



Fairfax VOTER

Proffers and the Virginia State Legislature

Attempts in recent state legislative sessions to lessen the flexibility local governments have in dealing with developers ignited the interest of a determined League committee. After considerable study, the Proffers Study Committee is asking members to concur or not on a statement that they propose be put into our local Land Use position. The concurrence asks that the state essentially retain the proffers system as is.



In addition this month, our census partnership efforts are gearing up, with members being asked to help identify hard-to-count populations in their immediate areas and to suggest other organizations that we might help reach them.

Calendar

November

- 01 Daylight Savings Time ends
- 1-3 Voters Service phones
- 02 December *VOTER* deadline
- 03 ELECTION DAY – VOTE!**
- 06 NCA Board Meeting
- 07 Briefing/Packard Center 2nd floor, 10 a.m. Proffers – possible concurrence
- 09-17 Unit Meetings - Proffers**
- 11 Veterans Day
- 17 Sequoyah Condo Election** – Rt. 1, Alexandria
- 17-20 100th Anniversary of Equal Suffrage League in VA celebrations, Richmond (LWV-VA)
- 18 Board Meeting 10 a.m.**
New Members Reception 1 p.m.
December UC letter deadline
- 26-27 Thanksgiving – schools closed

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The President's Message

I visited three units in September and plan on visiting more in October and November. I have been so pleased to find the unit members to be enthusiastic about ways to attract new members. We have had a good time brainstorming ideas and possibilities for reaching out to new and old members. We all agreed that we need to be "seen more." It can be as simple as wearing your LWVFA pin and having people ask what it is for. Or in carrying extra *VOTERS* to give to people who see the program blurb and show an interest in that month's program. It often boils down to one thing, the one-on-one experience that can develop into a good and fruitful experience for both. What we don't do enough is to just "ask." Ask people to come to our unit meetings, to our events such as the **October 18 panel on the Mideast**, and finally but most important, just ask them to join LWVFA.

The board is hosting a **New Member Reception on November 18, at 1 p.m.** at the Packard Center downstairs conference room. Everyone is invited: Come and welcome our new members, tell them what unit you are in and where you meet. Find out about them, what they are interested in, where they live, etc. Tell them about what you do, what your interests are. We may be making lifelong friends who will enrich our lives as well as the League's. If you are coming, please inform the office at 703-658-9150 or league@lww-fairfax.org.

Thank you for all that you do for LWVFA.

Janey George

Mark Your Calendars Today . . .

January General Meeting Speaker Announced

The 2010 General Meeting will be held on Saturday, January 23 at the Country Club of Fairfax, 5110 Ox Road, Fairfax. The speaker will be Clark Tyler, chair of the Tysons Land Use Task Force, who will give us an update on the plans for Tysons Corner. Look for the reservation form in the December *VOTER*. Plan now to attend this important meeting!

New Member News . . .

A Warm Welcome to Our New Members

We are happy to welcome five new members. Our new national member is **Nancy Husch**, and our four newest local members are **Judith Helein**, **Anne Mueller**, **Lee Hendricks** and **Ashlie Strackbein**. Don't forget our New Member Reception is Wednesday, November 18 at 1:00 p.m. in the Packard Center Large Conference Room on the main level. We hope many of you will be there and get to know them.

Meeting Alert . . .

Women's Legislative Roundtable Planned for December 2

Make plans now to be Richmond on Wednesday, December 2. The LWV-VA will moderate a pre-session meeting of the Women's Legislative Roundtable, in which members of the executive branch, legislative body, media and lobbyists will discuss the issues to be addressed by the General Assembly during the 2010 session. The 9:30 a.m. meeting is free; it will be followed by a \$30 luncheon. Registration for the lunch is due by November 23. The reservation form can be found in the Fall 2009 *Virginia Voter*.

LWVFA Fairfax *VOTER* 2009 - 2010

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Units Weigh In on Terrorism Discussion

by Karol McKalip, Middle-East Committee

Part two of the Middle East Study, Terrorism Past and Present, elicited a great deal of interest with lively discussion in the participating League units. There were many questions, comments and expressed opinions.

In exploring the kinds of terrorism, several units found the discussions to be particularly spirited. Several groups agreed that attitudes toward terrorism and whether an act can be categorized as terrorist depend upon one's point of view. Terrorism is in the eye or the mind of the beholder (Reston Evening, Vienna Evening). It is a tool that can be used by states, and in some cases the only tool that can be used by those who are weak and powerless to effect change. Members reviewed many of the examples in the article and came up with some examples of their own. In the United States, the Ku Klux Klan was cited as well as abortion clinic bombings (Springfield, Reston Evening). It was felt that these better fit domestic examples rather than the assassination of President McKinley.

The definition of terrorism was viewed as good and helpful, especially in the areas of:

- Targeting civilians (a key idea)
- Keeping control
- Effecting political change through violence
- Instilling fear

The connections between terrorism and jihad were not addressed by all groups. Reston Evening felt that the sources cited to define jihad were vague and that "most Muslims do not consider violence a desirable way to enforce religion." And Mount Vernon Day observed that jihad is used by those to gain power over other groups.

The reasons given in the article for Osama bin Laden's antipathy toward the United States produced a variety of responses. Opinions were somewhat divided in Reston Evening as to whether bin Ladin should be given credit for the current terrorist threats and that, perhaps, too much emphasis was being placed on his being the mastermind. But Western intrusions and invasions, the creation of the state of Israel and its support by the United States, and the displacement of the Palestinians were seen as critical to his animosity by most of the units.

There is no reasoning or compromise when terrorists use religion to commit violent acts. The notions of rewards in the

afterlife and the promise of paradise are used by

leaders to appeal to the disaffected and the unemployed. Two units (Reston Evening and Springfield) agreed that a lack of hope for a better future fuels suicide bombers; in addition, their families get money, honor and media attention. Financial rewards to the families have not been adequately publicized.

There were two troubling aspects of the various terrorism trends that were expressed by several units. The issue of financing was one: the apparent ease in money-raising abilities and the huge sums of money being spent. The second was the use of technology to facilitate communication and mobility. Technology permits the setup of widespread cells, a decentralization that makes their eradication more difficult. One unit (Mount Vernon Day) added that the participation of women in suicide acts was both surprising and troublesome and that "gender terrorism" should be included in future discussions.

