pandemic quickly and significantly changed the economic outlook across the country and the world, including within the County. On March 12, 2020, the Governor declared a state of emergency in the Commonwealth. Following such declaration, the Governor imposed a range of restrictions designed to mitigate the spread of COVID-19, including physical distancing, teleworking and universal mask-wearing requirements. In the spring of 2021, the Governor lifted many of the restrictions previously imposed. The state of emergency expired on June 30, 2021.

Throughout the pandemic, the County carefully and conservatively managed its financial position using multiple strategies. For example, in Spring 2020, County agencies were requested to defer all non-critical expenditures for the remainder of FY 2020 and all revenue categories were closely monitored. Additional budget reviews with the Board of Supervisors Budget Committee were added to the calendar to implement and enact changes, as needed, and to appropriate the funds received from federal stimulus acts. Additionally, the County identified savings that were set aside in a new General Fund Pandemic Reserve.

The financial and operating data contained herein are as of the dates and for the periods indicated, portions of which were prior to the outbreak of the COVID-19 pandemic. Such financial and operating data have not been updated to reflect any potential impacts of the COVID-19 pandemic on the County's general economic and financial condition.

## **County Stimulus Funding**

As of September 2023, the County has received, or is anticipated to receive, \$795.4 million, which includes the \$200.2 million from the Coronavirus Aid, Relief, and Economic Security ("CARES") Act Coronavirus Relief Fund ("CRF"), \$102.1 million anticipated as a result of approved FEMA reimbursements, \$270.2 million in grants and other awards outlined below, and \$222.9 million anticipated through the America Rescue Plan Act ("ARPA"). In addition, Fairfax County Public Schools ("FCPS") has been awarded funding of \$326.5 million. Stimulus funds provided to the County and FCPS total \$1.12 billion.

The Coronavirus Relief Fund was for expenses incurred between March 1, 2020, and December 31, 2021. The full allocation of \$200.2 million was fully expended, and the final report was submitted to the U.S. Department of Treasury in October 2022. This stimulus funding was expended to the following areas: Relief Initiative to Support Employers (RISE) Grant program to small businesses and non-profits, the County's public health response and contact tracing program, support for County residents requiring assistance for basic needs, medical isolation program for vulnerable residents, support for County small businesses and non-profits, costs related to personal protective equipment and enhanced sanitation practices, expenses related to expanded telework options for County employees, and support for the towns of Herndon, Vienna, and Clifton.

The County has submitted and has been approved for reimbursements totaling \$102.1 million through FEMA. County expenses incurred were for personal protective equipment, plexiglass, disinfectant, non-congregate sheltering, cleaning supplies, mass vaccination expenses, communications expenses and employee COVID-19 testing.

The County has also been awarded \$270.2 million in grants and other awards to support pandemic response efforts. Notable funding allocations were provided to the following areas. The

County received notification from WMATA of \$26 million in funding from the Federal Transit Administration (“FTA”) through the CARES act to support the County’s Connector bus transit system. The Virginia Department of Health provided the County approximately \$66.7 million to support the County’s contact tracing program, COVID-19 testing, support for community health workers, and the hiring of additional County epidemiologists. Funding of \$25.3 million was awarded from the Child Care Stabilization Grant Fund through ARPA in support of the School-Age Child Care program, the Employee Child Care Center, and the Lee District Preschool and Spring Hill Preschool. The County also received notification that it has been awarded \$71.6 million in Emergency Rental Assistance to aid households unable to pay rent and utilities due to COVID-19. The \$80.6 million balance of funding covers a number of County areas including support for low-income housing, utility payment relief, public safety personnel, and workforce development.

The County received \$222.9 million in additional direct federal assistance through ARPA. On June 8, 2021, the Board of Supervisors approved the \$111.5 million appropriation of the first tranche of funding received through the ARPA Coronavirus State and Local Fiscal Recovery Funds (“CSLFRF”). The second tranche of \$111.4 million was received on June 9, 2022, and was included for appropriation by the Board of Supervisors as part of the FY 2022 Carryover Review. Allowable uses of ARPA funds include the response efforts and revenue losses incurred as a result of COVID-19. The County has developed a spending plan that includes expenses relating to public health response, small business assistance, workforce development, affordable housing investments, and Fairfax County Park Authority support. The deadline to spend these funds is December 31, 2024, and they cannot be used to offset revenue losses resulting from tax rate reductions or to make pension plan payments.

The Fairfax County Public Schools has been awarded funding of \$326.5 million. This includes \$294.3 million in Elementary and Secondary School Emergency Relief (“ESSER”) Funds from the United States Department of Education and \$32.2 million from the Governor’s allocation of federal CARES money to assist public schools in Virginia.

County staff continue to provide periodic stimulus funding reports to the Board of Supervisors and abide by all federal reporting requirements.

### **Judicial Administration**

Fairfax County’s court system is one of the most sophisticated systems in Virginia in its use of advanced case management techniques and rehabilitation programs. The County uses automated systems to support case docketing and record retrieval, electronic filing and imaging in the land recordation process, juror selection, service of notices and subpoenas, and the processing of criminal and traffic warrants and collecting delinquent tax obligations.

The County has undertaken rehabilitation efforts through the Juvenile and Domestic Relations District Court and the Office of the Sheriff. These efforts include work training programs and counseling services for both adult and juvenile offenders. Additionally, residential treatment services are provided for juvenile offenders, and a work release program is provided for offenders confined in the County’s Adult Detention Center.

### **Public Safety**

A number of agencies share responsibility for public safety in Fairfax County. The Police Department, which is responsible for law enforcement, has an authorized strength of 1,525 police officers and 327 civilian personnel, with 10 positions supported by grant funding, effective July 1, 2023. The Police Department is accredited by the Virginia Law Enforcement Professional Standards Commission,



which signifies the Police Department’s compliance with standards that are specific to Virginia law enforcement operations and administration. The commanders of the eight police district stations located throughout the County have considerable latitude to tailor their operations to provide police services in ways most responsive to the needs of their respective communities, including community policing endeavors. The department has specialized units that operate as both standing (staffed full time) and non-standing units (staffed as needed), including the Helicopter Division, which operates two helicopters to provide support to general police operations, traffic monitoring, emergency medical evacuation, and rescue support; the Criminal Intelligence Unit, which provides an effective response to organized criminal activity including terrorist-related, gang, and bias crimes; the Gang Unit, which provides regional leadership directed at combating gang crime through prevention and enforcement initiatives; and the Language Skills Support Unit, which serves to bridge the gap in the diverse cultures in the community by providing language support for the successful resolution of major criminal investigations.

Over the past 10 years, the County has maintained one of the lowest rates of serious crimes among jurisdictions in the Washington metropolitan area and among comparable suburban jurisdictions throughout the United States. Additionally, the Police Department has continually attained a clearance rate for violent crimes such as murder, rape, and robbery far above the national averages for such offenses. At the same time, Fairfax County has maintained one of the lowest per capita costs for police services of all the local jurisdictions in the Washington metropolitan area.

Fire and rescue services are provided by 1,439 paid uniformed personnel, 190 paid civilian support personnel, and approximately 300 operational volunteers as of July 1, 2023. The County operates 38 fire and rescue stations. The department operates various specialty units, including paramedic engine companies, a hazardous materials response unit, a technical rescue operations team, an arson canine unit, and a water rescue team whose members are certified in swift water rescue. The department also supports regional, national, and international emergency response operations through maintaining and supporting the Urban Search and Rescue Team (“US&R”). US&R operates under the auspices of the Department of Homeland Security for domestic responses and is sponsored by the United States Agency for International Development/Office of Foreign Disaster Assistance for international deployments. In addition to emergency response, the department provides various non-emergency services.

The Office of Emergency Management serves as the County’s focal point for emergency preparedness and internal and external coordination to respond to natural, technological, and terrorist-related emergencies. Employees provide emergency management services for Fairfax County, including the Towns of Clifton, Herndon and Vienna. Major areas of focus include emergency management planning and policy, the County-wide emergency training and exercise program, public preparedness and education, and enhancement of response and recovery capabilities.

### **Certain Other Policies and Planning Documents**

#### *Cybersecurity*

The County’s Information Security Office (“ISO”) develops Information Technology (IT) Security Policy in accordance with County policies, standards and laws, and provides information security consultation and guidance to County agencies and departments. The ISO also conducts incident response, manages enterprise security devices and applications, and acts on incidents and violations.

The County’s IT Security Policy defines the minimum-security requirements of Fairfax County Government IT Assets, including the managerial, operational, and technical protection requirements and controls to ensure the confidentiality, integrity, and availability of County IT assets; and compliance with requirements of applicable federal, state, and local law and County policies and regulations. The IT

Security Policy applies to all County agencies, all existing and future implementations of information systems, communications, other technology and the internet of the Fairfax County Government.

The County maintains a comprehensive cyber insurance coverage policy.

#### *One Fairfax Policy*

The County adopted its One Fairfax Policy on November 21, 2017. The One Fairfax Policy defines expectations for consideration of racial and social equity, and in particular, meaningful community involvement when planning, developing, and implementing policies, practices, and initiatives. It provides a framework to advance equity in alignment with the County's stated visions and priorities. It helps the County and school leaders to look intentionally, comprehensively, and systematically at barriers that may be creating gaps in opportunity. It establishes shared definitions, focus areas, processes, and organizational structure. The One Fairfax Policy identifies 17 areas of focus to promote equity including community and economic development, housing, education, environment, and transportation.

#### *Countywide Strategic Plan*

The County adopted its Countywide Strategic Plan on October 5, 2021. The Strategic Plan establishes a framework to prioritize and integrate the elements that matter most to the County residents, and to find new and innovative ways to provide outstanding services, in an agile, responsive, and equitable manner. Throughout the Countywide Strategic Plan, the following themes continuously emerge: Access, Innovation, Affordability, Collaboration and Engagement, Placemaking and Sustainability.

The Board of Supervisors adopted the Ten Community Outcome Areas that represent the issues of greatest importance to the Fairfax County community as elements of the Strategic Plan. These Ten Community Outcome Areas were based on extensive community input over an 18-month outreach period. The County's Ten Community Outcome Areas include: Cultural and Recreational Opportunities, Economic Opportunity, Effective and Efficient Government, Empowerment and Support for Residents Facing Vulnerability, Environment, Health, Housing and Neighborhood Livability, Lifelong Education and Learning, Mobility and Transportation, and Safety and Security.

The County adopted a set of Indicators of Community Success and Proposed Strategies for each of the Ten Community Outcome Areas. The County intends to establish baseline data and measure progress over the next 10-20 years, using a set of metrics. More information regarding the Countywide Strategic Plan, including the Strategic Plan annual report, can be found on the County's website at: <https://www.fairfaxcounty.gov/strategicplan/>

#### *Financial Policies*

Information relating to certain material County financial policies is set out under the caption "FINANCIAL INFORMATION – Financial Policies" below.

## **ECONOMIC FACTORS**

### **Economic Development**

Economic development activities of the County are carried out through the Fairfax County Economic Development Authority ("EDA"), whose nine commissioners are appointed by the Board of Supervisors. EDA promotes Fairfax County as a premier location for business start-up, relocation and

expansion, and capital investment. It works with new and existing businesses to help identify their facility and site needs and assists in resolving County-related issues and provide other business assistance. Pursuant to its enabling legislation, EDA encourages investment in the County with conduit revenue bond financing.

The total inventory of office space in the County was estimated at over 119.7 million square feet as of mid-year 2023. At that time, construction activity totaled approximately 850,000 square feet. The direct vacancy rate for the office market was 17.1 percent as of mid-year 2023. Including sublet space, the office vacancy rate was 18.0 percent.

The base of technology-oriented companies, particularly in computer software development, computer systems integration, telecommunications, and Internet-related services, has served as a magnet for the expansion and attraction of business and professional services. Government contractors, as well as diversified business and financial services, have added to the demand for prime office space in a number of key employment centers throughout the County.

Overall resident employment increased 3.7 percent in 2022 after posting an increase of 2.6 percent in 2021. Resident employment in the County increased by 22,321 in 2022. At place employment in Fairfax County grew by 2.0 percent in 2022, an increase of 13,045 employees over 2021 totals. Federal civilian employment in the County makes up 4.3 percent of the total jobs in the County. Federal employment increased by 0.1 percent in 2022, after an increase of 8.2 percent in 2021. By percentage, the largest increase in at place employment between 2021 and 2022 occurred in the Management of Companies and Enterprises industry sector (13.7%) followed by Accommodation and Food Services (10.7%). County General Fund Revenue increased 4.7 percent in FY 2023 as the County's economy continued to recover from the pandemic. Real estate tax receipts rose 5.4 percent while current personal property tax receipts increased 12.0 percent. Current business professional and occupational license ("BPOL") tax revenue increased 5.8 percent. The combined consultant and business license categories, which represent almost 44 percent of total BPOL receipts and include federal contractors, increased 3.4 percent over the FY 2022 level. The remaining categories increased a combined 12.2 percent. Sales tax receipts rose 3.9 percent over the FY 2022 level.

There are over 120 hotels in the County, totaling over 18,500 hotel rooms. Hotel development parallels commercial construction in terms of diversity of concept and design with a variety of product and service mixes (all-suites, business meeting facilities, and leisure facilities) in the marketplace.

Improvements to the County's transportation system, including increased service levels at Washington Dulles International Airport, helped increase corporate activities dependent on immediate access to travel throughout the region, country, and world. The Metrorail service extension (the Silver Line) from the East Falls Church station, through Tysons through Dulles Airport, to Route 772 in Loudoun County will continue to help foster economic growth.

The Board of Supervisors and the County actively support revitalization and redevelopment throughout the County, particularly in its more mature business areas. Many enhancements have been made to the residential and commercial neighborhoods in Annandale, Bailey Crossroads/Seven Corners, the Lake Anne section of Reston, the Springfield and McLean central business districts, Merrifield, and the Richmond Highway corridor in the southeastern portion of the County. A number of capital improvement projects and other construction in process or already completed have improved the appearance and quality of life of these communities.

The most notable area of redevelopment in the County, Tysons – Fairfax County's "downtown" – is undergoing a transformative land-use replanning effort. Spurred by the Metrorail expansion project,

the County is working to set the stage for Tysons’s evolution into a more urban-scale, pedestrian-friendly environment, with more housing, recreation and open space in addition to more-dense office and retail development. Tysons currently has over 38.5 million square feet of office, retail, and other commercial space and is behind only downtown Washington’s Central Business District and the East End submarkets in the entire Washington D.C. metropolitan area in total office inventory, and has 15.1 million square feet of residential space. Now that the Metrorail expansion through Tysons and beyond has been completed, it is expected that Tysons will continue to have significant growth in population, employment and commercial, retail and residential space over the next several decades. County staff, in cooperation with private participants, created a 501(c)(6) membership organization known as the Tysons Partnership in January 2011. The Tysons Partnership provides a comprehensive approach to tasks that include marketing and branding, transportation, urban design/planning, public facilities and community amenities and finance. On January 8, 2013, the Board of Supervisors established, by ordinance, the Tysons Transportation Service District No. 1 (the “Tysons Service District”) to provide transportation infrastructure and transit services within Tysons. As the governing board of the Tysons Service District, the Board of Supervisors is empowered to levy and collect a tax on any property within Tysons Service District’s boundaries to finance the transportation infrastructure and transit services projects. The tax rate of \$0.04 per \$100 of assessed value was adopted by the Board of Supervisors as part of the FY 2014 Adopted Budget Plan, and this rate remained unchanged as part of the FY 2015 Adopted Budget. However, in the FY 2016 Adopted Budget Plan, the tax rate increased one cent from \$0.04 to \$0.05 per \$100 of assessed value. The tax rate has remained unchanged at \$0.05 per \$100 of assessed value from FY 2017 through the FY 2024 Adopted Budget Plans.

### **Employment**

As of the second quarter of 2023, there were more than 44,000 payroll business establishments (units) including global, corporate and regional headquarters, technology firms, sales and marketing offices, and business services located in Fairfax County, employing over 630,000. Local businesses create employment in diversified areas like computer software development and systems integration, technical services, management consulting, government contracting, Internet-related services, wholesale and retail trade, and financial services.

The following table presents data on the average number of payroll establishments and employment by major industry classification in Fairfax County as of the second quarter of 2023.

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**Businesses and Employment by Industry  
Fairfax County, Virginia<sup>1</sup>**

<u>Industrial Classification</u>	<u>Number of Establishments</u>	<u>Average Payroll Employment for Quarter</u>
Agriculture, Forestry, Fishing and Hunting	24	81
Mining, quarrying, and oil and gas extraction	13	72
Utilities	29	1,320
Construction	2,695	25,399
Manufacturing	574	5,357
Wholesale Trade	1,213	13,680
Retail Trade	2,638	48,179
Transportation and Warehousing	503	10,242
Information	1,142	22,445
Finance and Insurance	1,846	22,174
Real Estate and Rental and Leasing	2,029	9,585
Professional and Technical Services <sup>2</sup>	12,118	162,576
Management of Companies and Enterprises	455	24,624
Administrative and Waste Services	2,383	46,966
Educational Services	822	10,944
Health Care and Social Assistance	5,082	67,301
Arts, Entertainment, and Recreation	513	8,665
Accommodation and Food Services	2,590	43,702
Other Services except Public Administration	6,409	19,179
Unclassified	1,002	1,683
Federal Government, all industries	159	28,338
State Government, all industries	40	9,726
Local Government, all industries	<u>88</u>	<u>48,119</u>
Total	44,367	630,357

*Source:* Virginia Employment Commission, Quarterly Census of Employment and Wages, Fairfax County, second quarter of 2023

<sup>1</sup> Excludes self-employed business owners.

<sup>2</sup> The Professional and Technical Services category includes professional and technical services, health care and social assistance, management services, educational services, accommodation and food services, arts, entertainment and recreation, administrative and waste services, and membership organizations and trade associations.

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The following is a list of the 10 largest private, base sector (non-retail) employers as of January 2023. Companies are alphabetized in their size category.

