



THE LEAGUE OF WOMEN VOTERS®
OF THE FAIRFAX AREA

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An Overview: Should Fairfax County Seek City Status?

A look at the question of whether Fairfax County should seek city status was enthusiastically adopted the last time LWVFA considered local programming choices. This month the hard-working committee that formed to take this up has offered us Part I of the discussion. This overview takes a look at the unique status of Virginia's cities, which not only are not part of the counties in which they are situated but also have considerable more independence of action than other localities in our strict Dillon Rule state. We will also consider the transportation issue and the constraints our form of government deals with when it comes to raising the funds needed to meet our unique urban needs. Enjoy the discussion and start thinking about whether we should be taking a stand on this question!

Calendar

April

30-1 LWV-VA Convention in Blacksburg

May

2 June Fairfax *VOTER* deadline
3 City and town elections
6 NCA Board meeting
7 NCA Convention at Clyde's of D.C.
7 **Briefing-** Mason Dist. Governmental Center, 10 a.m.: Should Fairfax County Seek City Status? Part I
9-12 **Unit meetings-**Should Fairfax County Seek City Status? Part I
14 McLean Community Center election
18 **Board meeting** Packard Center 10 a.m.
28-29 ViVa! Vienna
30 Memorial Day

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The President's Message

One of things I enjoy most about being President is representing LWVFA at events. One of the best of these was the forum sponsored by the City of Fairfax Commission for Women and Fairfax Museum and Visitor Center titled "Mobilizing Women to Seek Legislative Office." LWV-VA President Olga Hernandez was a panel member. Women who have run for and won an elected office told of their experiences and lessons learned. "Support, empower and educate" were words that were used, and I thought that was a good description of what the League does. We support and advocate for our positions, we empower our members to participate in our communities and we educate the public on the issues. These words are good ones to think about.

I also was part of a presentation to an Osher Lifelong Learning Institutes (OLLI) class and in describing LWV to the class members, one of the quotations of Carrie Chapman Catt was mentioned. It reads, "To the wrongs that need resistance, to the rights that need assistance, to the future in the distance, give yourself." Those words are as relevant today as they were when she spoke them in 1921.

May we as Leaguers continue to support, empower and educate so we can resist the wrongs, assist the rights and give of our talents in doing so. Thank you for all you do for the League,

Janey

Showing of Film Funded by Grant

LWV-VA Treasurer Therese Martin announced recently that the expenses incurred by LWVFA for the public showing of the film "Gerrymandering, the Movie" have now been covered by a pass-through grant from the LWV-VA Education Fund from funds provided by the League of Women Voters Education Fund and the Open Society Foundations. The film was shown at Pohick Library last January and attended by a capacity crowd.

Suffrage Slide Show Is Worth Viewing

Virginia League President Olga Hernandez has called our attention to a wonderful slide show developed by Kelly Spradley-Kurowski, Historian, Virginia Department of Historic Resources. It tells the story of Virginia's Equal Suffrage League, predecessor to the League of Women Voters, including its founding in the Crenshaw House, located in today's VCU Monroe Park Campus. We hope all members will check it out: <http://www.dhr.virginia.gov/SlideShows/CrenshawHouse/CrenshawTitleslideNOV.html>

LWV-NCA Announces Its 2011 Annual Meeting

League of Women Voters of the National Capital Area will hold its 2011 Annual Convention on Saturday, May 7 from 9:30 a.m. to 1:30 p.m. at Clyde's of Gallery Place Restaurant, Piedmont Room, 707 7th Street, NW, Washington, DC 20001.

The keynote speaker will be Walter Dellinger, III, a Supreme Court, lawyer, scholar, and author who has also served as Solicitor General and Supreme Court clerk.

For more information, contact Elinor Hart, 202-387-2966, hart1651@juno.com

LWVFA Fairfax VOTER 2010 - 2011

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The League of Women Voters of the Fairfax Area
4026 Hummer Road, Suite 214
Annandale, VA 22003-2403
703-658-9150 (Info/fax/answering machine)
www.lwv-fairfax.org lwvfa@vacoxmail.com

President: Jane E. George 703-631-2293
janeyg16@verizon.net
Editor: Ron Page 703-690-0908
pagegolfer@cox.net
Coordinator: Liz Brooke 703-281-3380
lizbrooke@cox.net

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or call 703-658-9150

Members Weigh In on 26 State Election Laws Issues

By Karole McKalip, Program Assistant

In the March meetings of the Fairfax League, members were asked to consider eight consensus questions related to an update of the Virginia Elections Law (1973). Last year units discussed the Voter Registration Section of the Study. This year Part 2 of the Study, the Elections Process, was examined: What Happens on Election Day, Voting Prior to Election Day, and After the Election. The conclusions and recommendations reached by members could constitute a basis for any revisions. Members were to consider 26 separate issues. Agreement among a substantial number (not a simple majority) would indicate consensus. Twenty issues achieved consensus; six did not. A total of 94 members participated in the process.

The first question (Measures to support voting at the polls on Election Day) elicited spirited discussion but eventually led to consensus on all measures.