Osama bin Laden's war declarations, beginning in 1996, were in part ignored because of the historical belief in the invulnerability of the United States based on the protections provided by the Atlantic and Pacific Oceans (Mount Vernon Day and Evening). Some members in the Mount Vernon Day unit also thought that oil and other big business interests may have played a role in ignoring the early threat. A lack of interagency intelligence sharing was in part responsible.

How do we respond as a nation to the fight against Al Qaeda? One group (Reston Evening) endorsed Michael Scheuer's view that we must not assume that all nationalities and cultures share our point of view. Are the images of the United States as portrayed in the popular culture seen throughout the world worthy of praise and pride (Springfield)? We should try to understand the mindset of others in order to start a productive dialogue. And, further, Reston Evening suggested that we must know our enemies, respect their history, and recognize the injustices they have experienced. Another unit (Mount Vernon Day) suggested that the role of our military should be focused on working with and protecting the civilian populations. However, several units (Mount Vernon Evening, Springfield, and Chantilly/Herndon) felt that Scheuer's recommendations on how the United States should respond did not include any mention of specific actions. Such



recommendations, these members felt, were critical to our ongoing discussions.

The discussions on which other “Muslim minority countries” would most likely emerge as an enemy of the United States were varied. Some units were confused by the term, feeling it was unclear and misleading. However, Africa, SE Asia and Pakistan were mentioned as possibilities.

Members were looking forward to learning more about this topic and about what specific actions should be taken to alleviate tensions and reduce terrorism.

Several of the units had recommendations for additional

readings related to this topic.

Three Cups of Tea: One Man’s Mission to Promote Peace

By Greg Mortenson and David Oliver Relin;

Occidentalism: The West in the Eyes of Its Enemies

By Ian Buruma and Avishai Margalit;

Islam, A Short History

By Karen Armstrong;

The Attack

By Jasmina Khadra;

Myths, Illusions and Peace

By Dennis Ross;

Peace, Not Apartheid

By Jimmy Carter.



Progress Made by Domestic Violence Council

By Barbara Nunes, Representative to the Domestic Violence Prevention Policy Coordinating Council

The Domestic Violence Prevention Policy Coordinating Council has been extremely busy these past two years. We’ll continue to provide updates about its activities in upcoming issues of the *VOTER*.

1. Safe Havens Visitation Center was on the chopping block at budget time in March 2009. Information about this program was in the January 2008 *VOTER*. The LWVFA and other groups testified to the importance of this program and urged the Board of Supervisors to reinstate it and were successful.
2. The Artemis House Family Violence Shelter, formerly the Fairfax County Women’s Shelter, will now be managed by Shelter House, which will handle day-to-day operations. Domestic and Sexual Violence Services will continue to provide counseling services to residents.
3. Last year, a joint venture between the Office for Women and Verizon Wireless HopeLine to collect used cell phones netted the county \$7,000 for Artemis House. This program continues. Cell phones can still be dropped off at the Fairfax County Office for Women & Domestic and Sexual Violence Services office until March 2010.
4. An interfaith effort to generate awareness of domestic violence was started last summer. Groups from Christian, Jewish, Muslim, Buddhist and Baha’i faiths attended a breakfast in May 2009. It is hoped additional religious faiths will join this group.

5. The Commonwealth Attorney’s office applied for a grant for more prosecutors for domestic violence and has been granted 1.6 positions. Jessica Edwardson, who has worked with the Potomac Legal Aid Society, was hired. The part-time position will be held by Christian Hedge, who has experience working with survivors of domestic violence in Cambodia.
6. One of the more complex problems that have surfaced is domestic violence of teens and dating. We’ll write more about this later. Anyone who is interested in learning more about the county’s involvement in domestic violence issues, please call Barbara Nunes at 703-451-7238.

Opportunities Available For League Service

Here are several opportunities where you can “dust off” your many skills and use them backing up LWVFA officers and committee chairs. Do you have *accounting, editing, financial, or organizing skills* that are not being used? Do we have some assistant opportunities for you!

Our Treasurer, Therese Martin, needs an assistant. We don’t want to scare anyone off by listing all that she does but, needless to say, it’s a long list. Liz Brooke could use an assistant/backup in coordinating the *VOTER*. And Bernice Colvard could use someone to help with fundraising. The Voters Service Director position is still open and has a committee of 13 wanting to help with any and all activities. We are spreading out the responsibilities of our positions so no one person is loaded down, giving more people the chance to be involved and providing the backup that may be needed if someone becomes ill or has to leave town. Take the opportunity to become involved in **your** League – it is only as strong and vital as you make it!

Proffers Committee Seeks Concurrence on Local League Position

by Lucy Dlhopsky, Shirley Olson, Franette Bell,
and co-chairs, Baba Freeman and Marcia McDevitt

The Proffers committee recommends adding a statement to LWVFA's positions on land use that addresses Fairfax County's ability to use the proffer system in its current form to maintain flexibility in the land-use planning process at the local government level. The committee suggests that this objective could be accomplished by use of the League concurrence process and offers a statement as shown on page 6 that could become an addition to the LWVFA position on Land Use Planning.

To explain our reasoning, we call your attention to four Fairfax *VOTER* articles from last fall and January about the development process in Fairfax County. The articles discussed proffers and the way Fairfax County uses the proffers technique as a way to control what gets built in the County. The text of these pieces is repeated later in this document as background information for reaching a possible concurrence on the use of proffers in Fairfax County.

The first article, #1 reprinted below, entitled "What Is a Proffer and Why Should We Care?" appeared in the September 2008 *VOTER*. The term "proffer" was defined and how proffers are currently used in Fairfax County was explained. In the second piece, #2 dated October 2008 and entitled "So There's a Proffer ... Then What?" we mentioned "cash proffers" – the contribution a developer may make toward a future amenity. In November 2008, the next article entitled "Proffers --What Happens Next?" appeared. The committee described SB768, Senator Watkins's bill that would have replaced the voluntary proffer system with flat fees for new houses and would have also changed the use of in-kind proffers such as road improvements or land.