### Largest Private Employers in Fairfax County

#### 5,000-10,000+ Employees

<u>Company Name</u>	<u>Type of Business</u>
Amazon	Professional, Technical Services
Booz Allen Hamilton*	Professional, Technical Services
Capital One*	Financial Services
General Dynamics*	Professional, Technical Services
Federal Home Loan Mortgage*	Financial Services
Inova Health System*	Health Care Services
SAIC*	Professional, Technical Services

#### 1,000-4,999 Employees

<u>Company Name</u>	<u>Type of Business</u>
The MITRE Corporation*	Professional, Technical Services
Navy Federal Credit Union*	Financial Services
Peraton*	Professional, Technical Services

Sources: Virginia Works, Virginia Employment Commission LMI, and Fairfax County Economic Development Authority, second quarter of 2023. Some companies may report jobs out of a Fairfax County location but jobs may be located elsewhere. Companies are in alphabetical order within ranges.

\*Company with headquarters in Fairfax County.

A list of the top ten new or expanded office projects within the County announced in 2022 is shown below:

### New or Expanded Commercial Projects

<u>Name of Company</u>	<u>Type of Business</u>	<u>Projected New/Additional Employment</u>
Peraton	Information technology	1,000
Clark Construction Group	Construction	530
22 <sup>nd</sup> Century Technologies	Information Technology	437
SmartRoof	Energy	410
Hilton Hotels Corporation	Hospitality Services	350
Pangiam	Aerospace and Defense	201
Avantus Federal	Information technology	185
Alarm.com	Information technology	180
Enabled Intelligence, Inc.	Artificial Intelligence/Machine Learning	117
KBR, Inc.	Architecture/Engineering/Landscape	117

Source: Fairfax County Economic Development Authority

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Unemployment in the County has historically been, and continues to be, well below the national average, even in challenging economic times. The following table shows the average annual unemployment rate in Fairfax County as compared to Virginia and national averages over the past decade.

#### Average Annual Unemployment Rates

<b>Calendar Year</b>	<b>Fairfax County</b>	<b>Virginia</b>	<b>United States</b>
2014	4.2%	5.2%	6.2%
2015	3.6	4.4	5.3
2016	3.2	4.0	4.9
2017	3.0	3.8	4.4
2018	2.4	3.0	3.9
2019	2.3	2.8	3.7
2020	5.8	6.2	8.1
2021	3.5	3.9	5.3
2022	2.5	2.9	3.6
2023 <sup>1</sup>	2.5	2.9	3.7

*Sources:* U.S. Bureau of Labor Statistics; data are not seasonally adjusted. Virginia Employment Commission

<sup>1</sup> The calendar year 2023 data represents the average unemployment rate from January 1, 2023, to October 31, 2023.

According to the Bureau of Labor Statistics, the average total number of jobs in the County was 637,903 in the second quarter of 2023. Self-employed persons are not included in these counts. The following table presents total covered employment in recent years:

#### Covered Employment<sup>1</sup>

<b>Second Quarter</b>	<b>Covered Employment in Fairfax County</b>	<b>% Change</b>
2014	588,507	-
2015	596,878	1.42%
2016	603,348	1.08
2017	610,318	1.16
2018	619,796	1.55
2019	630,536	1.73
2020	576,733	(8.53)
2021	604,959	4.89
2022	616,495	1.91
2023	637,903	3.47

*Source:* U.S. Department of Labor, Bureau of Labor Statistics, Quarterly Census of Employment Wages

<sup>1</sup> Covered employment means employees covered by state and federal unemployment laws.

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## Construction Activity

The following table includes data for residential and commercial construction activity in the County:

Fiscal Year	Building Permits				Estimated Housing Units Started
	Residential Properties		Industrial and Commercial Properties		
	Number <sup>1</sup>	Estimated Value (000s)	Number <sup>1</sup>	Estimated Value (000s)	
2014	10,469	\$895,638	5,054	\$660,063	4,154
2015	10,320	529,104	4,714	475,241	2,580
2016	10,268	616,151	4,844	496,006	2,961
2017	10,885	800,375	4,609	710,078	3,872
2018	11,243	659,928	4,836	743,057	3,982
2019	11,360	875,437	4,650	597,232	2,855
2020	9,005	959,102	6,711	820,010	3,657
2021	13,424	1,467,800	3,359	627,943	5,587
2022	13,499	1,154,965	3,556	605,491	2,612
2023	9,925	755,497	3,616	904,085	3,488

Sources: Building permits provided by Fairfax County Land Development Services, and estimated housing units started provided by the Weldon Cooper Center for Public Service, University of Virginia

<sup>1</sup> Includes new and alteration/repair permits issued. Does not include trade permits issued.

## Housing

Single-family detached housing units represented 45.6% of the total housing units within Fairfax County in 2023. Single-family attached housing accounted for 24.1%, and multi-family housing made up the remaining 30.3% in 2023. The median market value of all owned housing units, including condominiums, in Fairfax County in 2023 was estimated by the Department of Management and Budget to be \$661,564.

### Housing Units by Type of Structure

	2000		2010		2020		2023	
	No.	%	No.	%	No.	%	No.	%
Single-Family:								
Detached <sup>1</sup>	181,591	50.6	191,873	48.4	196,238	46.3	196,975	45.6
Attached <sup>2</sup>	87,171	24.3	98,972	25.0	101,893	24.0	104,331	24.1
Multi-Family <sup>3</sup>	<u>90,198</u>	<u>25.1</u>	<u>105,541</u>	<u>26.6</u>	<u>125,956</u>	<u>29.7</u>	<u>130,952</u>	<u>30.3</u>
Total	<u>358,960</u>	<u>100.0</u>	<u>396,386</u>	<u>100.0</u>	<u>424,087</u>	<u>100.0</u>	<u>432,258</u>	<u>100.0</u>

Sources: U.S. Bureau of the Census, U.S. Census of Housing (2000); 2010, 2020 and 2023 data from Fairfax County Department of Management and Budget. The 2000 and 2010 estimates do not include housing units located in Fort Belvoir.

<sup>1</sup> Single-Family detached includes all single-family homes and mobile homes.

<sup>2</sup> Single-Family attached includes duplexes, townhouses, and multiplex units.

<sup>3</sup> Multi-Family includes condominiums, apartments and other units in structures with a common entryway.



The average sale price of housing units within the County, comparing August 2022 with August 2023, is listed below:

#### Average Sale Price Housing Units

<u>Type of Structure</u>	<u>August 2023</u>	<u>August 2022</u>	<u>% change</u>
All Homes	\$845,311	\$721,095	17.2%
Detached Homes	1,122,304	972,777	15.4
Attached Homes	540,832	480,729	12.5

*Source:* Fairfax County Department of Management and Budget Economic Indicators – September 2023

#### Colleges and Universities

Seventeen institutions of higher education are located in Fairfax County: George Mason University, ITT Technical Institute, Marymount University, Missouri State University (Department of Defense Studies), Northern Virginia Community College, Potomac College, Stratford University, Strayer University, Trine University (Reston Education Center), University of Fairfax, University of North America, University of Phoenix, University of Virginia-Northern Virginia Center, Virginia International University, Virginia Polytechnic Institute, Washington Bible College – Capital Bible Seminary, and Westwood College. The Northern Virginia Center is a satellite location for University of Virginia and Virginia Tech degree programs in the County. George Mason University, with an enrollment of more than 33,000 students, offers over 200 degree and certificate programs. The Northern Virginia Community College serves more than 76,000 students in credit courses and non-credit workforce and professional development programs at six campuses and two centers throughout Northern Virginia. American University, George Washington University, Catholic University, and Virginia Commonwealth University also operate programs in the County's secondary schools and on military installations within the County.

#### Cultural Amenities

Wolf Trap Farm Park for the Performing Arts, a cultural facility internationally renowned for its ballet, symphony, concert, and opera offerings, and the only national park for the performing arts in the U.S., is located in north-central Fairfax County. Nearly 300 cultural organizations – theater and opera companies, music and dance groups, community arts centers, festivals, and other activities – are based in and around the County. The County also assists in supporting the Fairfax Symphony, an internationally recognized orchestra that provides a variety of musical programs and outreach services to County residents. Other well-known attractions in the County include Mount Vernon, the home of George Washington; Woodlawn Plantation, George Washington's wedding gift to his nephew; Gunston Hall, home of George Mason, author of the U.S. Bill of Rights and the first Constitution of Virginia; and the National Museum of the United States Army at Fort Belvoir. The region also boasts professional baseball, basketball, football, ice hockey, and soccer.

### DEBT ADMINISTRATION

#### Statement of Bonded Indebtedness

Pursuant to the Constitution of Virginia and the Public Finance Act (Code of Virginia of 1950, §15.2-2600 et seq.), a county in Virginia is authorized to issue general obligation bonds secured by a pledge of its full faith and credit. For the payment of such bonds, the Board of Supervisors of the County is required to levy, if necessary, an annual ad valorem tax on all property in the County subject to local taxation.

As of June 30, 2023, the County had outstanding the following amounts of general obligation bonds:

<u>Purpose</u>	<u>Total General Obligation Bonds</u>
School	\$1,569,082,100
General Government	<u>947,712,900</u>
Total General Obligation Bonded Indebtedness <sup>1</sup>	<u>\$2,516,795,000</u>

Source: Fairfax County Annual Comprehensive Financial Report FY 2023

<sup>1</sup> See "Debt Administration – Debt Service on Tax Supported Debt Obligations" herein for outstanding debt service as of March \_\_, 2024.

The County does not rely upon short-term borrowings to fund operating requirements. The County has never defaulted in the payment of either principal or interest on any general obligation indebtedness.

### **Limits on Indebtedness**

There is no legal limit on the amount of general obligation bonded indebtedness that Fairfax County can at any time incur or have outstanding. However, all such indebtedness must be approved by voter referendum prior to issuance. Since 1975, the Board of Supervisors has established as a financial guideline a self-imposed limit on the average annual amount of bond sales. In May 2018, the Board of Supervisors increased the bond sale target to \$1.5 billion over a five-year period, or an average of \$300 million annually, with the flexibility to expand to a maximum of \$325 million based on market conditions and/or priority needs in any given year. On December 7, 2021, the Board of Supervisors approved an additional increase to the County's bond sale limits from \$300 million to \$400 million with the County and the Schools each receiving an additional \$50 million. This increase was the result of a recommendation from a yearlong Joint Board of Supervisors and School Board Capital Improvement Committee that concluded its work in fall 2021. Applicable updates to the County's Ten Principles of Sound Financial Management with respect to these revised bond sale limits were included as part of the FY 2024 budget process. The actual amount of bond sales will be determined by the standard annual review of construction funding requirements and municipal bond market conditions.

The Board of Supervisors also has imposed limits which provide that the County's long-term debt should not exceed 3% of the total market value of taxable real and personal property in the County. The limits also provide that annual debt service should not exceed 10% of annual Combined General Fund disbursements. These limits may be changed by the Board of Supervisors, and they are not binding on future Boards of Supervisors of the County.

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### Bond Referenda Authorization

The following chart presents by purpose Fairfax County's authorized but unissued general obligation bond indebtedness as of March 31, 2024:

<u>Authorized Purpose</u>	<u>Principal Amount Authorized but Unissued as of March 31, 2024</u>
School Improvements	\$767,260,000
Public Safety Facilities	219,350,000
Transportation Improvements and Facilities	32,640,000
Parks and Park Facilities	99,070,000
Human Services Facilities	133,025,000
Library Facilities	<u>86,000,000</u>
Total	<u>\$1,337,345,000</u>

*Source:* Fairfax County Department of Management and Budget

### Other Tax Supported Debt Obligations

The Board of Supervisors of the County directly or indirectly appoints all or a portion of the governing body of several legally independent local and regional authorities that provide services to the County and its constituents. Such authorities include those that issue revenue bonds that are not general obligations of the County and issue debt supported directly or contingently by appropriations of tax revenues by the County. The full faith and credit of the County are not pledged to secure such bonds.

Beginning in 1996, the Fairfax County Redevelopment and Housing Authority ("FCRHA") has issued \$42,460,000 of revenue bonds in seven series to finance the construction or renovation of five community center buildings, two adult day health care centers, one Head Start facility and one senior center. The County was obligated by the terms of triple net lease agreements or payment agreements with FCRHA to pay amounts equal to debt service on FCRHA's bonds. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of funds for such purpose. The coincidental terms of the various bonds, lease agreements and payment agreements extend to May 1, 2029. On March 10, 2010, the EDA issued \$43,390,000 Revenue Bonds (Six Public Facilities Projects) (the "2010 Bonds") and provided a portion of the proceeds of the 2010 Bonds to the County to enable the County pursuant to its lease agreements with FCRHA to purchase five facilities financed from FCRHA bond issuances in 1996, 1998, 1999 and 2004. FCRHA used the funds provided by the County to redeem or defease the four series of bonds that financed the applicable facilities. On September 13, 2017, the original series issued by FCRHA in 2003 financing a head start facility was fully redeemed.

In July 2000, the Fairfax County Board of Supervisors entered into a Master Development Agreement with a private developer to finance and construct a 135,000 square foot government center in the southeastern region of the County. In November 2000, \$29,000,000 of Certificates of Participation ("Certificates" or "COPs") were issued, secured by a triple net lease on the property between the developer and the County. The County was obligated by the terms of the lease agreement to pay an amount equal to the debt service on the Certificates. The County accepted the government center as substantially complete in February 2002. A portion of the proceeds of EDA's 2010 Bonds were provided to the County to enable the County to exercise an option to purchase the government center (the "South County Government Center Purchase"). The purchase price provided by the County was used to defease

the COPs. The County is obligated by the terms of a contract with the EDA to pay amounts equal to debt service on the EDA's 2010 Bonds. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. In April 2019, the EDA issued Refunding Revenue Bonds, Series 2019 to refund the EDA's 2010 Bonds for debt service savings. The Series 2019 Bonds and the related contract extend to April 2032, which is no change from the 2010 Bonds.

In June 2003, EDA issued \$70,830,000 of Revenue Bonds (Laurel Hill Public Facilities Project), backed by a contract with the County. Approximately \$55,300,000 of the bonds were allocable to the financing of a new public secondary school in the southern part of the County and \$15,530,000 of the bonds were allocable to the financing of a new 18-hole public golf course in the southern part of the County. The County is obligated by the terms of a contract with EDA to pay amounts equal to debt service on EDA's bonds. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the bonds and the contract extend to June 2033. In April 2012, EDA issued its \$47,745,000 Revenue Refunding Bonds (Laurel Hill Public Facilities Projects), Series 2012A to refund a portion of the bonds issued in 2003. In November 2021, EDA issued \$53,475,000 Fairfax County Facilities Revenue Refunding Bonds Series 2021C (County Facilities Projects) (Federally Taxable), to advance refund certain outstanding maturities of the 2012A Laurel Hill Public Facilities Project Bonds, 2014 County Facilities Project Bonds, and 2017B County Facilities Projects Refunding Bonds (described below). In June 2022, the Series 2012A Bonds were redeemed as a whole.

On January 27, 2005, EDA issued \$60,690,000 of Revenue Bonds (School Board Central Administration Building Project Phase I) (the "School Board Building Bonds"), backed by a contract with the County. The bonds were issued to finance the purchase of certain property, including an existing office building thereon, the purchase of certain land adjacent thereto and the improvement of the existing building for use by the School Board as an administration building. The County is obligated by a contract with EDA to pay amounts equal to debt service on the School Board Building Bonds. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the School Board Building Bonds and the contract extend to April 2035. In June 2014, EDA issued \$170,690,000 Fairfax County Facilities Revenue and Refunding Bonds Series 2014A (County Facilities Projects) to refund a portion of the School Board Building Bonds. In November 2021, EDA issued \$110,485,000 Fairfax County Facilities Revenue Refunding Bonds Series 2021D (County Facilities Projects) (Federally Taxable), to advance refund certain outstanding maturities of the 2014A County Facilities Projects Bonds (described below).

On December 27, 2005, the Fairfax County Park Authority ("FCPA") issued two promissory notes in the aggregate amount of \$12,900,000 for the purpose of providing a portion of the purchase price of a conservation easement for preservation purposes on an approximately 41-acre parcel of land, and options to purchase certain land. This land is known as "Salona," a historic site within the County. The County is obligated by the terms of a contract with FCPA to pay amounts sufficient to pay the principal and interest installments on the promissory notes when due. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the promissory notes and contract extend to December 2025.

On November 28, 2007, FCRHA issued \$105,485,000 Bond Anticipation Notes (Affordable Housing Acquisition) Series 2007B (the "Series 2007B Notes"). The Series 2007B Notes were issued for the purpose of providing a portion of the funds required for the purchase of a multi-family rental housing complex located in Annandale, Virginia. In 2008, FCRHA issued bond anticipation notes to refinance the Series 2007B Notes. On August 20, 2009, FCRHA issued its Revenue Bonds (Affordable Housing Acquisition) Series 2009 in the aggregate amount of \$94,950,000 (the "Series 2009 Bonds") to pay a

portion of the principal amount of the 2008 outstanding bond anticipation notes. A portion of the principal amount of the 2008 bond anticipation notes, and the interest due on such notes, was paid from money set aside to promote affordable housing. On August 13, 2019, FCRHA issued its Revenue Refunding Bonds (Wedgewood Affordable Housing Acquisition) Series 2019 in the aggregate amount of \$61,795,000 (the “Series 2019 Bonds”) to refund a portion of the principal amount of the Series 2009 Bonds outstanding. The County is obligated by the terms of a payment agreement with FCRHA, subject to the appropriation of funds for the purpose, to pay amounts equal to the interest on and the principal of the Series 2019 Bonds. The coincidental terms of the Series 2019 Bonds and the related payment agreement extend to October 2039.