In the final installment, #4 in January 2009 was entitled "Proffers in Fairfax County--What Happens Next?" We warned that while Fairfax County was not the intended target of the Watkins bill, it would lose a valuable tool if legislation were passed without major improvements that allow for Fairfax County's current process. With the last large, single-owner tract taken, the future development landscape will look radically different--it will change from "building out" [sprawl] to "building up" [infill]. This is why the loss of flexibility could be a serious blow to the County.

At the introductory session of the Reston Land Use College in June 2009, Deputy County Attorney Karen Harwood gave a presentation on Virginia Statutory Framework for Land Use Planning, which concluded with a review of legislative issues in Richmond that could be summarized as: Local governments seek increased authority to manage and deal with local issues; often, those entities that are regulated at the local level oppose any requests for more authority and seek state code amendments to dilute or repeal existing

local authority. Increasingly, the General Assembly has adopted a "top-down, one size fits all" approach to statutes dealing with land use planning and zoning. There is currently under consideration a draft proposal to eliminate the ability of local governments to continue to accept proffers of cash for residential development and the residential component of mixed use developments.

Proffer Bill to Reappear in 2010?

While the Watkins bill disappeared into the depths of a Senate committee, Fairfax County is still alert for possible damage in new legislation. As mentioned in article #4, a new Joint Legislative Subcommittee (JLARC) was established by the 2008 General Assembly to comprehensively study development and land use practices in the Commonwealth. Chaired by Sen. Jill Vogel and Del. Clay Athey [the respective sponsors of the authorizing measures, SJR 70 and HJR 178], this group is reviewing current practices and will recommend any new state-wide planning controls to the 2010 General Assembly. One of the provisions suggested to the subcommittee is to have localities identify by the year 2011 their "urban development areas," *i.e.*, ones that have major transportation impacts. While the present code says "not beyond twenty years" for a planning horizon, Fairfax County believes the planning horizon must be expanded. A twenty-year planning horizon might be quite appropriate for a rural county in southwestern Virginia but would be unreasonable here. For instance, the plans that have been proposed by the Tysons Corner Task Force will require easily forty years for completion. Cutting that time in half would seriously restrict the ability to achieve good results.

The seriousness with which the County views statewide planning directives is clearly shown by the inclusion

of the issue in its proposed Legislative Program for the 2010 session of the General Assembly. Planning issues are fourth on the County's proposed legislative priorities, preceded only by revenue issues. Of the first four items that the County proposes, two are on funding core services and two are on governance – the fourth being on preserving local authority for land use issues. Following is the language regarding County priorities for the next legislative session:

1. It is essential that the state fully meet its constitutional responsibility to adequately fund K-12 education;
2. Major new revenue sources for transportation must be enacted during the 2010 General Assembly session [Other Northern Virginia localities have indicated that they propose to use similar language in their listing of legislative priorities.];
3. The local tax structure, which has become outdated and over-reliant on property taxes, must be modernized; and
4. **Local land use authority must be preserved, as appropriate community solutions differ significantly from one area of the state to another.**

The County's Draft Legislative Program elaborates about land use: "Local government is the level of government best suited to equitably and effectively deal with these issues, ensuring orderly and balanced growth or redevelopment while providing meaningful and the most direct public participation and accountability in the critical process.

Existing local authority to accept cash and in-kind proffers from developers to assist localities in financing the capital facilities and infrastructure needed to serve new development must be retained without restrictions. Any proposal for replacing such proffer payments with development impact fees must be at the option of each locality." (This statement revises and expands previous proffer position.)

Following are the aforementioned articles as they appeared in the September, October, November 2008 and the January 2009 Fairfax *VOTERS* (these *VOTERS* are also available at www.lwv-fairfax.org).

#1 What Is a Proffer, and Why Should We Care?

"A proffer is a written condition, which, when offered voluntarily by a property owner and accepted by the Board

of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property." This is the definition in a glossary which appears in every Fairfax County staff report on a rezoning application.

For example, a proffer in a rezoning for a higher number of dwelling units might be in the form of a donation of land to the county for a school building or library, or of transportation improvements such as a turning lane or traffic signal, or of a specific number of low-cost housing units on the rezoned property. Usually the change means an increased value for the developer [like a bigger building] and the inducement will mean an increased value for the County.

By undertaking such proffers, the developer is providing something of value to the County which might otherwise have to be funded from county taxes, like the building site or the library or the traffic signal. A problem can arise, however, when a proffer is not fulfilled. Since the developer has posted bond against just that happening, you would think that the County then receives the money, but you would be wrong. If it is not used to carry out the proffer within seven years, [which can result from another agency's problems of timing--something like a bond issue failing to pass] the money goes into the Commonwealth Transportation Fund and the County has lost out.

Both the Deputy County Attorney for Land Use and Development, and the Zoning Administrator have been interviewed. And from both officials, we gathered that the County is using the rezoning process as a way to implement the Comprehensive Plan, the document which describes the way the County should look. The Comprehensive Plan provides flexibility to the process, allowing for the correction of errors or misunderstandings, amplifications, and other improvements.

To quote from the flyer *Rezoning - A User's Guide to the Fairfax County Rezoning Application Process*, "Once an application is submitted, it is reviewed to determine compliance with the Zoning Ordinance. ... Copies of the application are circulated to County agencies for comment ... A public hearing date is scheduled and a staff coordinator is assigned ... to synthesize comments from individual agencies ... a staff recommendation is formulated. The Staff Coordinator works with the applicant throughout the process to resolve issues in the form of proffers and changes to the development plan. ... A staff report on the rezoning application is published two weeks prior to the Planning Commission public hearing. ... Notification of surrounding property owners must be completed 20 days prior to the

scheduled public hearing ... The Planning Commission holds its public hearing and makes a recommendation to the Board of Supervisors. The Board of Supervisors holds its public hearing and makes the final decision ... The Clerk to the Board of Supervisors will send written confirmation to the applicant of the Board of Supervisors' decision which, if approved, includes the accepted proffers. ...

A filing fee must accompany an application for a rezoning. The fee is \$8,820, plus an applicable per acre fee ranging from \$165.00 to \$435.00. The application fee is not refundable after the application has been accepted by the County."

In a future update, you will learn how the county checks up on its accepted proffers. We will have further reports as the committee proceeds with interviewing land use lawyers, developers, planners, legislators, and neighbors.]

#2 So There's a Proffer . . . Then What?

The document with which the Board of Supervisors approves a rezoning application lists in detail what the developer plans to do. While some projects move into construction quite promptly, others can be deferred because the market has changed. [There seems to be a perversity in the timing: look at all the new office buildings that are standing empty just now. As the economy picks up, these empty spaces fill up, new demand for office space spurs new projects and new capital materializes. The time required to bring on a new rezoning/approval/construction seems to be the natural periodicity of the business cycle.]

Assume our project gets built: there will be inspections at every stage [foundations, trenches, scaffolding, plumbing, electrical, mechanical, structural], and finally, the fire marshal's ok, and an occupancy permit. Thus far, it is all under the Department of Public Works and Environmental Services and the staff of 63 inspectors, 25 of them on the commercial side and 38 on the residential side. Now it is up to the Zoning Enforcement Division to check that the proffers which were made and accepted have been properly carried out. When their 28 inspectors are satisfied, the developer's performance bond is released.

As we mentioned last month, (*Fairfax Voter*, 9/2008 p.9) there is an inconvenient rule on cash proffers: the money must be spent for the stated purpose within seven years from the date of the bond release, or it goes to the Commonwealth Transportation Fund for secondary roads anywhere in the

state. And then we the taxpayers will finance the stated purpose amenity our of the County's general revenue. In a later stage of the committee's work, we hope to visit some completed projects to see for ourselves what has become of the proffers.

There are other cases that require Board of Supervisors approval, and also involve the Zoning Evaluation staff: special exceptions and special permits. These cover any element of the developer's plan "that may have an undue impact upon or can be incompatible with other land uses." 1 An example -- one that creates a frequent objection from the neighbors -- is the drive-by window of a bank or a pharmacy. The neighbors fear the impact of additional traffic, or the noise, or the ugliness. The supervisor in whose district the case occurs will weigh these concerns against the practical value to the business; the Board of Supervisors will generally concur, feeling that the supervisor affected understands the situation. They may impose reasonable conditions to assure things like compatibility and safety, or to mitigate adverse impacts. These conditions include "hours of operation, number of employees, height of buildings, and intensity of development."¹

¹ Source: Fairfax County Planning & Zoning Department pamphlet

#3 Proffers -- What Happens Next?

Current Virginia law gives Fairfax County great flexibility to influence development for the benefit of the public by way of the involvement of the county planning staff in project design at an early stage. In the last legislative session, Senator Watkins of the Richmond area (R-10) introduced a bill [SB768] that replaces this flexibility with a cash fee. The bill did not pass in the 2008 session, but will be raised again in some form in January, 2009. In a May 1, 2008 letter¹ to local government groups and other interested parties² the Speaker of the House of Delegates requested that local municipalities delay increasing their cash proffer guidelines in order to give all parties time to study and to reach consensus on potential 2009 legislation.

SB768 would have replaced the voluntary proffer system with flat fees for new houses. It would have also changed the use of in-kind proffers such as road improvements or land for schools or parks. Currently, Loudoun County's suggested fee for each new home is about \$47,000, the highest in the state, though the final amount is often subject to negotiation. Fairfax County projects may contribute as much as \$15,000 in cash for each single-family home, with significant in-kind improvements as well.³

While Fairfax County is not the intended target of the

Watkins bill, the county would lose a valuable tool if the bill passes unchanged. With the last large, single-owner tract taken, there would be a radically different future in the development landscape, and the loss of flexibility could be a serious blow to us, the Fairfax County residents. The Watkins bill presented a way to keep municipalities from extracting cash payments that then would be used with no regard to the situation of the rezoning.

Sources:

¹ www.rregion.org/pdf/vaco/Letter

² VA Association of Counties, VA Municipal League, VA Association of Realtors, Home Builders Association of VA, Piedmont Environmental Council

³ Bill Turque, *Washington Post*, 2/4/08

#4 “Proffers in Fairfax County What Happens Next?”

Current Virginia law gives Fairfax County great flexibility to influence development for the benefit of the public by involving the county planning staff in project design at an early stage. In the last legislative session, Senator Watkins introduced a bill (SB768) that would have replaced this flexibility with a system of formula cash fees for all rezonings. It would not have allowed room for negotiations. Fairfax County uses the flexibility provided in the current system of proffers in order to better conform to the Comprehensive Plan.

SB768 would have replaced the voluntary proffer system with flat fees for new development projects. It would also have changed the use of in-kind proffers such as road improvements or land for schools, parks, or libraries. For instance, Loudoun County’s suggested fee for each new home would be about \$47,000, the highest in the state, though the final amount is often subject to negotiation. Fairfax projects contribute roughly \$15,000 in cash for each single-family home (usually for schools and/or parks) with significant in-kind improvements as well, in addition to the filing fee paid at the time a rezoning is accepted.¹ The Fairfax County brochure reads: “A filing fee must accompany an application for a rezoning. The fee is \$8,820, plus an applicable per acre fee ranging from \$165.00 to \$434. The application fee is not refundable after the application has been accepted by the County.”

Also a Fairfax County Public Schools letter, “Schools Impact Proffer Formula Update 2007 Update,” suggests a per-student proffer contribution of \$12,400. A Park Authority letter suggests a monetary contribution amount of \$893 per new resident. These sums would stay in the respective

departments. State legislation stipulates that cash proffers that are not spent for the stated purpose within seven years will be transferred to the Commonwealth Transportation Fund and used for secondary roads anywhere in the state.

The Watkins bill did not pass in the 2008 session, but something similar may be raised again, in some form, in the January 2009 session. In a May 1, 2008, letter² to local government groups and other interested parties,³ the Speaker of the House of Delegates requested that local municipalities delay increasing their cash proffer guidelines in order to give the interested parties time to study and to reach consensus on future legislation.

As mentioned in the November 2008 Fairfax VOTER, the matter has been referred to a joint resolutions subcommittee for a comprehensive study of development and land use tools practiced in all of Virginia’s localities. An interim report of the subcommittee will be forthcoming in the 2009 session and a final report in the 2010 session. Although future legislation may extend to the 2010-2011 sessions, the League can have a role now in educating Fairfax County residents about the current environment.