In July 2011, EDA issued \$99,430,000 of Revenue Bonds (Wiehle Avenue Metrorail Station Parking Project) (the “2011 Wiehle Bonds”). The bonds were issued to finance a portion of the costs of construction of a public parking facility to serve the Wiehle Avenue Metrorail Station that was constructed as part of the extension of Washington Metropolitan Area Transit Authority’s Metrorail System in the Dulles Corridor. The County is obligated by contract with EDA to pay amounts equal to debt service on the 2011 Wiehle Bonds. The County’s obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the bonds and the contract extend to August 2034. On May 5, 2020, EDA issued \$62,285,000 of Revenue Refunding Bonds (Wiehle Avenue Metrorail Station Parking Project), Series 2020 (the “2020 Wiehle Bonds”), to refund for debt service savings all of the 2011 Wiehle Bonds maturing on or after August 1, 2021.

In May 2012, EDA issued \$65,965,000 of Fairfax County Facilities Revenue Bonds, Series 2012A (Community Services Facilities Projects) (the “2012 EDA Bonds”), backed by a contract between the County and EDA. The bonds were issued to finance the improvement of certain properties to be used by the County as a mental health facility and as a neighborhood community center. The County is obligated by a contract with EDA to pay amounts equal to debt service on such bonds. The County’s obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the bonds and the contract extend to March 2042. In August 2017, EDA issued its 2017B County Facilities Projects Refunding Bonds (hereinafter defined) to refund certain outstanding maturities of the 2012 EDA Bonds. In November 2021, EDA issued \$13,865,000 Fairfax County Facilities Revenue Refunding Bonds Series 2021B (County Facilities Projects), to current refund all of the outstanding maturities of the 2012A Bonds.

In November 2013, the County issued an \$11,085,000 special subfund revenue bond (the “2013 VRA Bond”) to Virginia Resources Authority (“VRA”). In return for issuing the 2013 VRA Bond, VRA provided the County with a portion of the proceeds realized from its autumn 2013 pooled financing bond transaction. The 2013 VRA Bond was issued to finance renovations to a complex that serves as a senior housing and assisted living facility, a senior center and an adult day health care center in the County. The County is obligated by a contract with VRA to pay amounts equal to the debt service on the 2013 VRA Bond. The County’s obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the 2013 VRA Bond and the contract extend to October 2033.

In June 2014, EDA issued \$170,690,000 of Fairfax County Facilities Revenue and Refunding Bonds Series 2014A (County Facilities Projects) (the “2014A County Facilities Projects Bonds”). The 2014A County Facilities Projects Bonds were issued to provide funds to finance the costs of the construction of a building to serve as a public safety facility for the County and the construction of a related parking garage, to refund and redeem prior to their respective maturities certain outstanding School Board Building Bonds and to capitalize interest on a portion of the Series 2014A County Facilities Projects Bonds. The County is obligated by a contract with EDA to pay amounts equal to debt service on

such bonds. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the Series 2014A County Facilities Projects Bonds and the contract extend to October 2034. In November 2021, EDA issued \$110,485,000 Fairfax County Facilities Revenue Refunding Bonds Series 2021D (County Facilities Projects) (Federally Taxable), to advance refund certain outstanding maturities of the 2014A County Facilities Projects Bonds.

In June 2014, EDA issued \$30,175,000 of Fairfax County Facilities Revenue Bonds Series 2014 B (Federally Taxable) (County Facilities Projects) (the "2014B County Facilities Projects Bonds, and together with the 2014A County Facilities Projects Bonds, the "2014 County Facilities Projects Bonds") to provide funds to permanently finance the leasehold acquisition from LAF, LLC, of the Workhouse Arts Center located in the southeastern corner of the County, for a price sufficient to enable the lessee to retire all of its indebtedness relating to the Workhouse Arts Center. The County leased the 55-acre site and existing historic structures of the Lorton Correctional Complex to the lessee in 2006, and the lessee incurred over \$50 million in debt through EDA to finance improvements to convert the Complex into a center for visual and performing arts. The County plans to provide for the continuation of the existing educational and cultural programs at the Center, while the County conducts a study of the optimum uses of and develops plans for further improvements to the Center. The County is obligated by a contract with EDA to pay amounts equal to debt service on such bonds. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the 2014B County Facilities Projects Bonds and the contract extend to October 2033. In November 2021, EDA issued \$53,475,000 Fairfax County Facilities Revenue Refunding Bonds Series 2021C (County Facilities Projects) (Federally Taxable), to advance refund certain outstanding maturities of the 2012A Laurel Hill Public Facilities Project Bonds, 2014 County Facilities Project Bonds, and 2017B County Facilities Projects Refunding Bonds.

On December 17, 2014, EDA entered into a loan agreement with the United States Department of Transportation and obtained a Transportation Infrastructure Financing and Innovation Act ("TIFIA") loan in the principal amount up to \$403,274,894 (plus capitalized interest). Proceeds from the TIFIA loan are being used to finance the County's share of Phase II of the Silver Line Metrorail expansion. The County is obligated by a contract with the EDA to pay amounts equal to debt service on the TIFIA loan. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The terms of the TIFIA loan provide for repayment to begin October 1, 2023, and end April 1, 2046. On November 17, 2022, the County prepaid \$38,464,783 of the TIFIA Loan principal, and on October 2, 2023, the County prepaid \$27,700,000 of the TIFIA Loan principal. As of June 30, 2023, the outstanding balance on the TIFIA Loan, including accrued interest, was \$398,909,166.

In August 2017, EDA issued \$19,060,000 of Fairfax County Facilities Revenue Bonds Series 2017 A (County Facilities Projects) (Federally Taxable) (the "2017A County Facilities Projects Bonds") and \$31,150,000 of Fairfax County Facilities Revenue Refunding Bonds Series 2017 B (County Facilities Projects) (the "2017B County Facilities Projects Refunding Bonds" and together with the 2017A County Facilities Projects Bonds, the "2017 County Facilities Projects Bonds"). The 2017A County Facilities Projects Bonds were issued to finance the costs of the construction and improvement of certain property to be used by the County as an adult day care facility, child day care centers and a senior center or for other County approved purposes. The 2017B County Facilities Projects Refunding Bonds were issued to refund certain outstanding maturities of the 2012 EDA Bonds. The County is obligated by a contract with EDA to pay amounts equal to debt service on the 2017 County Facilities Projects Bonds. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the 2017 County Facilities Projects Bonds and the contract extend to October 2037. In November 2021, EDA issued \$53,475,000 Fairfax County

Facilities Revenue Refunding Bonds Series 2021C (County Facilities Projects) (Federally Taxable), to advance refund certain outstanding maturities of the 2012A Laurel Hill Public Facilities Project Bonds, 2014 County Facilities Project Bonds, and 2017B County Facilities Projects Refunding Bonds.

In November 2021, EDA issued \$74,605,000 Fairfax County Facilities Revenue Bonds Series 2021A (County Facilities Projects) (Green Bonds), to finance the construction and improvement of certain property to be used as a consolidated public works complex for the County's stormwater and wastewater divisions. The County is obligated by a contract with EDA to pay amounts equal to debt service on the Series 2021A (County Facilities Projects) (Green Bonds). The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose.

In November, 2023, EDA issued \$41,350,000 of Fairfax County Facilities Revenue Bonds Series 2023 (Tysons Community Center Project) (Federally Taxable) (the "2023 Tysons Community Center Bonds"). The 2023 Tysons Community Center Bonds were issued to provide short-term interim financing for the costs of the acquisition, construction and improvement of a public community center to be located at Dominion Square in Tysons, Virginia, and known as the Tysons Community Center. The County is obligated by a contract with EDA to pay amounts equal to debt service on the 2023 Tysons Community Center Bonds. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose, if and to the extent that provision for payment is not made from (as the County currently anticipates) the proceeds of long-term or further interim financing or from other sources sufficient to pay the principal of and interest on the 2023 Tysons Community Center Bonds. The final maturity of the 2023 Tysons Community Center Bonds is October 1, 2024.

On February 2, 2024, the County entered into a master credit agreement with EDA and Wells Fargo Municipal Capital Strategies, LLC (the "Bank"), under which the Bank provides the County with a revolving line credit of up to \$90,000,000 to provide short-term interim financing for the redevelopment of the Original Mount Vernon High School or for other capital projects approved by the Board of Supervisors. Repayment of principal and interest due from time to time on the line of credit is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose, if and to the extent that provision for payment is not made from the proceeds of long-term or further interim financing or from other sources.

### **Lease Commitments and Contractual Obligations**

The County leases certain real estate, equipment, and sewer facilities under various long-term lease agreements. In addition, pursuant to contracts with Arlington County, the Alexandria Sanitation Authority, the District of Columbia, and the Upper Occoquan Sewage Authority, the County is obligated to share the capital costs and associated debt service of certain facilities.

In February 1990, the Northern Virginia Transportation Commission ("NVTC") issued \$79.4 million of bonds to finance certain costs associated with the establishment of commuter rail services (the Virginia Railway Express) in the area of Northern Virginia bordering Washington, D.C. Fairfax County has joined with other jurisdictions through a Master Agreement to bear certain costs associated with operating the rail service as well as servicing the debt issued by NVTC. The Master Agreement requires that the County's governmental officers charged with preparing its annual budget include an amount equal to its share of the costs of the Virginia Railway Express. Each jurisdiction's share is determined by a formula set out in the Master Agreement. Fairfax County's share of this cost was \$4.7 million in FY 2023. An additional \$23 million in NVTC commuter rail revenue bonds were issued in early 1997 to

purchase new rail coaches. Debt service on the bonds is being funded predominantly by Commonwealth and federal funds and VRE revenues.

On October 29, 2003, EDA Issued \$33,375,000 Transportation Contract Revenue Bonds to provide \$30,000,000 to the Commonwealth Transportation Board (“CTB”) for construction of certain interchanges on route 28 in the Route 28 Highway Transportation District, which is partly in Fairfax County and partly in Loudoun County. On August 26, 2004, EDA Issued \$57,410,000 transportation contract revenue bonds to provide an additional \$60 million for construction of additional interchanges. The bonds issued in 2003 and 2004 financed the construction of six interchanges. In March 2007, EDA issued \$41,505,000 Transportation Contract Revenue Bonds to finance a portion of the costs of constructing an additional four interchanges in the Route 28 Highway Transportation District. In July 2008, EDA issued \$51,505,000 Transportation Contract Revenue Bonds (the “2008 Bonds”) to finance additional costs of constructing the additional four interchanges on Route 28. See also the discussion of taxes levied by the County in the Route 28 Highway Transportation Improvement District, located partly in the County, to pay debt service on CTB and EDA bonds in “GOVERNMENT SERVICES – Transportation – Tax Districts” herein. In May 2012, EDA issued its Transportation Contract Revenue Refunding Bonds (Route 28 Project), Series 2012A (the “2012 Bonds”), to refund a portion of the bonds issued in 2003 and 2004 and in August 2016 EDA issued bonds to refund all of the outstanding bonds issued in March 2007 and a portion of the outstanding bonds issued in July 2008. The 2008 Bonds were redeemed on April 1, 2018. On February 17, 2022, EDA issued its Transportation Contract Revenue Refunding Bonds (Route 28 Project) Series 2022A, to defease or redeem all of the outstanding 2012 Bonds. On October 18, 2023, EDA defeased a portion of the Series 2016 Bonds in the principal amount of \$6,035,000.

On May 26, 2011, EDA issued \$205,705,000 Transportation District Improvement Revenue Bonds (Silver Line Phase I Project) Series 2011 which provided \$220 million to provide a portion of the financing for the expansion of Metrorail of approximately 11.5 miles of rail line through the County’s primary urban center, Tysons to Reston. On October 10, 2012, EDA issued an additional \$42,390,000 Transportation District Improvement Revenue Bonds (Silver Line Phase I Project) Series 2012 to provide \$48,400,000 for this purpose. Debt service on the bonds is paid from a special improvements tax levied by the County on commercial and industrial use property located in the Phase I Dulles Rail Transportation Improvement District within the County. On March 16, 2016, EDA issued \$173,960,000 Transportation District Improvement Revenue Refunding Bonds (Silver Line Phase I Project) Series 2016 which refunded a portion of the outstanding bonds issued in 2011 and 2012. On May 18, 2021, the County defeased certain outstanding maturities of the Series 2016 Bonds in a principal amount of \$11,190,000. On April 1, 2020, the County defeased a portion of the Series 2016 Bonds in a principal amount of \$17,495,000, and on May 17, 2022, the county defeased a portion of the Series 2016 Bonds in a principal amount of \$4,780,000. In April 2020, the Series 2011 and 2012 Bonds were fully redeemed.

On June 9, 2011, the Mosaic District Community Development Authority (the “CDA”) issued \$46,980,000 Revenue Bonds, Series 2011A, and the CDA issued in July 2011 an additional \$18,670,000 Revenue Bonds, Taxable Series 2011A-T (collectively, the “CDA Bonds”). Proceeds from the CDA Bonds were used to finance certain public infrastructure improvements within the Mosaic District Community Development Authority District (the “Mosaic District”) to support a mixed-use development to be constructed within the Mosaic District. The CDA Bonds are payable primarily from certain incremental real estate tax revenues collected by the County in the District and certain special assessments imposed and collected by the County within the Mosaic District. The payment of incremental real estate tax revenues and special assessments, as applicable, by the County to the CDA to be used for debt service payments on the CDA Bonds is subject to appropriation by the County. On December 3, 2020, the CDA issued \$55,650,000 Revenue Refunding Bonds, Series 2020A and Series 2020A-T, which refunded all of the prior CDA Bonds.



On March 8, 2017, EDA issued \$69,645,000 Fairfax County Metrorail Parking System Project Revenue Bonds Series 2017 (“Parking System Revenue Bonds”) to provide funds to finance the construction of parking facilities to be owned and operated by the County, that will be located adjacent to WMATA’s Herndon and Innovation Center Metrorail Stations to be constructed as part of Phase II of the Silver Line extension of Metrorail. Debt service on the Parking System Revenue Bonds is payable from the proceeds of net parking revenues collected from customers of parking facilities controlled by the County at certain WMATA Metrorail stations in the County and from certain surcharge revenues collected from customers of certain parking facilities controlled by WMATA.

### Debt Service on Tax Supported Debt Obligations

Total principal and interest payments on the County’s outstanding tax supported debt obligations, including general obligation bonds and other tax supported debt obligations, are presented in the following table as of March \_\_, 2024:

<b>Fiscal Year</b> <b>Ending June 30</b>	<b>General Obligation Bonds</b>		<b>Other Tax Supported Debt Obligations</b>		<b>Total<sup>3</sup></b>
	<b>Principal</b>	<b>Interest<sup>1</sup></b>	<b>Principal<sup>2</sup></b>	<b>Interest</b>	
2024	\$24,510,000	\$43,655,525	\$1,592,500	\$7,321,285	\$77,079,310
2025	237,435,000	97,712,957	68,625,000	15,951,735	419,724,692
2026	227,075,000	85,732,429	27,807,500	12,970,012	353,584,941
2027	219,175,000	76,552,212	27,965,000	12,042,847	335,735,059
2028	206,825,000	67,898,015	28,500,000	11,087,279	314,310,294
2029	194,275,000	59,878,803	29,070,000	10,095,787	293,319,590
2030	183,175,000	52,386,550	29,565,000	9,094,889	274,221,439
2031	168,645,000	45,678,610	30,145,000	8,106,482	252,575,092
2032	159,675,000	39,579,894	30,715,000	7,085,102	237,054,996
2033	148,895,000	33,809,327	29,565,000	6,025,514	218,294,841
2034	137,770,000	28,700,650	29,220,000	5,004,248	200,694,898
2035	123,765,000	24,156,197	27,225,000	3,991,287	179,137,484
2036	111,905,000	19,958,809	12,055,000	3,233,010	147,151,820
2037	102,450,000	16,007,350	12,570,000	2,719,656	133,747,006
2038	91,035,000	12,290,450	12,810,000	2,191,289	118,326,739
2039	80,055,000	9,101,900	12,080,000	1,612,900	102,849,800
2040	69,320,000	6,481,775	12,690,000	993,650	89,485,425
2041	58,590,000	4,398,200	8,285,000	510,700	71,783,900
2042	45,805,000	2,710,650	8,625,000	172,500	57,313,150
2043-2053 <sup>3</sup>	<u>48,270,000</u>	<u>1,609,000</u>	<u>-</u>	<u>-</u>	<u>49,879,000</u>
<b>Total<sup>2</sup></b>	<b><u>\$2,638,650,000</u></b>	<b><u>\$728,299,303</u></b>	<b><u>\$439,110,000</u></b>	<b><u>\$120,210,171</u></b>	<b><u>\$3,926,269,474</u></b>

Source: Fairfax County Department of Management and Budget

<sup>1</sup>Does not reflect anticipated payments by the United States Treasury with respect to the County’s Public Improvement Bonds Series 2009E (Federally Taxable - Build America Bonds).

<sup>2</sup>Includes the \$41,350,000 principal amount of EDA’s 2023 Tysons Community Center Bonds, which are expected to be refinanced at or prior to their maturity date of October 1, 2024. See “– Other Tax Supported Debt Obligations.”

<sup>3</sup>Totals may not add due to rounding.