Passing a new ruling eliminating proffers could also impact other municipalities in the Commonwealth, which may use less complex analyses in planning redevelopment. For example, Middlesex County, on the lower reaches of the Rappahannock River, adopted a cash proffer policy in 2006. Cash proffers are currently accepted for schools and law enforcement, but not for parks, jails, or landfills.⁴

Sources:

¹ Bill Turque, *Washington Post*, 2/4/09

² www.rregion.org/pdf/vaco/Letter

³ VA Association of Counties, VA Municipal League, VA Association of Realtors, Home Builders Association of VA, Piedmont Environmental Council

⁴ www.co.middlesex.va.us/planning

LWVFA’s Connection to Proffers Issue

The Fairfax Area League has given attention to land use and transportation issues over the past fifty-five years [25 unit meetings by our count]. We support well-coordinated and environmentally sound comprehensive land use planning in Fairfax County/City, efforts to ensure that growth is balanced and orderly, preservation of historic and archaeological sites and areas, coordinated revitalization and redevelopment, and coordination of land use and transportation planning. [2000] The LWVFA also believes the appropriate funding sources for transit facilities include general obligation

bonds, proffers, impact fees, special tax assessment districts, private investment and parking fees [2003]

Given the Fairfax Area League's interest and support for good land use and transportation planning, the LWVFA Proffers Study Committee believes that we have reason to expand LWVFA's support for protecting the local government's flexibility in land use planning practices and procedures.

On the state level, the LWV-VA position on Land Use includes: "Support for state policies that include ...assistance to and increased flexibility for localities in land use planning and control..."

Sections of the current LWVFA positions [*Here We Stand: Natural Resources, Land Use Planning*], as stated below, imply flexibility for the County, but do not specifically address the issue.

"The LWVFA believes there should be a timing link between a development and the provision of public facilities needed to serve that development, to include roads, schools, public safety facilities and parks and recreation facilities. The following implementation mechanisms should be utilized:

- Public facilities should be scheduled in the Capital Improvements Program for completion within a reasonable time
- Developers should be required to assume a share of the cost of providing new or expanded public facilities necessitated by their developments. (1986)

- New developments should be channeled to areas that are served, or soon to be served, by public facilities. (1986)"

Somewhat later in the same section:

"The LWVFA believes that practicing smart growth and creating sustainable communities are essential for the future of Fairfax County and the City of Fairfax.

Powers and Tools

- In order to achieve these goals the county must make more use of the growth control measures available to it [and] also must be granted strengthened powers by the state to manage growth.
- We favor stronger regional planning and would be willing to give up some local authority to advance a regional plan and program. (2000)"

Because the positions cited above do not directly mention the need for flexibility in the county's use of proffers, and because upcoming proposed state legislation seems likely to challenge the current system, the Proffers Project Committee believes that the LWVFA should be able to take action on the practice of the proffer system in Fairfax County. After studying the issue and as illustrated in the foregoing articles, the Proffers Project Committee recommends that the procedures of the proffer system as set in place today in Fairfax County be maintained for future development or re-development. As stated before, the current procedures are flexible enough to be satisfactory to all parties involved. We believe that the statement presented on page 6 would give LWVFA that option.

LWVFA Partners With the 2010 Census Bureau

by O.G. Harper, LWVFA Census Liaison

A partnership with the U.S. Census Bureau may offer an exciting new vehicle for LWVFA to attract new members, a high priority this year. On May 17, 2007, the Census Bureau released news that the minority population topped 100 million, noting that **ONE IN THREE U.S. residents is a minority**, with Hispanics being the largest minority group at 44.3 million and 14.8 percent of the total population; blacks were the second-largest minority group, totaling 40.2 million, followed by Asians at 14.9 million, American Indian and Alaska Natives (4.5 million), and Native Hawaiian and Other Pacific Islanders (1 million)¹.



A May 14, 2009, report announced that the Hispanic population was the largest and fastest-growing minority group in 2007 and 2008, with Asians being the second fastest-growing minority group during the same period. Nearly one in six U.S. residents was Hispanic. One can begin thinking of filling out the U.S. Census questionnaire as part of the Americanization process for those who leave their countries to work or establish a new home in the U.S. Our population is not only becoming more racially and ethnically diverse; it is also growing older, with the percentage of males declining leaving more women than men in the older population.²

The 2010 Census campaign is now drawing on the partnerships and marketing efforts used for the Census 2000. Based on mail-back behavior in the 2000 Census, the 2010 campaign is expending more effort on hard-to-count (HC) groups. Therefore, partnerships with organizations such as the League that will work with HC groups will be important. These groups often include people who may have low income and high mobility rates; immigrants and undocumented migrants and other ethno-linguistic groups frequently fall into these categories. Other HC groups are homeless people, jobless families, and in some cases, elderly or disabled persons. All are a priority for the 2010 Census.

LWVFA units in October had an opportunity to define the hard-to-count population and identify targets for efforts to dispel long-held fears

Strategies to Dispel Fears of the Census

Dispelling the fears of and overcoming the barriers to such diverse HC persons’ participation in the 2010 Census is an important challenge, which must include activities that will arouse in people a sense of their importance and provide them with an understanding of how their participation can give them a stake in changing the system under which they live.

- It will require explaining and assuring people of the privacy they will have when they receive and complete the census form.
- It will mean helping them understand that the federal funds given to the county will be based on their own participation as people who will be counted, in effect making their needs known in an anonymous way to

the county government.

- It will require convincing HC persons that the census is a way in which they may participate in making those funds that the county government receives applicable to changing their own circumstances.

Opportunity for League Members

Change must begin internally with League members who desire to help with the census even if they have never worked with or associated with speakers of other languages. This is an opportunity to begin working on understanding and making friends with people of other cultures. The organizers or leaders of organizations who work with ethno-linguistic HC people will probably be bilingual in English and the language of their clients. If assistance is needed, the 2010 Census Partnership Specialist can provide translators and native speakers of other languages. Faith-based institutions or churches and public schools are possible organizational partners. Some immigrants have their own organizations and clubs that may welcome an opportunity to talk with Americans who almost always speak only English.

Leaguers who sign on for this exciting and worthwhile effort will have the benefit of a carefully laid out procedure to guide their efforts with a helpful timeline. Copies of this procedure can be obtained by contacting O.G. Harper at ogharper@verizon.net, 571-0283-9425. **Information will also be posted on our local league website—www.lwv-fairfax.org.**

Sources

- ¹ <http://www.census.gov/Press-Release/www/releases/archives/population/013733.html>
- ² <http://www.census.gov/Press-Release/www/releases/archives/population/010048.html>

LWV-VA Equal Suffrage League’s 100th Anniversary Events at VCU

Tuesday, November 17, 2009	Virginia Commonwealth University Richmond, VA	Iron Jawed Angels. In celebration of the 100th anniversary of the <u>Equal Suffrage League</u> the movie <u>Iron Jawed Angels</u> will be shown at the Virginia Commonwealth University. Check back for more details as this date nears.
Thursday, November 19, 2009	Virginia Commonwealth University Richmond, VA	Women’s Place in the House of Delegates. In celebration of the 100th anniversary of the <u>Equal Suffrage League</u> the Librarian of Virginia, <u>Sandra Treadway</u> , will speak about women’s place in the House of Delegates. Check back for more details as this date nears.
Friday, November 20, 2009	Scott House 909 West Franklin Street Richmond, VA	Equal Suffrage League’s 100th Anniversary. In celebration of the 100th anniversary of the <u>Equal Suffrage League</u> there will be a reception at the historic <u>Scott House</u> .

Get Excited About Local and National Program Planning—Now

by Lois Page, Program Chair

Last month we urged you to start thinking of **local** and **national** issues about which you are passionate and believe the League has a role to play. One important caution is to not get this confused with state issues. On the state level, as you know, we are currently looking at election laws. Last month, your Board asked the State Board to concentrate its efforts on the following state activities in the order listed, with the first being most important: reapportionment/redistricting, election laws, justice, especially regarding the civil rights of felons, and women's rights.

On the local level, several suggestions have surfaced: a look at the proposal that Fairfax County should work to become a city; a possible study of the loss of term-limited County employees to other jurisdictions after they have been trained by Fairfax County; and the issue proposed by Justice Committee Chair Barbara Nunes below:

A New Focus for the Justice Committee?

Our Justice Committee is being revived, with a focus on domestic violence. So much has happened since the last update of our Domestic Violence study, and Fairfax

County is doing so many things. League members have monitored court hearings, and Barbara Nunes has attended the Domestic Violence Prevention Policy Coordinating Council meetings for the past four years. There are many players in this drama and the newest issue is teen dating and relationship violence problems. Is this a study we should decide to update when we consider program planning? Please read Barb's report on recent activities and call her at 703-451-7238 to learn more or to volunteer to help the committee. (We might even consider having several unit meetings next year on these issues.)

Lobby for Your Cause

If you, or you in collaboration with other Leaguers, decide you would like to concentrate on an issue locally that is dear to your heart, please do as Barbara did and e-mail your arguments to Lois Page, loismpage@cox.net, by November 1 so we can get them into the December VOTER. Some suggestions may yet come for national issues; they will also appear in the December VOTER. Feel free to lobby for your favorite national study or update topic as well. Having some ideas to chew on during program planning is much preferable to coming in cold.

“Webinars:” LWVUS Offers Easy Online Training Opportunities

by Janey George, LWVFA President

On Tuesday, October 6, LWVUS offered a training webinar on Stress-Free Debates. About 65-68 Leaguers across the country participated. It was one of the easiest training sessions in which I have ever been involved. Registration was very easy--all you had to do was click a link, give your e-mail address and create a password, and then sit back to wait for further instructions. We received the instructions Monday, telling us how to hook up to the webinar. On Tuesday, 5 to 10 minutes before it was to begin at 1 p.m., we were directed to hit another link, give our e-mail address and password, and within seconds our telephone rang and we were connected.

During the training session, everyone's phone line was on mute; but during the question and answer period, you could punch a button indicating you had a question, and when it was your turn, the mute function was lifted. There was a list of everyone who was online, so you could see who else was taking the training, and when asking a question, your

name was highlighted at the top of the list. We were also able to participate in several polls and could see the results as people answered the questions.

In my opinion, it was a total success. And I'm not the only one who thinks so. Quoting Shirley Pulawski, President of Chautauqua County, New York, LWV: “IF YOU'RE CONCERNED ABOUT TECHNOLOGY ISSUES - DON'T BE! **THIS WAS EASY!** All you need is a phone and a computer with a decent internet connection and that's it - speaker phone is helpful but not necessary! **DON'T BE AFRAID TO TRY IT OUT BECAUSE IT SOUNDS TOO “TECHNICAL” ;-) It's EASY!!**”

LWVUS spoke of several more such training sessions and I strongly encourage more LWVFA members to participate. Everything that was in the Power Point presentation, as well as a couple of things that were mentioned during the webinar, is either on or will be on the LWVUS website, www.lwv.org. Again, don't pass up the next training session. It's easy, very informative and best of all, something you can do in the privacy of your own home.

PROFFERS CONCURRENCE STATEMENT REPORT FORM

November 2009 *Fairfax VOTER*

Please use this form to record individual member or unit members' feedback.

The LWVFA Board recommends the following statement for LWVFA membership concurrence. If approved, this statement would be added to LWVFA Land Use Positions (under Natural Resources, in *Here We Stand*)

LWVFA supports the preservation of Fairfax County's ability to be flexible in negotiating with developers for the cost of providing new or expanded public facilities and for the resolution of development issues.