### Sewer Revenue Bonds

Beginning in 1986, the County has issued several series of bonds under the General Bond Resolution for the benefit of the County’s sewage collection, treatment and disposal systems (collectively,

the “System”), including \$104,000,000 Sewer Revenue Bonds, Series 1996 (the “1996 Bonds”) issued to provide funds for paying a portion of the costs of certain additions, extensions and improvements to the System. The County also issued \$94,005,000 Sewer Revenue Refunding Bonds, Series 2004 (the “2004 Bonds”) on October 14, 2004, to provide funds, with other available funds, to refund the \$91,430,000 of the County’s outstanding 1996 Bonds that were scheduled to mature on and after July 15, 2007. On June 17, 2009, the County issued \$152,255,000 Sewer Revenue Bonds, Series 2009 (the “2009 Bonds”) to provide funds to finance capital improvements for the benefit of the System as well as for the purchase of additional wastewater capacity for the benefit of the County. On August 8, 2012, the County issued \$90,710,000 Sewer Revenue Bonds, Series 2012 (the “2012 Bonds”) to provide funds to pay a portion of capital improvement costs allocable to the County at certain wastewater treatment facilities that are owned by, or that provide service to, the County which were required by the Commonwealth’s Department of Environmental Quality to reduce the total nitrogen discharge to newly required limits, the purchase of additional capacity at certain wastewater treatment facilities for the benefit of the County and the costs of certain additions, extensions and improvements to the County’s sewage collection, treatment and disposal systems. On April 16, 2014, the County issued \$61,755,000 Sewer Revenue Refunding Bonds, Series 2014 to refund the outstanding 2004 Bonds. In addition, on May 12, 2016, the County issued \$164,450,000 Sewer Revenue Refunding Bonds, Series 2016A to refund the outstanding 2009 Bonds that were scheduled to mature on and after July 15, 2019, and a portion of the outstanding 2012 Bonds that were scheduled to mature on and after July 15, 2021. On June 28, 2017, the County issued \$85,785,000 Sewer Revenue Bonds to provide funds to pay the costs of certain additions, extensions and improvements to the County’s sewage collection, treatment and disposal systems, paying capital improvement costs allocable to the County at certain wastewater treatment facilities that provide service to the County and, if necessary purchasing additional capacity at certain wastewater treatment facilities for the benefit of the County. On June 9, 2021, the County issued its \$191,990,000 Sewer Revenue Bonds, Series 2021A, and its \$24,210,000 Sewer Revenue Refunding Bonds, Series 2021B. On November 23, 2021, the County delivered to EDA its Subordinate Sewer Revenue Bond, Series 2021A in the principal amount of \$20,055,000, representing the wastewater system’s obligation to reimburse the County for its allocable share of the capital cost of a new consolidated public works complex for the County’s stormwater and wastewater divisions.

In April, 2024, the County anticipates issuing its Sewer Revenue Bonds, Series 2024A, and its Sewer Revenue Refunding Bonds, Series 2024B. Please see the front part of this Official Statement for further information.

Wastewater treatment capacity and services are also provided to the Integrated Sewer System pursuant to contracts with Arlington County, the Alexandria Renew Enterprises (“ARE”), DC Water, and the Upper Occoquan Sewage Authority (“UOSA”), whereby the County is obligated to share the capital costs and associated debt service of certain facilities. The County’s obligations to such entities are payable solely from the revenues of the Integrated Sewer System on a basis, under the General Bond Resolution, subordinate to its sewer revenue bonds, and are not general obligations of the County.

The County has entered into a service agreement with ARE (the “ARE Service Agreement”) that obligates the County for 60% of the cost of capacity of the ARE wastewater treatment plant and a joint use system, including debt service on ARE bonds issued for ARE system improvements where the County does not otherwise provide for its share of the capital cost of such improvements. The County’s share of previous upgrades was \$200 million. In 2002, the County obtained a loan from the Virginia Water Facilities Revolving Fund (the “Fund”) administered by the Virginia Resources Authority in the amount of \$50 million to pay its 60% share of the capital costs associated with certain improvements being made by ARE to its wastewater treatment plant in Alexandria, Virginia. The County issued to the Fund a “local bond” as a Subordinate Obligation, payable from money in the Subordinate Obligations Subfund under the Bond Resolution, in evidence of its obligation to repay the 20-year loan. The local

bond was fully repaid in in February 2022. The County expects to provide the balance of its share of the costs of ARE's improvement project from other borrowings and available Integrated Sewer System funds.

The ARE Service Agreement requires the County to pay its share of capital and operating costs of Joint Use Facilities. On October 6, 2020, the City of Alexandria, Virginia Sanitation Authority and the County signed a memorandum of understanding (the "MOU") regarding Cost Share for the RiverRenew project. RiverRenew, which includes multiple projects consisting of a new tunnel system and upgrades to Alexandria's wastewater treatment facility, is the largest infrastructure initiative in the history of Alexandria. The MOU memorializes the agreement of the parties with respect to the cost allocation methodology for construction and operating of joint use facilities elements of the RiverRenew project, as well as the County's capacity rights in the new facilities. The County's current estimate of its obligations under the RiverRenew project is approximately \$58 million.

UOSA issued regional sewer system revenue refunding bonds in November 2013, May 2013, February 2007, and November 2004 to refund certain of its outstanding bonds. In 2010 and 2007, UOSA issued \$85.2 million and \$119.7 million, respectively, of Regional Sewer System Revenue Bonds, of which the County's share of the par amount of such debt is \$34.1 million and \$53.9 million, respectively, to finance the cost of certain capital improvements. In fiscal year 2012, UOSA entered into two loans to fund costs related to an energy service project and phase 1 of a nutrient compliance improvement project, respectively. In fiscal years 2014, 2015 and 2016, UOSA refinanced bonds issued in 2007. As of June 30, 2023, the County's share of UOSA's outstanding debt was \$225.1 million.

The debt service on the County's outstanding sewer revenue bonds, its subordinated sewer revenue bond payable to the Virginia Water Facilities Revolving Fund evidencing a loan for a portion of the County's costs associated with the ARE improvement project, and its subordinated obligations payable for capacity under its contract with UOSA is reflected in the following table.

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<b>Fiscal Year Ending June 30</b>	<b>Sewer Revenue Bonds</b>		<b>Other Sewer Debt Service Obligations<sup>1,2</sup></b>	
	<b>Principal<sup>3</sup></b>	<b>Interest<sup>3</sup></b>	<b>UOSA<sup>4</sup></b>	<b>Total<sup>5</sup></b>
2024	\$16,100,000	\$20,460,481	\$21,435,239	\$57,995,720
2025	16,935,000	19,634,606	21,751,418	58,321,024
2026	17,765,000	18,819,156	28,903,833	65,487,989
2027	18,595,000	18,016,106	22,356,232	58,967,338
2028	19,405,000	17,202,281	22,348,390	58,955,671
2029	20,195,000	16,421,081	22,353,171	58,969,252
2030	15,070,000	15,665,981	10,184,933	40,920,914
2031	15,845,000	14,893,106	10,191,799	40,929,906
2032	16,655,000	14,080,606	10,186,510	40,922,117
2033	17,465,000	13,277,681	10,118,059	40,860,740
2034	18,215,000	12,526,581	9,878,908	40,620,489
2035	18,965,000	11,775,128	9,810,557	40,550,685
2036	19,755,000	10,984,538	9,809,560	40,549,098
2037	20,045,000	10,170,775	9,810,157	40,025,932
2038	20,870,000	9,345,450	9,809,879	40,025,329
2039	21,735,000	8,478,375	9,878,459	40,091,834
2040	23,345,000	7,606,400	9,879,045	40,830,445
2041	15,055,000	6,866,225	8,726,503	30,647,728
2042	15,710,000	6,212,100	4,292,000	26,214,100
2043	16,430,000	5,489,975	4,290,291	26,210,266
2044-2054	<u>112,715,000</u>	<u>20,823,525</u>	<u>22,664,867</u>	<u>156,203,392</u>
<b>Total<sup>5</sup></b>	<b><u>\$476,870,000</u></b>	<b><u>\$278,750,159</u></b>	<b><u>\$288,679,811</u></b>	<b><u>\$1,044,299,970</u></b>

Source: Fairfax County Department of Public Works and Environmental Services

<sup>1</sup> Excludes debt service on the Subordinate Sewer Revenue Bond, Series 2021A, issued to EDA to reflect the financing costs of the portion of the new consolidated public works complex for use by the County's wastewater division. See "Sewer Revenue Bonds" above.

<sup>2</sup> The County has fully repaid its subordinated sewer revenue bond issued to the Virginia Water Facilities Revolving Fund evidencing the County's obligation to repay loans made to the County by Virginia Resources Authority, as administrator of the Fund.

<sup>3</sup> [Includes debt service on the Bonds to be refunded with proceeds of the 2024B Bonds.] Does not include debt service on the 2024 Bonds.

<sup>4</sup> Based on the County's share of scheduled UOSA debt service. Does not reflect any anticipated payments by the United States Treasury on outstanding UOSA Build America Bonds.

<sup>5</sup> Totals may not add due to rounding.

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## Debt Ratios

The following data show trends in the relationship of the general obligation bond indebtedness of the County to the estimated market value of taxable property in the County and to its estimated population and the trend of general obligation debt service requirements as a percentage of General Fund disbursements.

### Trend of Debt as a Percentage of Estimated Market Value of Taxable Property (in 000s)

<b><u>Fiscal Year</u></b> <b><u>Ended June 30</u></b>	<b><u>Bonded Indebtedness</u></b> <sup>1</sup>	<b><u>Estimated</u></b> <b><u>Market Value</u></b> <sup>2</sup>	<b><u>Percentage</u></b>
2015	\$2,770,822	\$236,403,666	1.17%
2016	2,750,573	244,397,085	1.13
2017	2,766,149	251,724,115	1.10
2018	2,768,103	256,260,725	1.08
2019	2,740,658	265,195,976	1.03
2020	2,768,513	274,815,955	1.01
2021	2,819,718	283,959,357	0.99
2022	2,847,733	292,983,675	0.97
2023	2,919,763	318,082,436	0.92
2024 <sup>3</sup>	3,273,043	332,038,893	0.99

Sources: Fairfax County Annual Comprehensive Financial Reports FY 2015-2023 and Department of Finance

<sup>1</sup>Bonded Indebtedness included herein differs from the data shown in Tables 3.1, 3.2 and 3.4 of the Statistical Section of the County's Annual Comprehensive Financial Report based on the treatment of bond premium and discounts. In the Annual Comprehensive Financial Report, Bonded Indebtedness represents principal outstanding plus unamortized premium (minus unamortized discount). In the table above, Bonded Indebtedness is based on outstanding principal without adjustment for unamortized premium or discount. The total includes General Obligation Bonds and other tax supported debt payable from the General Fund including the County's obligation to make payments with respect to "– Other Tax Supported Debt Obligations."

<sup>2</sup>Estimated market value is based on recorded values as of January 1 of the prior fiscal year, reflects the original book value, and does not reflect any adjustments made during the fiscal year.

<sup>3</sup>Estimate from the FY 2024 Adopted Budget Plan per the Fairfax County Department of Management and Budget.

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### Estimated Debt Per Capita

<b>Fiscal Year Ended June 30</b>	<b>Bonded Indebtedness (in 000s)<sup>1</sup></b>	<b>Estimated Population (in 000s)<sup>2</sup></b>	<b>Bonded Indebtedness Per Capita</b>	<b>Fairfax County Per Capita Income<sup>3</sup></b>	<b>Estimated Debt Per Capita as Percentage of Per Capita Income</b>
2015	\$2,770,822	1,142	\$2,426	\$75,007	3.23%
2016	2,750,573	1,139	2,415	74,923	3.22
2017	2,766,149	1,143	2,420	75,978	3.19
2018	2,768,103	1,153	2,401	78,376	3.06
2019	2,740,658	1,167	2,348	82,441	2.85
2020	2,768,513	1,172	2,362	86,141	2.74
2021	2,819,718	1,170	2,410	88,971	2.71
2022	2,847,733	1,173	2,428	94,677	2.56
2023	2,919,763	1,173	2,489	94,677	2.63
2024 <sup>4</sup>	3,273,043	1,173	2,790	94,677	2.95

Sources: Fairfax County Annual Comprehensive Financial Report FY 2023 and Department of Finance

<sup>1</sup> Bonded Indebtedness included herein differs from the data shown in Tables 3.1, 3.2 and 3.4 of the Statistical Section of the County's Annual Comprehensive Financial Report based on the treatment of bond premium and discounts. In the Annual Comprehensive Financial Report, Bonded Indebtedness represents principal outstanding plus unamortized premium (minus unamortized discount). In the table above, Bonded Indebtedness is based on outstanding principal without adjustment for unamortized premium or discount. The total includes General Obligation Bonds and other tax supported debt payable from the General Fund including the County's obligation to make payments with respect to "– Other Tax Supported Debt Obligations."

<sup>2</sup> As estimated by Fairfax County Demographic Research. See "FAIRFAX COUNTY – General Description – Fairfax County Population" above.

<sup>3</sup> Source: Bureau of Economic Analysis (BEA), U.S. Department of Commerce, and Fairfax County Department of Management and Budget 2015-2023 Estimates. The Cities of Fairfax and Falls Church were not included.

<sup>4</sup> Estimate from the FY 2024 Adopted Budget Plan per the Fairfax County Department of Management and Budget.

### Debt Service Requirements as a Percentage of General Fund Disbursements (in 000s)

<b>Fiscal Year Ended June 30</b>	<b>Debt Service Requirements<sup>1</sup></b>	<b>General Fund Disbursements</b>	<b>Percentage</b>
2015	\$313,969	\$3,729,625	8.42%
2016	323,859	3,860,655	8.39
2017	313,389	4,005,845	7.82
2018	337,077	4,112,554	8.20
2019	345,310	4,300,484	8.03
2020	332,257	4,449,865	7.47
2021	325,402	4,545,902	7.16
2022	331,034	4,750,272	6.97
2023	338,053	5,093,558	6.64
2024 <sup>2</sup>	358,173	5,107,622	7.01

Sources: Fairfax County Annual Comprehensive Financial Report FY 2023 and Department of Finance

<sup>1</sup> The Debt Service Requirements include total principal and interest payments on the County's outstanding tax supported debt obligations, including all debt listed under the heading "– Other Tax Supported Debt Obligations."

<sup>2</sup> Estimate per the FY 2024 Adopted Budget Plan via the Fairfax County Department of Management and Budget. Fiscal year property taxes are levied on prior year assessments.

### Underlying Bonded Indebtedness

The following table shows the underlying bonded indebtedness of towns within the boundaries of Fairfax County as of June 30, 2023:

Town of Vienna <sup>1</sup>	General Obligation Bonds	\$61,723,432
Town of Herndon <sup>1</sup>	General Obligation and Public Improvement Notes	<u>9,428,948</u>
Total Underlying Bonded Indebtedness		<u>\$71,152,380</u>

*Source:* Fairfax County Annual Comprehensive Financial Report FY 2023

<sup>1</sup> Underlying Bonded Indebtedness for Fiscal Year 2023 included herein differs from the data shown in Tables 3.1, 3.2 and 3.4 of the Statistical Section of the County's Annual Comprehensive Financial Report based on the treatment of bond premium and discounts. In the Annual Comprehensive Financial Report, Bonded Indebtedness represents principal outstanding plus unamortized premium (minus unamortized discount). In the table above, Bonded Indebtedness is based on outstanding principal without adjustment for unamortized premium or discount.

This underlying bonded indebtedness are obligations of the respective towns only and are not obligations of Fairfax County.

The bonds, notes and other obligations of Fairfax Water, the Fairfax County Park Authority, the Fairfax County Industrial Development Authority, the Fairfax County Economic Development Authority, the Fairfax County Redevelopment and Housing Authority, the Northern Virginia Health Center Commission, the Northern Virginia Transportation Commission, and the Mosaic District Community Development Authority are not obligations of the County.

### TAX BASE DATA

Fairfax County annually reassesses over 363,000 parcels of real property employing a computer assisted mass reassessment program for both residential and non-residential properties. The County uses a statistic called the coefficient of dispersion (the "Coefficient of Dispersion"), which measures the uniformity of assessment to sale ratios among properties. The lower the coefficient of dispersion, the more uniform the assessment. The overall Coefficient of Dispersion in Fairfax County for tax year 2021 (FY 2022) was 3.6%, and the assessment to sales price ratio was 0.951. A Coefficient of Dispersion of 15% is considered good by professional assessing standards. The County falls into the excellent category, indicating a high degree of assessment uniformity and equity.

The assessed value for FY 2024 of the real estate tax base, as reported for calendar year 2023 assessments in the main tax book for Fairfax County, increased by 6.59% from the prior year.

The data in the following five tables are presented to illustrate trends and characteristics of the assessed value of real and personal property which are major sources of County-derived revenue.

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### Assessed Value of All Taxable Property<sup>1</sup>

<u>Fiscal Year</u>	<u>Real Property</u>	<u>Personal Property</u>	<u>Total</u>
2015	\$216,832,912,747	\$16,518,808,610	\$233,351,721,357
2016	224,411,716,328	16,895,179,934	241,306,896,262
2017	231,350,805,374	17,451,767,407	248,802,572,781
2018	235,919,724,142	17,592,325,499	253,512,049,641
2019	244,472,458,923	17,884,347,499	262,356,806,422
2020	253,272,215,743	18,535,851,732	271,808,067,475
2021	262,970,803,833	18,019,575,722	280,990,379,555
2022	270,042,399,071	19,359,424,063	289,401,823,134
2023 <sup>2</sup>	292,153,555,138	20,912,705,205	313,066,260,343
2024 <sup>2</sup>	311,447,039,950	20,591,852,642	332,038,892,592

*Sources:* Fairfax County Department of Tax Administration and Department of Management and Budget. All years included figures for the Public Service Corporation. All Public Service Corporation real property assessments are required under Virginia law to be made at 100% of estimated market value annually by the State Corporation Commission.

<sup>1</sup> Figures are net of exonerated assessments and tax relief for the elderly and disabled.

<sup>2</sup> Estimate from the FY 2024 Adopted Budget Plan per Fairfax County Department of Management and Budget. Fiscal year property taxes are levied on prior year assessments.

### Tax Rates per \$100 Assessed Value (Fiscal Year)

Tax Category	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
Real Estate – Regular and Public Service	\$1.09	\$1.09	\$1.13	\$1.13	\$1.15	\$1.15	\$1.15	\$1.14	\$1.11	\$1.095
Personal Property – Regular	4.57	4.57	4.57	4.57	4.57	4.57	4.57	4.57	4.57	4.57
Personal Property – Public Service	1.09	1.09	1.13	1.13	1.15	1.15	1.15	1.14	1.11	1.095
Personal Property – Machinery and Tools	4.57	4.57	4.57	4.57	4.57	4.57	4.57	4.57	2.00	2.00
Personal Property – Development	4.57	4.57	4.57	4.57	4.57	4.57	4.57	4.57	4.57	4.57
Personal Property – Mobile Homes	1.09	1.09	1.13	1.13	1.15	1.15	1.15	1.14	1.11	1.095
Personal Property – Special <sup>1</sup>	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01

*Sources:* Fairfax County Adopted Budget Plans, FY 2015-FY 2024

<sup>1</sup> Includes vehicles specially equipped for the handicapped, privately owned vans used for van pools, vehicles belonging to volunteer fire and rescue squad members, vehicles owned by auxiliary police and reserve deputy sheriffs, certain property of homeowners associations, antique cars, aircraft, including flight simulators, and motor vehicles owned by qualified elderly or disabled individuals, and boats.