_____ I/we agree (concur) with the foregoing statement

_____ I/we do not agree (concur) with the foregoing statement.

Name or Unit Name _____ Date: _____

No. of people responding _____ Unit Recorder _____

Recorder's Tel. No & Email address: _____

If individual, address: _____

Tel. No. _____ Email: _____

Please return this form to Program Director Lois Page, at loismpage@cox.net, or 7902 Bracksford Court, Fairfax Station, 22039. Tel. No: 703-690-0908

Citizenship Conference Airs Issues of Social Innovation and "Civil Health in Hard Times"

by: Julia Jones, First Vice President and
Co-Unit Coordinator

The 2009 National Conference on Citizenship (NCoC) was held on September 9 at the Library of Congress. The title of this year's meeting was "America's Civic Health Index – Civic Health in Hard Times." The group has published an index since 2006 and received a "new level of recognition through its inclusion in the Edward M. Kennedy Service America Act, which was signed into law in May 2009. The Act formalized a partnership between NCoC, the U.S. Census Bureau, and the Corporation for National and Community Service to develop, refine, and implement an annual civic health assessment." The index gauges how Americans are connecting to each other and their communities, and measures rates of volunteering, voting, connections to civic and religious organization, trust in other Americans and key institutions, and other civic behavior and attitudes. One of the highlights of the conference was the

Nationalization Ceremony of 25 new citizens from places like France, Canada, Peru and China. The League of Women Voters was there to register new voters and provide forms for any nonregistered participants. The two panel discussions on Social Innovation in Civic Life and Civic Health in Hard Times brought insight into some changes in the American population and how we respond to each other. We may do more individual-to-individual giving in hard economic times, such as providing food or housing for relatives or friends, than we do through organizations. Another highlight was hearing the conversation with Supreme Court Associate Justice Antonin Scalia. He thought that any well-educated American should have read the *Federalist Papers* to get a background on how our country's government differs from other democracies. To learn more about this organization and its partnerships with over 200 different groups involved in promoting civic responsibility, go to www.ncoc.net

LWVUS Urges Copycat “League” to End Misleading Health Care Ads



*League of Women Voters Objects to Deceptive Advertising by
“League of American Voters”*

Washington, DC – In a hand-delivered letter, the League of Women Voters called on the “League of American Voters” (LAV) to cease and desist from using a name clearly designed to be confused with the League in order to disseminate misleading information and block health care reform.

“The League of American Voters health care ad makes misleading statements in an inflammatory way,” League of Women Voters President Mary G. Wilson stated in her letter to LAV Executive Director Bob Adams. “Not only does your ad distort the facts on health care reform, it does so using a name that is deceptively similar to the League of Women Voters,” Wilson said.

“We are not convinced that this startup group is a credible organization with authority to speak on behalf of American voters,” Wilson said. “They may have a legitimate-sounding name, but—until we know who is funding the ads—there is no reason to believe that they are anything other than another organization serving as a conduit for big-money attacks on health care reform.”

“This is typical of the kinds of things we are seeing from the opponents of health care reform. Intentionally putting out bad information to mislead, confuse and scare Americans,” Wilson charged.

“This copycat group appears to be entirely inaccessible to the public. We had to hand-deliver our letter because the group’s website lists no email address or fax number,” Wilson said, pointing out that the group’s office address is shared with several lobbying groups who were unable to locate LAV management or staff.

“The League is releasing the text of this letter to set the record straight: The work of Mr. Adams’ organization should in no way be confused with the League of Women Voters,” Wilson added.

“The League of Women Voters of the United States has more than 150,000 members and supporters nationwide, and we are one of the most trusted nonpartisan organizations in the U.S. Our members and the public rely on us to share information responsibly and accurately, because that is what we have done for almost 90 years,” Wilson said.

“Make no mistake: The League of Women Voters believes quality, affordable health care should be available to all Americans,” Wilson stated.

“The League of American Voters would best serve Americans by telling the truth in their ads. Our democracy depends on honest and open debate among real people, not misinformation from mysterious, inaccessible organizations that get money from unknown sources to create national TV spots in order to block needed health care reform,” Wilson concluded.



Reception Planned Nov 18 for New Members

The League of Women Voters of the Fairfax Area will hold a reception and orientation for new members on Wednesday, November 18, at 1:00 p.m. in the Packard Center -- 4026 Hummer Road in Annandale. The reception will be hosted by the Board Members of the Fairfax League and will also be attended by members of local units. Light refreshments will be provided. Please RSVP to the League Office at 703-658-9150. Any member who has joined within the last year or so will find this a fun and informative get-together.

LWVFA Needs to Move!

Packard Center is Closing!

If you know of a small office space for share, sublet or lease, please contact Rona Ackerman 703-476-5758 ackermanrona2@gmail.com. Conference room accessibility preferred!

Action Faction . . .

State and Local Governments Challenged by Budget Shortfalls

By: Jane Hilder, Action Director

The critical issue over this next fiscal year for most state and local governments will be projected budget deficits. This is certainly true here in Virginia, where the state and local governments are prohibited from going into the red. They are allowed to borrow only with authorized bond issues. At a time like the current one when revenues have been dropping from income taxes, property taxes, business taxes, sales taxes and virtually every source of funding, governments that must operate in the black have to make enough cuts that they don't risk ending the year with a deficit. When you hear that Virginia faces a \$1.5 billion shortfall, it does not mean that Virginia will run a deficit. It means that Gov. Kaine's administration must find a way to cut costs by \$1.5 billion. Many state employees have already been laid off and more job cuts are coming.

In Fairfax County the budget situation faces similar challenges. Most recently, supervisors have heard that the county projects residential real estate assessments will drop by an average of 10 percent this year, on top of the substantial drops last year. Meanwhile, commercial real estate is also declining in value after being a source of stability the last few years. Supervisors are facing having to cut this year as well as planning a fiscally responsible budget for next year.

The most contentious discussion at the September 14 Board of Supervisors meeting involved the proposal by the County Executive to create nine new merit-based permanent positions to strengthen the Health Department for a prolonged emergency. Health Dept. Director Dr. Gloria Addo-Ayensu explained that these were actually not new positions but mainly positions that were currently being filled by term-limited grant-funded employees who do not receive benefits. Consequently, these employees would often leave after training for jobs in other nearby jurisdictions where they'd be permanent employees with benefits.

Five employees who would deal with preparation for a major health emergency such as pandemic flu were covered by a CDC grant that expires in March of 2010. She is concerned that she will lose these people, as she has lost others, to other jobs before that grant expires. She was planning to fund these new permanent positions from within the current Health Dept. budget.