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**Commercial-Industrial Percentage of the  
Total Assessed Value of Real Property<sup>1</sup>**

<u>Fiscal Year<sup>2</sup></u>	<u>Percent (%)<sup>3</sup></u>
2015	19.01
2016	18.67
2017	18.89
2018	19.12
2019	19.43
2020	19.66
2021	19.72
2022	18.17
2023	17.00
2024	16.16

*Source:* Fairfax County Department of Tax Administration

<sup>1</sup> Assessed values are reported by State of Virginia Land Use Codes. Vacant land is defined according to zoning classification.

<sup>2</sup> Fiscal year property taxes are levied on prior year assessments.

<sup>3</sup> Includes the Towns of Vienna, Herndon and Clifton.

The following data show the assessed value of real property of the 25 largest holders of real property in the County as of January 1, 2023.

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**Top 25  
Holders of Real Property in Fairfax County  
As of January 1, 2023**

<b>Rank</b>	<b>Property Owner</b>	<b>Property Type</b>	<b>Total Assessment<sup>1</sup></b>
1	Tysons Corner Property Holdings LLC	Tysons Corner Regional Shopping Mall	\$1,674,466,960
2	Capital One Bank	Office	922,189,470
3	Washington Gas Light Company	Public Utility	497,168,482
4	Reston Town Center Property LLC	Commercial & Retail	457,567,960
5	Reston Corporate Center LP	Commercial & Retail	447,020,600
6	Camden Summit Partnership LP	Apartments	438,883,130
7	PR Springfield Town Center LLC	Springfield Town Center	365,053,310
8	Federal Home Loan Mortgage Corporation	Office	360,268,630
9	Tysons Galleria LLC	Commercial & Retail	353,672,270
10	Mitre Corporation	Office	324,603,680
11	South of Market LLC	Office	314,962,480
12	Inova Health Care Services	Health Care	313,396,710
13	Coresite Real Estate 12100	Office	284,842,790
14	Fairfax Company of Virginia LLC	Fair Oaks Mall	284,373,850
15	Home Properties Mount Vernon LLC	Apartments and Office	275,862,520
16	COPT Stonecroft LLC	Office	261,877,320
17	Federal Realty Partners LP	Commercial and Apartments	250,552,840
18	7931 Patriot Drive VA Owner LLC	Apartments	247,372,090
19	Reston VA II FGF LLC	Office	245,311,040
20	Tamares 7950 Owner LLC	Office	244,161,400
21	Tysons Corner Office I LLC	Office	241,330,910
22	WashReit Riverside Apartments LLC	Apartments	239,178,240
23	Home Properties Orleans Village LLC	Apartments	233,884,130
24	PP Avnir Investors LLC	Office	220,824,390
25	Capital One Tysons Block C Owner LLC	Office	214,337,490
<b>Total</b>			<b>\$9,713,162,692</b>

*Source:* Fairfax County Department of Tax Administration, January 1, 2023, tax rolls

<sup>1</sup>As of January 1, 2023, the assessed value of the real property of the 25 largest holders of real property in the County represented 3.039% of the total assessed value of all real property in Fairfax County, excluding tax-exempt properties. January 1, 2023, assessments generate tax revenue in FY 2024.

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**Real and Personal Property  
Tax Levies and Tax Collections**

<b>Fiscal Year</b>	<b>Total Levy<sup>1</sup></b>	<b>Current Collections<sup>2</sup></b>	<b>% of Total Levy Collected<sup>3</sup></b>	<b>Collection of Delinquent Taxes</b>	<b>Total Current &amp; Delinquent Taxes<sup>4</sup></b>	<b>% of Total Levy &amp; Delinquent Taxes</b>
2015	\$2,932,029,373	\$2,926,228,317	99.80	\$23,425,378	\$2,949,653,695	100.60
2016	3,027,718,274	3,019,636,276	99.73	21,161,598	3,040,797,874	100.43
2017	3,218,263,071	3,206,288,719	99.63	25,396,075	3,231,684,794	100.42
2018	3,274,550,619	3,266,018,208	99.74	25,377,255	3,291,395,463	100.51
2019	3,430,013,545	3,420,685,498	99.73	27,120,935	3,447,806,433	100.52
2020	3,554,208,059	3,540,095,440	99.60	29,312,937	3,569,408,377	100.43
2021	3,658,781,457	3,641,518,792	99.53	23,787,231	3,665,306,023	100.18
2022	3,744,425,601	3,719,041,139	99.32	23,100,952	3,742,142,091	99.94
2023	3,746,359,020	3,726,787,293	99.48	31,522,290	3,758,309,583	100.32
2024	4,138,065,807	4,114,648,736	99.43	31,300,221	4,145,948,957	100.19

*Sources:* Fairfax County Department of Management and Budget and Department of Tax Administration

<sup>1</sup>The total levy is the levy for General Fund real and personal property taxes and does not include the property tax levy for Special Revenue Funds, e.g. for refuse collection and community centers.

<sup>2</sup>Current collections do not include tax collections for the Special Revenue Funds or payments in lieu of taxes. As a result of revised accounting procedures, the collection of penalty and interest payments for late payments of current taxes is included in the collection of current taxes rather than under the collection of back taxes.

<sup>3</sup>The percentage of levy is not the collection rate since current collections also include penalty and interest payments for late payments of current taxes.

<sup>4</sup>FY 2015 through FY 2022 from Fairfax County Department of Management and Budget; FY 2023 and FY 2024 are estimates per the FY 2024 Adopted Budget Plan via the Department of Management and Budget and Department of Tax Administration.

Section 58.1-3916 of the Code of Virginia authorizes Fairfax County, pursuant to Section 4-10-1 of the County Code, to impose a penalty of 10% for failure to pay taxes when due, with interest to be due on such taxes and penalty following the day such taxes are due at the rate of 10% per annum the first year and at the greater of 10% per annum and the rate established pursuant to Section 6621 of the Internal Revenue Code for the second and subsequent years of delinquency.

**FINANCIAL INFORMATION**

**Five-Year Summary of Revenues, Expenditures and Fund Balances for the General Fund**

The financial data shown in the following table represent a summary for the five fiscal years ended June 30, 2023, of the revenues, expenditures, and fund balances accounted for in the County's General Fund.

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	Fiscal Year Ended				
	2019	2020	2021	2022	2023
<b>REVENUES</b>					
Taxes	\$3,747,031,873	\$3,875,613,475	\$3,987,017,016	\$4,124,173,610	\$4,388,203,709
Permits, fees, and licenses	55,876,219	54,006,590	57,091,315	59,623,124	9,840,841
Intergovernmental	358,732,841	418,199,405	492,467,179	420,838,030	443,076,170
Charges for services	85,564,413	72,748,807	37,731,261	57,300,241	64,757,492
Fines and forfeitures	15,223,620	12,289,139	6,294,096	8,258,033	9,180,575
Use of money and property	75,360,724	67,158,752	25,774,719	19,712,105	128,629,518
Recovered costs	10,573,978	7,586,746	8,502,496	7,739,784	10,221,650
Gifts, donations, and contributions	<u>1,352,426</u>	<u>1,994,833</u>	<u>612,547</u>	<u>663,933</u>	<u>750,993</u>
<b>Total revenues</b>	<b><u>\$4,349,716,094</u></b>	<b><u>\$4,509,597,747</u></b>	<b><u>\$4,615,490,629</u></b>	<b><u>\$4,698,308,860</u></b>	<b><u>\$5,054,660,948</u></b>
<b>EXPENDITURES</b>					
Current:					
General government administration	\$165,860,066	\$196,985,197	\$204,608,479	\$179,535,837	\$183,535,889
Judicial administration	60,449,751	62,189,796	61,256,531	67,398,758	75,491,790
Public safety	712,268,123	721,459,588	734,927,745	762,223,533	790,523,334
Public works	95,769,815	90,578,294	93,498,804	76,378,773	82,056,184
Health and welfare	412,322,298	430,321,393	378,540,159	399,379,528	445,737,271
Community development	67,543,752	69,654,301	88,912,424	106,855,793	79,907,759
Parks, recreation, and cultural	40,003,747	40,154,412	38,033,431	44,475,067	43,971,560
Intergovernmental:					
Community development	11,424,718	13,698,538	67,192,619	12,727,791	50,829,768
Parks, recreation, and cultural	35,656,948	35,316,698	37,909,623	40,387,304	48,872,049
Education - for Public Schools	2,067,345,801	2,149,231,439	2,156,536,123	2,185,874,587	2,307,977,486
Capital outlay:					
General government administration	21,822,724	17,997,369	23,472,494	26,641,908	30,408,448
Judicial administration	88,925	105,483	116,469	740,353	182,762
Public safety	2,385,861	2,563,235	1,721,862	2,571,769	44,692,592
Public works	216,212	39,018	86,002	83,029,734	26,974,884
Health and welfare	404,267	227,738	2,590,446	1,461,599	386,638
Community development	75,194	85,833	27,083	137,312	180,543
Parks, recreation, and cultural	4,091,628	4,369,355	4,374,410	5,690,186	5,347,728
Debt service:					
Principal retirement	876,157	885,815	895,579	12,946,009	15,424,918
Interest and other charges	<u>49,366</u>	<u>39,708</u>	<u>29,944</u>	<u>1,011,614</u>	<u>1,604,164</u>
<b>Total expenditures</b>	<b><u>\$3,698,655,353</u></b>	<b><u>\$3,835,903,210</u></b>	<b><u>\$3,894,730,227</u></b>	<b><u>\$4,009,467,455</u></b>	<b><u>\$4,234,105,767</u></b>
<b>Revenues over (under) expenditures</b>	<b>\$651,060,741</b>	<b>\$673,694,537</b>	<b>\$720,760,402</b>	<b>\$688,841,405</b>	<b>\$820,555,181</b>
Transfers in					
Transfers out	(601,828,488)	(613,961,660)	(651,171,626)	(740,804,424)	(859,452,246)
Notes issued	-	-	-	-	27,669,545
Leases	-	-	-	83,387,391	38,075,822
<b>Total other financing sources (uses)</b>	<b><u>(\$595,075,169)</u></b>	<b><u>(\$600,684,996)</u></b>	<b><u>(\$644,032,463)</u></b>	<b><u>(\$637,086,552)</u></b>	<b><u>(\$777,813,943)</u></b>
Net change in fund balances	55,985,572	73,009,541	76,727,939	51,754,853	42,741,238
Beginning Fund Balance	478,824,271	534,809,843	607,819,384	684,547,323	736,302,176
Ending Fund Balance	<b><u>\$534,809,843</u></b>	<b><u>\$607,819,384</u></b>	<b><u>\$684,547,323</u></b>	<b><u>\$736,302,176</u></b>	<b><u>\$779,043,414</u></b>

Source: Fairfax County Annual Comprehensive Financial Reports for the fiscal years ended June 30, 2019-2023, Exhibit A-3 - Statement of Revenues, Expenditures, and Changes in Fund Balances for Governmental Funds.

## Financial Policies

The Board of Supervisors has been guided by long-standing financial policies and guidelines in the conduct of financial management. The governing statement of financial policy is contained within the Ten Principles of Sound Financial Management (“Ten Principles”). Adopted by the Board of Supervisors in 1975 and amended as needed to address changing economic conditions and management practices, the Ten Principles have been reaffirmed and have guided each succeeding Board of Supervisors to establish strong fiscal management tools and practices. The Ten Principles provide for the integration of land use planning with capital and operating budgets; establish guidelines for the development of annual balanced budgets; stress the importance of maintaining positive cash balances; establish firm not to exceed limits to debt ratios; provide guidance on cash management, internal controls, and performance measurement; provide guidelines restricting the proliferation of underlying debt and use of moral obligation financing; and encourage the development of a diversified economy within the County.

In 1982, the Board of Supervisors adopted a financial policy requiring maintenance of a “Managed Reserve” in the General Fund beginning on July 1, 1982, at a level not less than 2% of General Fund disbursements. This Managed Reserve has been incorporated in the budget each fiscal year. This Managed Reserve was implemented to provide for temporary financing of unforeseen needs of an emergency nature and to permit orderly adjustment to changes resulting from termination of revenue sources through actions of other governmental bodies. In 1985, the Board of Supervisors adopted a policy on appropriations during quarterly budget reviews, which provides that non-recurring revenues should be used for either capital expenditures or other non-recurring expenditures and that quarterly review adjustments are not to exceed 2% of the General Fund disbursements. In addition, on September 13, 1999, the Board of Supervisors established a Revenue Stabilization Fund with a goal of reaching 3% of General Fund disbursements. As of the FY 2006 Third Quarter Review, the Revenue Stabilization Fund was fully funded at 3% of General Fund disbursements. This reserve is designed to address ongoing requirements in years of significant economic downturn. Criteria for withdrawals from the Revenue Stabilization Fund include (1) projected revenues must reflect a decrease of greater than 1.5% from the current fiscal year estimate, (2) withdrawals must not exceed one-half of the fund balance in any fiscal year, and (3) withdrawals must be used in combination with spending cuts or other measures.

From time to time the Board of Supervisors has amended the Ten Principles in order to address changing economic conditions and management practices. Changes adopted on April 21, 2015, reflect the Board’s commitment to increasing the County’s reserve policies and to continue to strengthen the County’s financial position. The Managed Reserve target was increased from 2% to 4% of General Fund disbursements and the Revenue Stabilization Fund target was increased from 3% to 5% of General Fund Receipts. In addition, an Economic Opportunity Reserve was established to stimulate economic growth and will provide for strategic investment opportunities that are identified as priorities by the Board of Supervisors. This reserve is fully funded at 1% of total General Fund disbursements. Funding for this reserve only occurs after the Managed Reserve and the Revenue Stabilization Fund are fully funded at their new levels of 4% and 5%, respectively. As of the FY 2024 Adopted Budget Plan, the Managed Reserve fully is fully funded at \$204.45 million (4%), the Revenue Stabilization Fund is fully funded at \$258.06 million (5%), and the Economic Opportunity Reserve is fully funded at \$51.61 million (1%).

Other policies and tools that have been designed to enhance the impact of the Ten Principles include annual adoption of budgetary guidelines, formal establishment of various expenditure, revenue, and special purpose reserves, capital improvement planning guidelines, policies for risk management, guidelines for acceptance of grant awards, and planning for information technology. Various tools in active use by the County include the annual budget, the Capital Improvement Program, revenue and financial forecasts, and management initiatives such as a performance measurement program, a pay-for-performance management system, workforce planning, and various information technology initiatives.

## **Certain Financial Procedures**

### *Description of Funds*

The County's annual audited financial statements include the funds administered by the Board of Supervisors and the School Board. The accounts of the County are organized on the basis of funds, each of which is considered to be a separate accounting entity. The transactions in each fund are accounted for by providing a separate set of self-balancing accounts which comprise its assets, liabilities, fund balance, revenues, and expenditures.

### *Budgetary Procedure*

The County has no legal authority to borrow in anticipation of future years' revenues, except by the issuance of bonds or bond anticipation notes.

Prior to the beginning of each fiscal year, the Board of Supervisors adopts a budget plan consisting of contemplated expenditures and estimated revenues for such fiscal year. On the basis of the adopted budget plan, the Board of Supervisors appropriates funds for the expenditures, and establishes tax rates sufficient to produce the revenues, contemplated in the budget plan.

The annual budgeting process for a fiscal year begins in the first quarter of the previous fiscal year with the submission by agency directors of budget requests to the Department of Management and Budget. During the second quarter, budget requests are reviewed and meetings between the County Executive, Deputy County Executives, and agency directors are held to discuss agency requests. Upon receipt of the preliminary budget of the School Board in the third quarter, the County Executive prepares an initial budget for submission to the Board of Supervisors and proposes tax rates sufficient to produce revenues needed to meet expenditures contemplated in the initial budget. After work sessions with the Board of Supervisors and public hearings on the proposed budget, changes are made and the final budget is adopted. Tax rates are established prior to the beginning of the fiscal year for which the budget is prepared.

During the fiscal year, quarterly reviews of revenue and expenditures are undertaken by the County Department of Management and Budget. On the basis of these reviews, the Board of Supervisors revises appropriations as needed or desired.

## **Investment Management Policy**

The County's Division of Investments and Cash Management operates under the direction of the Investment Committee comprised of the Chief Financial Officer, Director of the Department of Management and Budget, the Director of the Department of Finance, the Director of the Department of Tax Administration, and the Deputy Director of the Department of Finance. Guided by a formal investment policy, the Committee continually reviews the County's investment policies and strategies and monitors daily investment activity.

During FY 2023, the County's average portfolio size (which includes investments in the General Fund, Special Revenue Funds, and Enterprise Funds) was approximately \$4.8 billion. The funds are invested in U.S. Treasury obligations, obligations of the Federal Home Loan Mortgage Corporation, Federal Home Loan Banks, Federal Farm Credit Bank, and Fannie Mae, bankers' acceptances, commercial paper (rated A1/P1 or higher), negotiable and non-negotiable and insured certificates of deposit, money market mutual funds limited to government obligations, corporate notes, bank notes, and other investments permitted under Virginia law for these purposes.

The County's investment policy, which governs the pooled cash, and general obligation bond proceeds, prohibits investment in instruments generally referred to as derivatives, and the County does not employ leverage in its investments.

The Association of Public Treasurers of the United States and Canada has awarded the County a certification for its investment policy each year since 1998. To achieve certification, an investment policy must establish standards recognized in the profession as fostering prudent management of public funds.

### General Fund Revenues, Expenditures, Transfers and Beginning Fund Balance

The General Fund is maintained by the County to account for revenue derived from Countywide ad valorem taxes, other local taxes, licenses, fees, permits, charges for services, certain revenue from federal and State governments, and interest earned on invested cash balances of the General Fund and Capital Project Funds. General Fund expenditures and transfers include the costs of general County government, transfers to the School Operating Fund to pay the local share of operating Fairfax County Public Schools, and transfers to the Debt Service and Capital Projects Funds to pay debt service on County general obligation bonds and for certain capital improvement projects.

### General Fund Summary

Shown below are the County's revenues, expenditures, transfers, and beginning fund balance of the General Fund for FY 2019 through FY 2023:

#### General Fund Revenues, Transfers In, and Beginning Fund Balance

	2019	2020	2021	2022	2023
General Property Taxes	\$3,218,786,090	\$3,339,797,219	\$3,437,912,778	\$3,528,543,616	\$3,778,937,685
Other Local Taxes	528,245,783	535,816,256	549,104,238	595,629,994	609,266,024
Permits, fees, and licenses	55,876,219	54,006,590	57,091,315	59,623,124	9,840,841
Intergovernmental	358,732,841	418,199,405	492,467,179	420,838,030	443,076,170
Charges for Services and Recovered Costs	96,138,391	80,335,553	46,233,757	65,040,025	74,979,142
Fines and Forfeitures	15,223,620	12,289,139	6,294,096	8,258,033	9,180,575
Use of money and property	75,360,724	67,158,752	25,774,719	19,712,105	128,629,518
Miscellaneous	1,352,426	1,994,833	612,547	663,933	750,993
Transfers In	6,753,319	13,276,664	7,139,163	20,330,481	15,892,936
Beginning Fund Balance	<u>478,824,271</u>	<u>534,809,843</u>	<u>607,819,384</u>	<u>684,547,323</u>	<u>736,302,176</u>
Total	<u>\$4,835,293,684</u>	<u>\$5,057,684,254</u>	<u>\$5,230,449,176</u>	<u>\$5,403,186,664</u>	<u>\$5,806,856,060</u>

Source: Fairfax County Annual Comprehensive Financial Reports for FY 2019-2023

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### General Fund Expenditures and Transfers Out

	2019	2020	2021	2022	2023
Transfer to School Operating Fund	\$2,067,259,207	\$2,149,116,697	\$2,156,422,211	\$2,185,761,166	\$2,307,864,236
Costs of General County Government	1,766,730,529	1,833,362,498	1,885,524,035	1,973,865,167	2,091,687,009
Transfer to Debt Service Funds	340,433,977	329,741,798	329,222,805	328,435,654	333,541,521
Transfer to Capital Project Funds	51,062,674	39,119,032	47,919,734	109,081,314	168,215,204
Transfer to Metro Construction and Operations Fund	20,695,098	43,950,424	43,950,424	43,950,424	53,046,270
Other Transfers	<u>54,302,356</u>	<u>54,574,421</u>	<u>82,862,640</u>	<u>109,178,154</u>	<u>139,203,773</u>
<b>Total</b>	<b><u>\$4,300,483,841</u></b>	<b><u>\$4,449,864,870</u></b>	<b><u>\$4,545,901,849</u></b>	<b><u>\$4,750,271,879</u></b>	<b><u>\$5,093,558,013</u></b>

Source: Fairfax County Annual Comprehensive Financial Reports for FY 2019-2023

### Revenues

The following is a discussion of the General Fund revenue structure.

*General Property Taxes* – An annual ad valorem tax is levied by the County on the assessed value of real and tangible personal property located within the County as of January 1 preceding the fiscal year in which such tax is due. The personal property tax on motor vehicles that acquire situs within the County or have title transferred on or after January 2 is prorated on a monthly basis. Real property and personal property are assessed at 100% of fair market value. Real property taxes are due on July 28 and December 5 of the fiscal year in which they are levied. The payment date for personal property taxes is October 5. The penalty for late payment is 10% of the amount due, and interest on delinquent taxes and penalties accrues at a rate of 1% per annum for real estate taxes and 5% per annum for personal property taxes. In cases of property on which delinquent taxes are not paid within three years, the County may sell the property at public auction to pay the amounts due. There is no legal limit at the present time on the property tax rates that may be established by the County. Property taxes (including delinquent payments, penalties, and interest) accounted for 74.8% of total General Fund revenues in FY 2023. However, this percentage does not include the reimbursement from the Commonwealth of Virginia for a portion of the personal property tax. Including the reimbursement reflected in Intergovernmental revenue, the percentage of revenue from property taxes in FY 2023 was 79.0%. A description of the Commonwealth's plan to reduce personal property taxes follows.

During its 1998 Special Session, the General Assembly of Virginia enacted legislation to reduce personal property taxes applicable to individually owned motor vehicles. The reduction, which applies to the first \$20,000 in assessed value, was scheduled to be phased in over a five-year period. The legislation states that the Commonwealth will reimburse local governments for the revenue lost from the reduction in personal property tax collections. In fiscal years subsequent to the legislation personal property taxes paid by citizens steadily reduced until such reduction equaled 70% in 2002. Due to Commonwealth budget constraints, the 2003 Virginia General Assembly temporarily froze the tax reduction at 70%. The 2005 General Assembly revised this measure further to limit its tax relief payments to all localities to a total of \$950 million per tax year beginning with 2006 (fiscal year 2007). The County's fixed share of the \$950 million is \$211,313,944, as determined by its share of the total payments made to all localities by the Commonwealth during calendar years 2004 and 2005 for tax year 2004 (fiscal year 2005). The



County's total personal property tax collections for FY 2023 were \$771.0 million, comprised of \$559.70 million paid by taxpayers and \$211.3 million reimbursed by the Commonwealth of Virginia as Intergovernmental revenue.

*Other Local Taxes* – The County levies various other local taxes, including a 1% local sales tax (collected by the Commonwealth and remitted to the County), a tax on consumer utility bills based on consumption for gas and electric services and a 5% communications sales tax imposed on the charge for or sale of communications services. Also included in this category are a cigarette tax of \$0.30 per pack, property recordation taxes, an automobile license tax, and various businesses, professional, and occupational licenses taxes. These taxes accounted for 12.1% of total General Fund revenues in FY 2023.

*Permits, Privilege Fees, and Licenses* – The County requires that licenses or permits be obtained in order to perform certain activities in the County and that fees be paid for services provided by certain County departments. These revenues represented 0.2% of total General Fund revenues for FY 2023.

*Fines and Forfeitures* – The sources of revenue in this category include court fines and penalties from the Circuit Court and the General District Court and court fines, costs from the Juvenile and Domestic Relations District Court and fines for traffic violations, misdemeanors, and felonies. In addition, the County receives revenues from parking violations as authorized under the County Code. Revenues in this category represented 0.2% of General Fund revenues in FY 2023.

*Use of Money and Property* – The principal sources of revenue to the General Fund from the use of money and property are interest on General Fund and Capital Project Fund investments and minor amounts of revenue from the sale and lease of County equipment and property. These revenues represented 2.5% of General Fund revenues in FY 2023.

*Charges for Services and Recovered Costs* – The principal sources of revenue to the General Fund from charges for services are County Clerk fees, school age child care fees, recreation fees, publication sales and various other services for which the County charges a fee. Revenues in this category represented 1.5% of General Fund revenues in FY 2023.

*Intergovernmental Revenue* – Intergovernmental revenue is comprised of revenue from the Commonwealth, revenue from the federal government, and revenue from local government. Revenues in this category represented 8.8% of General Fund revenues in FY 2023. This percentage includes the revenue that the County receives from the Commonwealth as reimbursement for the County's personal property tax. Each revenue source within intergovernmental revenue is described below.

*Revenue from the Commonwealth* – The County is reimbursed by the Commonwealth for a portion of shared expenses, including certain expenditures for social services, the sheriff's office, courts, the Office of the Commonwealth Attorney, and other constitutional offices. Additionally, the County receives a share of the net profits from the State Alcoholic Beverage Control Board's liquor sales and state contributions to assist in meeting law enforcement expenditures. As mentioned in the section concerning General Property Taxes, the Commonwealth also reimburses the County for a portion of its personal property tax on vehicles. Including the reimbursement for the County's personal property tax, revenues from this category represented 6.3% of total General Fund revenues in the fiscal year ended June 30, 2023. Excluding this reimbursement, revenue from this category represented 2.1% of General Fund revenue in FY 2023. The County receives a significant amount of additional State aid in support of Public School operations. These revenues are credited directly to the School Operating and School Lunch Funds, however, and are not reflected in the General Fund.

*Revenue from the Federal Government* – The principal sources of categorical federal aid to the General Fund are federal grant money supporting human service programs such as supplemental nutrition, temporary assistance for needy families, foster care, adoption assistance, and medical assistance for clients of the Department of Family Services. This revenue category represented 2.3% of General Fund revenues in FY 2023.

*Revenue from Local Government* – The principal sources of local government revenues are reimbursement from the Public Schools System for school nurses and reimbursement from the Park Authority for the debt service. This revenue category represented 0.2% of General Fund revenues in FY 2023.

*Miscellaneous Revenues* – The sources of revenue in this category include the sale of land and buildings, contract rebates, and other miscellaneous sources. These revenue sources accounted for 0.01% of General Fund revenues in FY 2023.

## **Expenditures and Transfers**

The following is a discussion of the major classifications of General Fund expenditures and transfers.

*Transfer to School Operating Fund* – The County transfers money from the General Fund to the School Operating Fund to pay the County's share of the costs of operating public schools in Fairfax County. This transfer represented approximately 45.3% of total disbursements from the General Fund in the fiscal year ended June 30, 2023. The transfer to the School Operating Fund was approximately 65.9% of total receipts of the School Operating Fund. Other revenues credited directly to the School Operating and School Lunch Funds include revenue from the Federal Government, the Commonwealth, the City of Fairfax (representing tuition of students residing in the City of Fairfax who attend Fairfax County schools), and other revenue derived locally from sale of textbooks, school lunches, etc.

*Costs of General County Government* – The County pays the costs of general County government from the General Fund. These costs include expenditures for general government administration, judicial administration, public safety, public works, health and welfare, parks, recreational and cultural programs, and community development. This classification was approximately 41.1% of total General Fund disbursements in FY 2023.

*Transfer to Debt Service Fund* – The County transfers from the General Fund to the Debt Service Fund amounts sufficient to pay principal and interest on outstanding County and School debt including general obligation bonds and EDA and FCRHA revenue bonds. Transfers to the Debt Service Fund represented 6.5% of total General Fund disbursements in FY 2023. Fairfax County Public Schools (FCPS) transfers from its operating fund to the County's Debt Service Fund an amount sufficient to pay principal and interest on the applicable portion of the 2014A and 2021D County Facilities Projects Bonds.

*Transfer to Capital Project Funds* – The County transfers money from the General Fund to the Capital Project Funds to pay the cost of certain capital improvements. The General Fund transfer to the Capital Project Funds (except for the General Fund transfer for Fairfax County's obligations to WMATA, which is discussed below) represented 3.3% of total General Fund disbursements in FY 2023.

*Transfer to Metro Construction and Operations Fund* – The County is a member jurisdiction of WMATA and as such has agreed to make certain capital contributions in support of the construction by WMATA of a rail transit system to serve the Washington metropolitan area (which includes the County) and to pay a portion of the deficit incurred by WMATA in the operation of its bus system and rail system.

The County generally has used bond proceeds to fund its capital contributions to WMATA and has transferred money from the General Fund to pay its share of the bus and rail operating subsidies. The General Fund transfer to the Metro Construction and Operations Fund to pay the County's share of the system's operating subsidies represented 1.0% of total General Fund disbursements in FY 2023. See the subsection herein entitled "GOVERNMENT SERVICES – Transportation" for a more complete discussion of the County's obligations with respect to WMATA.

*Other Transfers* – The County transfers money from the General Fund to other funds for a variety of purposes. The General Fund transfer to other funds includes transfers to the County Transit Systems, Information Technology, Aging Grants and Programs, Community-Based Funding Pool, Housing Programs for the Elderly, Health Benefits Trust, and Equipment Management and Transportation Agency. Transfers to other funds were 2.7% of total General Fund disbursements in FY 2023.

*Transfer to Revenue Stabilization Fund* – Beginning in FY 2000, the County began setting aside money in the General Fund for a Revenue Stabilization Fund to address significant revenue reductions during severe, prolonged economic downturns. The Revenue Stabilization Fund represented 33.8% of the total fund balance in the General Fund as of June 30, 2023.

### **FY 2024 Budget**

On May 9, 2023, the Board of Supervisors approved the FY 2024 Adopted Budget Plan. This budget was based on total revenues of \$5.11 billion, which is an increase of 7.00 percent over the FY 2023 Adopted Budget Plan. Residential equalization increased 6.97 percent and commercial equalization increased 1.65 percent, resulting in an overall 6.59 percent increase in real estate values. The County's real estate tax rate was reduced from \$1.11 per \$100 of assessed value to \$1.095 per \$100 of assessed value. The Board of Supervisors also provided relief from rising car values, with respect to the Personal Property Tax, by reducing the vehicle assessment ratio from 100 percent to 90 percent of trade-in value.

FY 2024 General Fund Adopted Disbursements total \$5.11 billion, which is a 6.99 percent increase above the FY 2023 Adopted Budget Plan. County support to Fairfax County Public Schools is equal to \$2.64 billion, which is a 6.02 percent increase over the FY 2023 Adopted Budget Plan, and 52.2 percent of FY 2024 Disbursements. Also, funding provided for a 5.44 percent market rate adjustment and performance increases for all County employees. Updated projections through September 2023 are consistent with the FY 2024 Adopted Budget Plan.

### **FY 2025 Budget**

[To be updated] As of November 2023, the County's FY 2025 Budget Forecast projects a \$223.3 million shortfall for FY 2025. This forecast assumes revenue growth of 1.9 percent and no change in the current real estate tax rate of \$1.095 per \$100 of assessed value. Disbursements included in the forecast provide funding for employee compensation and benefits associated with two collective bargaining contracts for Public Safety and non-union represented employees, debt service requirements, capital projects, operational reductions and efficiencies, and recurring adjustments initially funded as part of the FY 2023 Carryover Review and with stimulus funds. County staff continue to review all budget requests and monitor revenue trends, and make further adjustments as necessary. The County Executive's FY 2025 Advertised Budget Plan is anticipated to be presented to the Board of Supervisors in February 2024.

## **CAPITAL IMPROVEMENT PROGRAM**

In connection with the County's adopted comprehensive land use plan, the Fairfax County Planning Commission annually prepares and submits to the Board of Supervisors a capital improvement

program (“CIP”) for the ensuing five-year period. The CIP is designed to balance the need for public facilities as expressed by the County’s land use plan with the fiscal capability of the County to provide for those needs.

The CIP is an integral element of the County’s budgeting process. The five-year document serves as a general planning guide for the construction of general purpose, school and public utility projects in the County. The CIP is updated and approved by the Board of Supervisors each year. This annual review process prompts careful attention to the development of reliable capital expenditure and revenue estimates and the timely scheduling of bond referenda.

In connection with the CIP process, the Board of Supervisors has adopted certain policy guidelines for the development and financing of the CIP. These guidelines include self-imposed restrictions on the issuance of general obligation bonds designed to keep General Fund supported debt service expenditures less than 10% of total Combined General Fund disbursements, and to maintain the ratio of bonded indebtedness to the market value of taxable property in the County at a level less than 3.0%.

The Board of Supervisors continues to review the County’s debt program in light of current fiscal conditions and capital needs. Currently, general obligation bond sales for new money projects are limited to \$400 million per year. The CIP for fiscal years 2024-2028 (along with estimates for fiscal years 2029 to 2033) was approved by the Board of Supervisors on May 2, 2023. The County program includes new construction, renovation and renewal of school facilities, parks, housing development, revitalization, storm water management, public safety and courts, libraries, human services, solid waste, sewers, and transportation. Significant capital construction activity from FY 2024-2033 totaling \$12 billion is anticipated for the County, in addition to \$0.99 billion in regional parks and water supply projects that are undertaken within the County to benefit County residents but not managed or funded directly by the County. The total capital construction activity to be financed by the County totals \$13 billion from FY 2024-2033.

As part of the 2020 legislative session, the Virginia General Assembly voted to provide localities the authority to require that, for construction contracts paid for, in whole or in part, with funds of the locality, “bidders, offerors, contractors, and subcontractors” must “pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract at the prevailing wage rate.” For purposes of the Virginia Code, the prevailing wage rate is determined by the Commonwealth’s Commissioner of Labor and Industry “on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the Davis-Bacon Act.” The Board’s Legislative Committee received a presentation about the prevailing wage at its March 16, 2021, and October 26, 2021, meetings. At the December 7, 2021, Board of Supervisors meeting, County staff presented a draft prevailing wage ordinance for discussion. On January 25, 2022, the Board held a public hearing on, and then adopted, the prevailing wage ordinance.

## **RETIREMENT SYSTEMS**

Fairfax County administers four separate public employee retirement systems that provide pension benefits for various classes of County employees: Fairfax County Employees’ Retirement System (“ERS”), Fairfax County Police Officers Retirement System (“PORS”), Fairfax County Uniformed Retirement System (“URS”), and the Educational Employees’ Supplemental Retirement System of Fairfax County (“ERFC”). In addition, professional employees of the Fairfax County Public Schools participate in a plan sponsored and administered by the Virginia Retirement System (“VRS”).

The Fairfax County retirement systems investments are managed by independent professional investment managers. Investments in derivatives are not made for speculative purposes but may be used by investment managers to gain access to markets, to reduce risk, or to reduce transaction costs.

In fiscal year 2015, the County implemented GASB No. 68, Accounting and Financial Reporting for Pensions – an amendment of GASB Statement No. 27. GASB Statement No. 68 establishes the standards for accounting and reporting employee pension plans including the recognition and measurement of liabilities, deferred inflows and outflows, expenses and expenditures. The tables below are presented in conformity with GASB Statement No. 68.