Supervisor Herrity questioned why the Health Dept. did not submit this change in the regular budget cycle to compete with staffing requests from other agencies. He noted that permanent merit-based employees do ultimately cost the county more than just their salaries due to health insurance and retirement plan costs. Even though the change in status of these nine employees might not cost more this year, it was making a commitment to employees when other staff were losing jobs.

County Executive Tony Griffin noted that Dr. Addo-Ayensu was correct that Health Dept. employees are first responders in an emergency but the department had not really been staffed and funded with that level of priority in mind, and it was not equipped to handle a long-term emergency. Although there was little reference to H1N1 flu pandemic, that was clearly in people's minds. Nevertheless, only Supervisors Bulova, Hudgins and Hyland voted against Herrity's motion to strike the nine new permanent positions from the fiscal "carryover package". Supervisors approved use of the carryover, a small surplus from the 2009 budget year, basically to fully fund the county reserve fund (the rainy day fund) and to pay ahead into the county employees' retirement fund.

The Board of Supervisors and the Fairfax County School Board will again be hosting a series of community dialogues to get citizen input into tough budget decisions for the 2011 budget cycle. LWVFA members are encouraged to attend these meetings. Some of the meeting dates were late enough to be after the VOTER publication date:

Saturday, October 24, 10 a.m. to noon

- Centreville Regional Library
- Reston Regional Library
- John Marshall Library

Thursday, October 29, 7 to 9 p.m.

- South Lakes High School Cafeteria
- Woodson High School Cafeteria

Saturday, November 14, 10 a.m. to noon

- Kings Park Library
- Sherwood Regional Library
- George Mason Regional Library

This Month's Unit Meeting Locations

Topic: Proffers and the Virginia State Legislature

Members and visitors are encouraged to attend any meeting convenient for them, including the At Large Meeting and Briefing on Saturday. As of October 8, 2009 the locations were correct, please use phone numbers to verify sites and advise of your intent to attend. Some meetings at restaurants may need reservations.

Saturday, November 7

BRIEFING THIS MONTH

Packard Center
4026 Hummer Rd
Annandale 22003
Contact: Lois, 703-690-0908

10:00 a.m. Fairfax Station (FXS)

7902 Bracksford Court
Fairfax Station 22039
Contact: Lois, 703-690-0908

9:00 a.m. Reston Day (RD)

12106 Stirrup Road
Reston 20191
Contact: Shirley, 703-620-3593

Monday, November 9

1:30 p.m. Greenspring (GSP)

Hunters Crossing Classroom
Spring Village Drive
Springfield 22150
Contact: Kay, 703-644-2670

12:00 noon Chantilly/Herndon (CHD)

Sully District Governmental Ctr
4900 Stonecroft Blvd.
Centreville 20151
Contact: Susan, 703-780-3902

9:30 a.m. Springfield (SPF)

Packard Center (Lg. Conf. Rm)
4026 Hummer Rd
Annandale 22003
Contact: Nancy, 703-256-6570
or Peg, 703-256-9420

Tuesday, November 10

12:30 p.m. McLean (MCL)

Star Nut Gourmet
1445 Laughlin Ave.
McLean 22101
Contact: Gail, 703-356-2851

6:15 p.m. Dinner Unit (DU)

Yen Cheng Restaurant
Main Street Center
9992 Main Street, Fairfax 22030
Contact: Tin, 703-207-4669

7:45 p.m. Mt. Vernon Evening (MVE)

Paul Spring Retirement Community
Mt Vernon Room
7116 Fort Hunt Road
Alexandria 22307
Contact: Kay, 703-765-7104

Wednesday, November 11

9:30 a.m. Mt. Vernon Day (MVD)

Mt. Vernon District Gov. Center
2511 Parkers Lane
Alexandria 22306
Contact: Gail, 703-360-6561

7:30 p.m. Reston Evening (RE)

Reston Art Gallery at Heron House
Lake Anne Village Center,
Reston 20190
Contact: Lucy, 703-757-5893

Tuesday, November 17

[Note change in week.]

7:45 p.m. Vienna Evening (VE)

Patrick Henry Public Library
101 Maple Ave
Vienna 22180
Contact: Lorraine, 703-759-3651

Thursday, November 12

9:15 a.m. Fairfax City Day (FXD)

3136 Singleton Circle
Fairfax 22030
Contact: Joan, 703-978-8715

December Meetings: Local and National Planning



The League of Women Voters of the Fairfax Area (LWVFA)
 4026 Hummer Road, Suite #214 Annandale, VA 22003-2403
 703-658-9150. Web address: www.lwv-fairfax.org

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 November, 2009**

**Jane E. George, President
 Ron Page, Editor
 Liz Brooke, Coordinator**

The League of Women Voters is a nonpartisan political organization that encourages the public to play an informed and active role in government. At the local, state, regional and national levels, the League works to influence public policy through education and advocacy. Any citizen of voting age, male or female, may become a member.

LWVFA MEMBERSHIP APPLICATION
 (Dues year ends June 30, 2010.)

Membership Category: Individual \$65 ____; Household (2 persons–1 *VOTER*) \$90 __; Donation \$ ____
 Student \$32.50 ____; (Coll. Attending _____)

Membership is: New ____; Renewal ____; Reinstate ____; Subsidy Requested ____
 We value membership. A subsidy fund is available, check block above and include whatever you can afford.

Dues are not tax deductible. Tax-deductible donations must be written on a separate check payable to LWVFA Ed. Fund.

Please Print Clearly!

Name _____ Unit _____

Address _____

City _____ State _____ Zip + 4 _____

Phone (H) _____ (W) _____ E-Mail _____

Thank you for checking off your interests:

<input type="checkbox"/> County Govt	<input type="checkbox"/> Voting Procedures	<input type="checkbox"/> Health Care	<input type="checkbox"/> Schools
<input type="checkbox"/> Fiscal	<input type="checkbox"/> Environmental Quality	<input type="checkbox"/> Human Services	<input type="checkbox"/> Other (Specify)
<input type="checkbox"/> Public Libraries	<input type="checkbox"/> Land Use Planning	<input type="checkbox"/> Judicial Systems	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Water	<input type="checkbox"/> Juvenile Problems	

Mail to: LWVFA, 4026 Hummer Road, Suite 214, Annandale, VA 22003