As of June 30, 2022, membership in the reporting entities' plans consisted of the following:

Description	Primary Government			Component Unit – Public Schools
	ERS	PORS	URS	
Retirees and beneficiaries receiving benefits	10,641	1,317	1,583	13,747
Terminated employees entitled to, but not yet receiving, benefits	2,475	88	124	6,067
Deferred Retirement Option Plan participants	734	73	136	N/A
Active employees	13,943	1,299	1,868	22,916

Source: Fairfax County Annual Comprehensive Financial Report for FY 2023

### Fairfax County Employees' Retirement System (ERS)

#### *Plan Description*

The Fairfax County Employees' Retirement System ("ERS") is a legally separate single-employer defined benefit pension plan established under the Code of Virginia which covers only employees of the reporting entity. The plan covers full-time and certain part-time employees of the reporting entity who are not covered by other plans of the reporting entity or the VRS. This is the only plan that provides pension benefits to both the primary government and component units. The balances have been allocated in the financial statements as follows: County 68.8 percent including business type activities, FCPS 26.3 percent, EDA 0.4 percent, FCRHA 1.4 percent, FCPA 3.1 percent of all totals.

Benefit provisions are established and may be amended by County ordinances. All benefits vest at five years of creditable service. Members who were hired before January 1, 2013, had the option to elect to join Plan A or Plan B, and members who were hired on or after January 1, 2013, may elect to join Plan C or Plan D. Members who were hired on or after July 1, 2019, are automatically enrolled in Plan E. To be eligible for normal retirement, an individual must meet the following criteria: (a) attain the age of 65 with five years of service, (b) for Plans A and B, attain the age of 50 with age plus years of service being greater than or equal to 80, or (c) for Plans C, D, and E, attain the age of 55 with age plus years of service being greater than or equal to 85. The normal retirement benefit is calculated using average final compensation (i.e., the highest 78 consecutive two week pay periods or the highest 36 consecutive monthly pay periods) and years (or partial years) of creditable service at date of termination. For Plans A, B, C, and D, if normal retirement occurs before Social Security benefits are scheduled to begin, an additional monthly benefit is paid to retirees. Plan E eliminates the pre-Social Security Supplement;

however, there is a cost-neutral Early Age Option for employees who retire prior to full retirement age under Social Security. The plan provides that unused sick leave credit may be used in the calculation of average final compensation by projecting the final salary during the unused sick leave period. Those who commenced employment on or after January 1, 2013, may not use more than 2,080 hours of accrued sick leave toward service credit for retirement or entry into the Deferred Retirement Option Program (“DROP”). The benefit for early retirement is actuarially reduced and payable at early termination.

On December 4, 2018, the Fairfax County Board of Supervisors voted to approve changes to ERS, for employees hired on or after July 1, 2019, who will participate in a new plan. The changes include eliminating the pre-Social Security Supplement and eliminating the one-time 3 percent calculated retirement annuity increase from the plan. Changes also include the addition of a cost-neutral Early Age Option for employees who retire prior to full retirement age under Social Security.

Effective July 1, 2005, a DROP was established for eligible members of the ERS. Members who are eligible for normal service retirement are eligible to participate in this program. DROP provides the ability for an employee to retire for purposes of the pension plan, while continuing to work and receive a salary for a period of three years. During the DROP period, the pension plan accumulates the accrued monthly benefit into an account balance identified as belonging to the member. The account balance is credited with interest in the amount of 5.0 percent per annum, compounded monthly. The monthly benefit is calculated using service and final compensation as of the date of entry in DROP, with increases equal to the annual COLA adjustment provided for retirees.

#### *Funding Policy*

All contribution requirements for ERS are established and may be amended by County ordinances, including member contribution rates. Plan A and Plan C require member contributions of 4.0 percent of compensation up to the maximum Social Security wage base and 5.33 percent of compensation in excess of the wage base. Plan B, Plan D, and Plan E require member contributions of 5.33 percent of compensation.

The County is required to contribute at an actuarially determined rate; the rate for the year ended June 30, 2023, was 28.88 percent of annual covered payroll. The employer contribution made during the measurement period of the liability was \$229,114,059. The FY 2023 employer contribution totaled \$266,535,889.

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*Schedule of Changes in Net Pension Liability and Related Ratios (Dollar amounts in thousands)*

ACFR Reporting Year Measurement Date June 30 of prior year	2023
<b>Total Pension Liability</b>	
Service cost	\$119,242
Interest	422,967
Changes in benefit terms	-
Differences between expected and actual experience	236,424
Changes of assumptions	
Benefit payments, including refunds of member contributions	<u>(371,807)</u>
<b>Net change in total pension liability</b>	406,826
<b>Total pension liability – beginning</b>	<u>6,329,809</u>
<b>Total pension liability – ending</b>	<u>\$6,736,635</u>
<b>Plan Fiduciary Net Position</b>	
Contributions – employer	\$229,114
Contributions – member	40,269
Net investment income	(184,212)
Benefit payments, including refunds of member contributions	(371,807)
Administrative expense	<u>(2,477)</u>
<b>Net change in plan fiduciary net position</b>	(289,113)
<b>Plan fiduciary net position – beginning</b>	<u>\$5,146,232</u>
<b>Plan fiduciary net position – ending</b>	<u>\$4,857,119</u>
<b>Net pension liability – ending</b>	<u>\$1,879,516</u>
Plan fiduciary net position as a percentage of the total pension liability	72.1%
Covered employee payroll	\$793,331
Net pension liability as a percentage of covered employee payroll	236.91%

Source: Fairfax County Annual Comprehensive Financial Report for FY 2023

*Administration*

There are ten members of the ERS Board of Trustees. Four members are appointed by the Board of Supervisors. Three members are elected representing the following groups: County employees, Schools employees, and retired employees. The Fairfax County Director of Human Resources and the Director of Finance serve as ex-officio members of the board, along with an appointee from the Fairfax County Public Schools system.

*Professional Services*

An independent auditor and actuary are hired to provide service to the fund.

**Fairfax County Police Officers Retirement Systems (PORS)***Plan Description*

The Fairfax County Police Officers Retirement System (“PORS”) is a legally separate single-employer defined benefit pension plan established under the Code of Virginia. The plan covers County police officers who are not covered by other plans of the reporting entity or the VRS and former Park Police officers who elected to transfer to the PORS from the Uniformed Retirement System effective January 22, 1983.

Benefit provisions are established and may be amended by County ordinances. All benefits vest at five years of creditable service. Based on sworn in date, individuals were enrolled in Plan A, Plan B or Plan C. To be eligible for normal retirement, an individual must meet the following criteria: for Plan A (if

sworn in before December 31, 2012) attain the age of 55 or have completed 25 years of creditable service (20 years of creditable service if sworn in prior to July 1, 1981); for Plan B (sworn on or after January 1, 2013) and for Plan C (sworn on or after July 1, 2019) attain the age of 55 or have completed 25 years of creditable service. The normal retirement benefit is calculated using average final compensation and years (or partial years) of creditable service at date of termination. The plan provides that unused sick leave credit may be used in the calculation of average final compensation by projecting the final salary during the unused sick leave period. For Plan B and Plan C, individuals may not use more than 2,080 hours of accrued sick leave toward service credit for retirement or DROP entry. For Plan C, individuals are not eligible for the one-time 3 percent calculated retirement annuity increase from the plan. To be eligible for early retirement, the employee must have 20 years of creditable service (does not apply if sworn in before July 1, 1981). The benefit for early retirement is actuarially reduced and payable at early termination.

Effective October 1, 2003, a DROP was established for eligible members of the PORS. Members who are eligible for normal service retirement are eligible to participate in this program. DROP provides the ability for an employee to retire for purposes of the pension plan, while continuing to work and receive a salary for a period of three years. During the DROP period, the pension plan accumulates the accrued monthly benefit into an account balance identified as belonging to the member. The account balance is credited with interest in the amount of 5.0 percent per annum, compounded monthly. The monthly benefit is calculated using service and final compensation as of the date of entry in DROP, with increases equal to the annual COLA adjustment provided for retirees.

#### *Funding Policy*

All contribution requirements for PORS are established and may be amended by County ordinances, including member contribution rates. Member contributions were based on 8.65 percent of compensation at June 30, 2023.

The County is required to contribute at an actuarially determined rate; the rate for the year ended June 30, 2023, was 46.04 percent of annual covered payroll. The employer contribution made for the measurement period of the liability was \$52,066,100. The FY 2023 employer contribution totaled \$57,592,394.

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*Schedule of Changes in Net Pension Liability and Related Ratios (Dollar amounts in thousands)*

ACFR Reporting Year Measurement Date June 30 of prior year	2023
<b>Total Pension Liability</b>	
Service cost	\$35,635
Interest	134,451
Differences between expected and actual experience	109,416
Changes in assumptions	
Benefit payments, including refunds of member contributions	(98,631)
<b>Net change in total pension liability</b>	180,871
<b>Total pension liability – beginning</b>	<u>2,004,738</u>
<b>Total pension liability – ending</b>	<u>\$2,185,609</u>
<b>Plan Fiduciary Net Position</b>	
Contributions – employer	\$52,066
Contributions – member	10,242
Net investment income	15,536
Benefit payments, including refunds of member contributions	(98,631)
Administrative expense	(664)
<b>Net change in plan fiduciary net position</b>	(21,451)
<b>Plan fiduciary net position – beginning</b>	<u>1,808,189</u>
<b>Plan fiduciary net position – ending</b>	<u>\$1,786,738</u>
<b>Net pension liability – ending</b>	<u>\$398,871</u>
Plan fiduciary net position as a percentage of the total pension liability	81.75%
Covered employee payroll	\$113,089
<b>Net pension liability as a percentage of covered employee payroll</b>	<u>352.71%</u>

Source: Fairfax County Annual Comprehensive Financial Report for FY 2023

*Administration*

There are seven members of the PORS Board of Trustees. Three members are appointed by the Board of Supervisors. Two members are active employee elected representatives, and one member is a retiree elected representative. The Fairfax County Director of Finance serves as an ex-officio member of the board.

*Professional Services*

Independent auditor, actuary and investment consultants are hired to provide service to the fund.

**Fairfax County Uniformed Retirement System (URS)***Plan Description*

The Fairfax County Uniformed Retirement System (“URS”) is a legally separate single-employer defined benefit pension plan. The plan covers uniformed or sworn employees of the Fire and Rescue Department, Office of Sheriff, Park Police, helicopter pilots, and Animal Control Officers as well as non-administrative positions of the Department of Public Safety Communications who are not covered by other plans of the reporting entity or the VRS.

Benefit provisions are established and may be amended by County ordinances. All benefits vest at five years of creditable service. Employees hired before July 1, 1981, were enrolled in Plan A. Plan A members were given the opportunity to enroll in Plan B as of July 1, 1981, and to enroll in Plan C as of

April 1, 1997. From July 1, 1981, through March 31, 1997, all new hires were enrolled in Plan B. Plan B members were given the opportunity to enroll in Plan D as of April 1, 1997. From April 1, 1997, through December 31, 2012, all new hires were enrolled in Plan D. From January 1, 2013, forward, all new hires are enrolled in Plan E. From July 1, 2019, forward, all new hires are enrolled in Plan F. To be eligible for normal retirement an individual must meet the following criteria: (a) attain the age of 55 with six years of creditable service, or (b) complete 25 years of creditable service. The normal retirement benefit is calculated using average final compensation and years (or partial years) of creditable service at date of termination. Annual cost-of-living adjustments are provided to retirees and beneficiaries equal to the lesser of 4.0 percent or the percentage increase in the Consumer Price Index for the Washington Consolidated Metropolitan Statistical Area. The plan provides that unused sick leave credit may be used in the calculation of average final compensation by projecting the final salary during the unused sick leave period. Those enrolled in Plan E and Plan F may not use more than 2,080 hours of accrued sick leave toward service credit for retirement or DROP entry. For Plan F, individuals are not eligible for the one-time 3 percent calculated retirement annuity increase from the plan. In addition, Plan F eliminates the pre-Social Security Supplement; however, there is a cost neutral Early Age Option for employees who retire prior to full retirement age under Social Security. To be eligible for early retirement, employees must have 20 years of creditable service. The benefit for early retirement is actuarially reduced and payable at early termination.

Effective October 1, 2003, a DROP was established for eligible members of the URS. Members who are eligible for normal service retirement are eligible to participate in this program. DROP provides the ability for an employee to retire for purposes of the pension plan, while continuing to work and receive a salary for a period of three years. During the DROP period, the pension plan accumulates the accrued monthly benefit into an account balance identified as belonging to the member. The account balance is credited with interest in the amount of 5.0 percent per annum, compounded monthly. The monthly benefit is calculated using service and final compensation as of the date of entry in DROP, with increases equal to the annual COLA adjustment provided for retirees.

#### *Funding Policy*

All contribution requirements for URS are established and may be amended by County ordinances, including member contribution rates. Plan A requires member contributions of 4.0 percent of compensation up to the Social Security wage base and 5.75 percent of compensation in excess of the wage base. Plan B requires member contributions of 7.08 percent of compensation up to the Social Security wage base and 8.83 percent of compensation in excess of the wage base. Plan C requires member contributions of 4.0 percent of compensation. Plan D, Plan E, and Plan F require contributions of 7.08 percent of compensation.

The County is required to contribute at an actuarially determined rate; the rate for the year ended June 30, 2023, was 39.31 percent of annual covered payroll. The employer contribution made for the measurement period of the liability was \$65,793,238. The FY 2023 employer contribution totaled \$75,989,155.

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*Schedule of Changes in Net Pension Liability and Related Ratios (Dollar amounts in thousands)*

ACFR Reporting Year Measurement Date June 30 of prior year	2023
<b>Total Pension Liability</b>	
Service cost	\$45,935
Interest	163,743
Differences between expected and actual experience	136,998
Changes in assumptions	
Benefit payments, including refunds of member contributions	<u>(124,617)</u>
<b>Net change in total pension liability</b>	221,056
<b>Total pension liability – beginning</b>	<u>2,442,189</u>
<b>Total pension liability – ending</b>	<u>\$2,663,245</u>
<b>Plan Fiduciary Net Position</b>	
Contributions – employer	\$65,793
Contributions – member	12,0710
Net investment income	(193,071)
Benefit payments, including refunds of member contributions	(124,617)
Administrative expense	<u>(665)</u>
<b>Net change in plan fiduciary net position</b>	240,489
<b>Plan fiduciary net position – beginning</b>	<u>2,165,026</u>
<b>Plan fiduciary net position – ending</b>	<u>\$1,924,537</u>
<b>Net pension liability – ending</b>	<u>\$738,708</u>
Plan fiduciary net position as a percentage of the total pension liability	72.26%
Covered employee payroll	\$167,370
<b>Net pension liability as a percentage of covered employee payroll</b>	<u>441.36%</u>

Source: Fairfax County Annual Comprehensive Financial Report for FY 2023

*Administration*

There are eight members of the URS Board of Trustees. Three members are appointed by the Board of Supervisors. Three members are employee elected representatives comprised of two members from the Fire and Rescue Department, and one member from the Sheriff's Department. The Fairfax County Director of Finance and Director of Human Resources serve as ex-officio members of the board.

*Professional Services*

An independent auditor and actuary are hired to provide service to the fund.

**Educational Employees' Supplementary Retirement System of Fairfax County (ERFC)***Plan Description*

The Educational Employees' Supplementary Retirement System of Fairfax County ("ERFC") is a legally separate single-employer retirement system established under the Code of Virginia. The ERFC covers all full-time educational and civil service employees who are employed by the Public Schools and who are not covered by other plans of the reporting entity. The ERFC 2001 is the retirement plan for members of the ERFC whose membership commenced on or after July 1, 2001.

Benefit provisions for ERFC and ERFC 2001 are established and may be amended by ERFC's Board of Trustees ("ERFC Board") subject to approval by the School Board. All members are vested for benefits after five years of service. The ERFC benefit formula was revised effective July 1, 1988,

following changes to VRS, which ERFC has historically supplemented. The benefit structure is designed to supplement VRS and Social Security benefits to provide a level retirement benefit throughout retirement.

ERFC 2001 Tier 1 and Tier 2 have a stand-alone structure. Member contributions for ERFC and ERFC 2001 are made through an arrangement that results in a deferral of taxes on the contributions. Further details of member contributions may be found in Article III of the ERFC and ERFC 2001 Plan Documents.

ERFC and ERFC 2001 provide for a variety of benefit payment types. ERFC's payment types include Service Retirement, Reduced Service, Disability, Death-in-Service, and Deferred Retirement. ERFC 2001's payment types include Service Retirement, Death-in-Service, and Deferred Retirement. ERFC's minimum eligibility requirements for receipt of full benefits range from members attaining the age of 55 with 25 years of service to completing five years of service prior to age 65. The minimum eligibility requirements for full benefits for ERFC 2001 Tier 1 members are age 60 with five years of service or any age with 30 years of service. The minimum eligibility requirements for full benefits for ERFC Tier 2 members are full Social Security age with five years of service or age and service equal 90 (the rule of 90). Annual post-retirement cost-of-living increases are effective each March 31. Participants in their first full year of retirement from ERFC 2001 Tier 1 receive a 1.49 percent increase. Participants who retire on or after January 1 receive no cost-of-living increase that first March. Under ERFC 2001 Tier 2, the first cost-of-living increase will equal approximately half of the full amount. Thereafter, the full cost-of-living increase will equal 100 percent of the Consumer Price Index for all Urban Consumers for the Washington, D.C. metropolitan area for the period ending in November of each year, capped at 4%. Additional details regarding benefit payment types can be found in the actuarial valuation and the Plan Documents.

#### *Funding Policy*

All contribution requirements for ERFC plans are established and may be amended by the ERFC Board with the approval of the School Board. The requirements are based upon a fundamental financial objective of having rates of contribution that remain relatively level from generation to generation of employees. To determine the appropriate employer contribution rates and to assess the extent to which the fundamental financial objective is being achieved, ERFC has actuarial valuations prepared annually. Members are required to contribute 3 percent of annual salary. The employer is required to contribute at an actuarially determined rate, which was 6.70 percent for fiscal year 2023. Employer contributions to the pension plan were \$117,155,967 and \$111,119,456 for the years ended June 30, 2023, and June 30, 2022, respectively.

The actuarial valuations are used to set the employer contribution rate for the two-year period beginning 18 months after the valuation date. As such, the December 31, 2019, valuation recommended that the contribution rate for the two-year period beginning July 1, 2021, to June 30, 2023, be increased from 6.44 percent to 6.70 percent.

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*Schedule of Changes in Net Pension Liability and Related Ratios (Dollar amounts in thousands)*

ACFR Reporting Year Measurement Date June 30 of prior year	2023
<b>Total Pension Liability</b>	
Service cost	\$92,063
Interest	268,463
Changes of Benefit Terms	-
Differences between expected and actual experience	(5,133)
Changes of assumptions	133,042
Benefit payments, including refunds of member contributions	<u>(198,655)</u>
<b>Net change in total pension liability</b>	289,780
<b>Total pension liability – beginning</b>	<u>3,710,208</u>
<b>Total pension liability – ending</b>	<b>\$3,999,988</b>
<b>Plan Fiduciary Net Position</b>	
Contributions – employer	\$111,119
Contributions – member	50,017
Net investment income	(232,237)
Benefit payments, including refunds of member contributions	(198,655)
Administrative expense	<u>(4,481)</u>
<b>Net change in plan fiduciary net position</b>	(274,237)
<b>Plan fiduciary net position – beginning</b>	<u>3,272,147</u>
<b>Plan fiduciary net position – ending</b>	<b>\$2,997,910</b>
<b>Net pension liability – ending</b>	<b>\$1,002,078</b>
Plan fiduciary net position as a percentage of the total pension liability	74.95%
Covered employee payroll	\$1,658,499
<b>Net pension liability as a percentage of covered employee payroll</b>	<u>60.43%</u>

Source: Fairfax County Annual Comprehensive Financial Report for FY 2023

*Administration*

The Board is composed of seven members: three are appointed by the School Board, and three are elected by active ERFC members. The six combined Board members recommend someone who is not affiliated with FCPS for the seventh position, which is subject to approval by the School Board.

*Professional Services*

An independent auditor and actuary are hired to provide service to the fund.

**Virginia Retirement Systems (VRS)***Plan Description*

FCPS contributes to VRS on behalf of its covered professional employees. VRS is a cost-sharing, multiple-employer retirement system, which administers two defined benefit plans and a hybrid plan that combines the features of a defined benefit plan and a defined contribution plan. These plans are administered by the Commonwealth and provide coverage for Commonwealth employees, public school board employees, employees of participating political subdivisions, and other qualifying employees. All full-time, salaried, permanent employees of VRS-participating employers are automatically covered under VRS. All employees hired after January 1, 2014, are automatically enrolled in the Hybrid Plan. Contributions made by members and participating VRS employers are invested to provide future

retirement and disability benefits, annual cost of living adjustments, and death benefits to plan members and beneficiaries.

#### *Funding Policy*

The contribution requirement for active employees is governed by Section 51.1-145 of the Code, as amended, but may be affected as a result of funding provided to school divisions by the Virginia General Assembly. Employees are required to contribute 5.0 percent of their compensation toward their retirement. Each school division's contractually required contribution rate for the year ended June 30, 2022, was 16.62 percent of covered employee compensation. This rate was based on an actuarially determined rate from an actuarial valuation as of June 30, 2019. The actuarially determined rate, when combined with employee contributions, was expected to finance the costs of benefits earned by employee during the year, with an additional amount to finance any unfunded accrued liability. Based on the provisions of Section 51.1-145 of the Code, as amended, the contributions were funded at 100 percent of the actuarial rate for the year ended June 30, 2023. Employer contributions to the pension plan were \$290,478,121 and \$275,534,721 for the years ended June 30, 2023, and June 30, 2022, respectively.

#### **Fairfax County Retirement Systems – Plan Revisions from the Board of Supervisors**

As directed by the Board of Supervisors, the Fairfax County Department of Human Resources contracted with a benefits consultant to conduct a comprehensive retirement study. Based on the results of this study, the Board of Supervisors, as part of their mark-up of the FY 2013 Adopted Budget Plan on April 24, 2012, reaffirmed the County's commitment to a defined benefit plan model for current employees and for new hires. The Board also directed staff to prepare revisions to the Fairfax County Code to incorporate several modifications to the retirement systems, to apply only to new employees who are hired after January 1, 2013. These changes included increasing the minimum retirement age from 50 to 55 in the Employees' system, increasing the rule of 80 to the rule of 85 in the Employees' system, removing the pre-Social Security Supplement from DROP accounts in the Employees' system and the Uniformed system, and placing a cap on the use of sick leave for retirement purposes at 2,080 hours for all three retirement systems.

During 2017 and 2018, the Board of Supervisors again directed County staff to review its retirement plans. A retirement workgroup was established consisting of Board members and employee group representatives that included presentations and group discussions on retirement demographics, trends, potential benefit changes. Following a public hearing on December 4, 2018, the Board of Supervisors approved changes for new employees hired on or after July 1, 2019. These changes included the elimination of the Pre-Social Security supplement for the Employees' and Uniformed systems, and the elimination of a prior provision that increased the annual annuity calculation by 3 percent for the Employees, Uniformed, and Police Retirement plans.

#### **Fairfax County – Other Post-Employment Benefits (OPEB)**

##### *Plan Description and Administration*

The Fairfax County OPEB Plan (the "Plan") is a single-employer defined benefit plan administered by Fairfax County. The Plan provides the opportunity to continue participation in medical/dental, vision, and life insurance benefits for eligible retirees and their spouses. The Plan benefits correspond with benefits available to active employees. The benefit provisions are established and may be amended by the Board. Fiduciary oversight is provided by the members of the Deferred Compensation Board. The members of the Deferred Compensation Board are the CFO, Director of

Finance, Director of Human Resources, Director of Management and Budget, and the Executive Director of the Retirement Agency. The Plan does not issue a stand-alone financial report.

Beginning in fiscal year 2006, the amount of monthly medical subsidy provided by the County is based on years of service and ranges from \$30 per month to \$220 per month. Employees who retired prior to July 1, 2003, are eligible for the greater of the amount based on the current subsidy structure or the amount calculated based on the subsidy structure in place prior to July 2003. In addition, the Board has established a program to subsidize the continuation of term life insurance at reduced coverage amounts for retirees. Retirees generally pay for 50 percent of their coverage amounts at age-banded premium rates, with the County incurring the balance of the cost. In order to receive these subsidies, retirees must be 55 or older and have a minimum of five years of service credit. If participation in any of the benefit areas is discontinued, eligibility is lost and a retiree may not re-enroll into the Plan. Consequently, all inactive employees are considered to be receiving benefits.

Participant data for fiscal years 2022 and 2023 is as follows:

<b>Membership</b>	<b>FY 2022</b>	<b>FY 2023</b>
<b>Medical Members</b>		
Number of Active Members	15,905	12,420
Average Age	44	45
Average Service	10	12
<u>Number of Inactive Members</u>		
Retirees and Spouses	5,668	5,706
Average Age	68	68
<b>Life Insurance Members</b>		
Number of Active Members	15,905	12,420
Average Age	44	45
Average Service	10	12
<u>Number of Inactive Members</u>		
Retirees and Spouses	6,229	6,359
Average Age	69	70

Source: Fairfax County Annual Comprehensive Financial Report FY 2023

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*Statement of Changes in Net Position for the Fiscal Year ended June 30, 2023 – OPEB Trust Fund*

<b>ADDITIONS:</b>	<b><u>2023</u></b>
Contributions:	
Employer	\$13,042,958
Other	<u>2,328,956</u>
Total Contributions	<u>\$15,371,914</u>
Investment Income from Investment Activities:	
Net change in fair value of investments	\$28,531,488
Interest	<u>61,686</u>
Total Income from Investment Activities	<u>\$28,593,174</u>
Less Investment Activities Expenses:	
Management Fees	\$274,055
Other	<u>542</u>
Total Investment Activities Expenses	<u>\$274,597</u>
Net Gain from Investment Activities	<u>\$28,318,577</u>
Net investment gain	<u>\$28,318,577</u>
<b>Total Additions</b>	<b><u>\$43,690,491</u></b>
<b>DEDUCTIONS:</b>	
Benefits	\$22,127,226
Administrative Expenses	<u>139,854</u>
<b>Total Deductions</b>	<b><u>\$22,267,080</u></b>
<b>Net Increase</b>	<b>21,423,411</b>
Net Position - July 1, 2022	<u>382,374,168</u>
<b>Net Position - June 30, 2023</b>	<b><u>\$403,797,579</u></b>

*Source:* Fairfax County Annual Comprehensive Financial Report FY 2023

*Net OPEB Liability for the Plan*

The Plan's net OPEB liability was measured as of June 30, 2023. The components of the net OPEB liability for the Plan are as follows:

Total OPEB Liability	\$366,660,854
Plan Fiduciary Net Position (Market Value of Assets)	<u>(403,797,579)</u>
Net OPEB Liability	<u>(\$37,136,725)</u>
Plan Fiduciary Net Position as % of Total OPEB	110.13%

*Source:* Fairfax County Annual Comprehensive Financial Report FY 2023



## Fairfax County Public Schools – Other Post-Employment Benefits (OPEB)

### *Plan Description and Administration*

The Fairfax County Public Schools OPEB Trust Fund is a single-employer defined benefit plan administered by the Fairfax County Public Schools (“Public Schools”). Public Schools’ plan provides health benefits to eligible retirees and their spouses. The plan benefits correspond with benefits available to active employees. Benefit provisions are established and may be amended by the School Board. Fiduciary oversight is provided by the members of the Local Finance Board for OPEB. The Plan does not issue a stand-alone financial report.

A retiree and/or spouse who is at least 55 of years of age and participates in a Public Schools administered health insurance plan will receive an explicit subsidy ranging from \$15 to \$175 per month, based on years of service and the retirement plan in which the retiree is covered. In addition, Public Schools provides an implicit subsidy by allowing retirees to participate in the health insurance plans at the group premium rates calculated on the entire universe of active and retired employees. This subsidy occurs because, on an actuarial basis, the current and future claims of the retiree participants are expected to result in higher per person costs to the insurance plans than will be the experience for active employees.

Participant data for fiscal years 2021 and 2022 is as follows:

<b>Membership</b>	<b>FY 2021</b>	<b>FY 2022</b>
<b>Medical Members</b>		
Number of Active Members	19,878	20,528
Average Age	46	46
Average Service	11	11
<u>Number of Inactive Members</u>		
Retirees and Spouses	10,135	10,174
Average Age	72	73
<b>Life Insurance Members</b>		
Number of Active Members	4,457	4,451
Average Age	53	53
Average Service	11	12
<u>Number of Inactive Members</u>		
Retirees and Spouses	2,844	3,050
Average Age	72	72

*Source:* Fairfax County Annual Comprehensive Financial Report FY 2023

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*Statement of Changes in Net Position for the Fiscal Year ended June 30, 2023 – OPEB Trust Fund*

<b>ADDITIONS:</b>	<b><u>2023</u></b>
Contributions:	
Employer	\$15,536,667
<b>Total Contributions</b>	<b><u>\$15,536,667</u></b>
Investment Income from Investment Activities:	
Net increase in fair value of investments	\$14,986,379
Administrative Expense	<u>(100,336)</u>
Total Income from Investment Activities	<u>14,886,043</u>
<b>Total Additions</b>	<b><u>\$30,422,710</u></b>
<b>DEDUCTIONS:</b>	
Benefits payments / refunds	\$10,536,667
<b>Total Deductions</b>	<b><u>\$10,536,667</u></b>
<b>Net Increase</b>	<b><u>\$19,886,043</u></b>
Net Position - July 1, 2022	<u>193,561,876</u>
<b>Net Position - June 30, 2023</b>	<b><u>\$213,447,919</u></b>

*Source:* Fairfax County Annual Comprehensive Financial Report FY 2023

*Net OPEB Liability for the Plan*

The Public Schools' net OPEB liability was measured as of June 30, 2023, and the total OPEB liability used to calculate the net OPEB liability was determined by an actuarial valuation as of that date. The components of the net OPEB liability for the Plan are as follows:

Total OPEB Liability	\$247,699,784
Plan Fiduciary Net Position (Market Value of Assets)	<u>(213,447,919)</u>
Net OPEB Liability	<u>\$34,251,865</u>
Plan Fiduciary Net Position as % of Total OPEB	86.17%

*Source:* Fairfax County Annual Comprehensive Financial Report FY 2023

For further information regarding the County's retirement systems, see "Basic Financial Statements – Notes to Financial Statements – Notes G and H" in the County's Financial Statements for the Fiscal Year ended June 30, 2023.

**CONTINGENT LIABILITIES AND CLAIMS**

The County is contingently liable with respect to lawsuits and other claims that arise in the ordinary course of its operations. See Note L in the County's Financial Statements in the County's financial statements for the Fiscal Year ended June 30, 2023.

Board Agenda Item  
March 5, 2024

4:00 p.m.

**Public Hearing to Validate and Convey Property at the Franconia Governmental Center  
to the Fairfax County Redevelopment and Housing Authority (Franconia District)**

**ISSUE:**

Validation and Public Hearing regarding the conveyance of property located at the Franconia Governmental Center to the Fairfax County Redevelopment and Housing Authority (FCRHA).

**RECOMMENDATION:**

The County Executive recommends that the Board validate and convey certain property at the Franconia Governmental Center to the FCRHA.

**TIMING**

On November 21, 2023, the Board authorized the advertisement of a public hearing for this matter.

**BACKGROUND:**

On March 9, 2021, following a public hearing, the Board of Supervisors (Board) authorized the conveyance of five parcels of land located at 6121 Franconia Road and identified as Tax Map Nos. 81-3 ((05)) parcels 0002A, 0002B, 0002C1 and 0003A and Tax Map No. 81-3 ((08)) parcel 0503 (Property) to the Fairfax County Redevelopment and Housing Authority (FCRHA). The approximately 3.25-acre property is improved with the Franconia Governmental Center, a 25,800 square foot building constructed in 1992 that incorporates three facilities: the Franconia District Supervisor's Office, the Franconia Police Station and the Franconia Museum and is no longer adequate for these purposes, which are in the process of being relocated to another facility.

The FCRHA is currently negotiating with a developer to expand the County's affordable housing portfolio by constructing a multifamily affordable development on the Property.

During this process, concerns have been raised regarding the validity of the March 9, 2021, public hearing that effectuated the conveyance. Although staff does not share these concerns, this item is intended to fully address this issue by both validating the original conveyance, and in an abundance of caution, repeating the public hearing as required by *Virginia Code § 15.2-1800* to convey the Property to the FCRHA.

Board Agenda Item  
March 5, 2024

**FISCAL IMPACT:**

None.

**ENCLOSED DOCUMENTS:**

Attachment 1 – Location Map

Attachment 2 – Resolution

Attachment 3 – Milestone Actions

**STAFF:**

Christopher A. Leonard, Deputy County Executive

Thomas E. Fleetwood, Director, Department of Housing and Community Development

**ASSIGNED COUNSEL:**

Alan M. Weiss, Assistant County Attorney



**RESOLUTION**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held on Tuesday, January 23, 2024, at which a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, on March 9, 2021, the Board of Supervisors authorized the conveyance of land known as the Franconia Governmental Center and identified as Tax Map Nos. 81-3 ((05)) parcels 0002A, 0002B, 0002C1 and 0003A and Tax Map No. 81-3 ((08)) parcel 0503 (Property) to the Fairfax County Redevelopment and Housing Authority (FCRHA); and

**WHEREAS**, the FCRHA is currently negotiating with a developer to expand affordable housing in Fairfax County by using the Property for multifamily affordable housing; and

**WHEREAS**, the Board finds that its conveyance of the Property to the FCRHA pursuant to the March 9, 2021, public hearing was in the best interest of the residents of Fairfax County and would help sustain the County's economy by generating affordable housing and that the March 9, 2021, public hearing and subsequent conveyance of the Property to the FCRHA were valid, and

**WHEREAS**, out of an abundance of caution, the Board held another public hearing on the conveyance of the Property to the FCRHA on January 23, 2024, to resolve any concerns about the validity of the March 9, 2021, public hearing;

**NOW, THEREFORE**, upon public hearing duly advertised according to law, it is **RESOLVED** that the Board of Supervisors finds that the March 9, 2021, conveyance was necessary to assure the continuation of the County's essential functions, services, and operations, and that, to the extent necessary, the County reauthorizes the conveyance of the Property to the FCRHA and authorizes the County Executive to execute all necessary documents to convey the Property to the FCRHA.

A Copy Teste:

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Jill G. Cooper  
Clerk for the Board of Supervisors

**Milestone Actions of Board-Conveyed Properties – Franconia Government Center  
to the  
Fairfax County Redevelopment and Housing Authority**

**Franconia Governmental Center**

Land Transfer to FCRHA

- Public Hearing Advertisement: February 19 & 26, 2021
- Board Public Hearing: March 9, 2021

Request for Proposals

- Franconia District Town Hall: October 27, 2021
- RFP Advertisement: February 3, 2022
- Developer Selection: January 11, 2023

Comprehensive Plan Amendment (Franconia Triangle)

- Board PA Authorization: April 11, 2023
- FDLUC Meeting: December 4, 2023
- PA FDLUC Presentation: January 2024\*

Interim Agreement

- FCRHA Public Hearing Ad: November 20, 2023
- FCRHA Public Hearing: December 14, 2023\*
- IA Execution: January 18, 2024\*

\*Scheduled/projected milestone dates

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**Abbreviations and Acronyms:**

CA:	Comprehensive Agreement
DPD:	Department of Planning and Development
FCRHA:	Fairfax County Redevelopment and Housing Authority
FDLUC:	Franconia District Land Use Committee
IA:	Interim Agreement
PA:	Plan Amendment
PCA:	Proffer Condition Amendment
RFP:	Request for Proposals