- a. Use of electronic poll books
- b. Well trained election officials
- c. Ratio of machines per registered voters that will decrease likelihood of long lines at most times on Election Day
- d. Maximum precinct size that will decrease likelihood of long lines at most times on Election Day
- e. Change or extend hours that the polls are open
- f. Polling place locations convenient to any public transportation and designed to maximize voting participation
- g. Exercising the State-wide authority that allows use of split shift and closing specialists at the polls

Measures e and f received the largest negative responses (35 and 21), but not enough to offset the substantial positive ones. Discussion on changing or extending poll hours included considering serious weather conditions (Mt. Vernon Eve), corresponding with times in Maryland and the District (Dinner, Fairfax Station), and ensuring the capability of split shifts (Chantilly/Centreville), extending hours into the evening period (Reston Eve and Reston Day) despite some staffing difficulties (Fairfax/Vienna). With regard to polling place locations, since the County does not have a transportation system convenient to all residential areas, some units did not agree that this would maximize voting participation (McLean, Chantilly/Centreville, Dinner, Springfield).

All units endorsed the State's authority to allow the use of split

shifts and closing specialists at the polls. A matching service was promoted by Dinner, Reston Eve, and Mt. Vernon Day. Greenspring wanted to ensure that sharing partners are clear as to their responsibilities. Fairfax Station suggested that closing specialist training be provided for one elections officer in each precinct in addition to an outside closing specialist.

Some units proposed additional measures to facilitate voting. McLean suggested increasing compensations of poll workers. An idea from the Briefing was to have the League set up a matching service for those interested in split shifts. A plan proposed by Reston Eve would give civics credits for students volunteering to help with elections. Mt. Vernon Day thought the County Electoral Board should provide signage at a crossroad intersection before residential polling places. This unit also believed that a voter should be granted a provisional ballot if she arrived at the wrong precinct.

The State's role, according to the units, is to ensure consistency with regard to these measures; in addition, it should be the primary enforcer, regulator, and trainer; set state-wide policies; and oversee the processes.

Consensus was reached after units debated supporting legislation that would allow the Courts to extend the hours that polls are open in case of situations that prevented voters from getting to the polls. For those who voted yes (59), nothing should prevent a determined voter from exercising that right and every opportunity should be used to enhance expansion of voting rights (Fairfax/Vienna). Reston Day said legislation was absolutely necessary and procedures should be set up. However, even the supporters questioned whether this should be applied state-wide or region by region (McLean and Springfield) and questioned how the decisions would be implemented. Members at the Briefing recommended that this issue be studied as to how to contact precincts, how to identify the area of emergency and how emergency decisions would be processed.

Absentee and/or early voting and the use of technologies proved to be the most contentious in unit discussions. Of the fifteen items considered in this category, ten had consensus and five did not. No-excuse (temporary) absentee voting by mail and in-person reached consensus, but permanent no-excuse voting by mail did not. Units agreed that localities use of satellite absentee voting facilities prior to general elections as does the establishment of weekend and evening hours at central and satellite office are worthwhile endeavors.

All mail voting for the five types of elections received mixed responses among the units. Primary and Special Elections found consensus, but there was no consensus for Federal and State General Elections and Local Elections. If all mail-voting were implemented, most units agreed it should be State-wide. However, a limited pilot program of all mail voting was supported by most units, except for Fairfax Station and McLean.

All respondents concurred with the belief that increasing turnout and facilitating voting should be goals for adopting changes in the way that Virginia conducts elections, but not necessarily “equal” goals as the question stated. McLean felt both are important, but asked how they could be precisely equal at all times. Springfield observed that facilitating voting might increase voter turnout, but that one should not be followed at the expense of the other. Dinner thought these were separate issues but they reinforced each other.

The use of technologies (i.e., FAX, email, internet) to make voting easier for some populations was challenged by several members who were concerned about security and fraud. Military and Overseas Voters’ use of such technologies was supported and include an option to mail completed ballots (Briefing). No consensus could be reached in granting such opportunities to all absentee voters. Some members voiced their fears about the security of present technologies but that, perhaps, this could be accomplished in the future. If

proven safe and secure by a pilot program either in Virginia or other states, 63 members felt positively about moving in this direction. Springfield observed that internet voting would attract younger voters, although Greenspring thought it might attract hackers, as well.

Units were satisfied that current law regarding recounts protects the right of candidates in close elections, although Greenspring preferred paper ballots because of a paper trail. Chantilly/Centreville felt there should be a method to recount DRE votes. Finally, consensus was reached on the issue of party identification of candidates on the ballot, extending to all partisan elections. Reston Day said this should also include non-partisan elections such as school boards; Reston Eve thought this should apply only to positions chosen by a political party. Some in the Springfield unit felt that it is sometimes difficult to differentiate between partisan and nonpartisan elections. Fairfax Station said this should be a uniform practice across the state not just at the discretion of localities.

At the conclusion of the meetings, a number of groups voiced the following: Given the diversity of our population and a goal of the League to increase voting, strong consideration should be given to weekend voting. Fairfax Station wants the LWFA to urge LWVUS to revisit the question of supporting weekend voting nationally. At the Board Meeting it was announced that the U.S. Postal Service has agreed to establish a special rate for election-related mailings.

Volunteers Needed . . .

Its Community Election Time Again - Really!

By: Una White, Community Elections Coordinator

Spring is in the air, and the League has already been asked to monitor several community elections. You can make a great contribution to the League by volunteering to help at one or all without being tied down to a constant job. We have requests from:

- **BURGUNDY VILLAGE COMMUNITY CENTER.** This is funded by the County and is a mail-in only, to be completed by mid-May, which does not require many volunteers.
- **MCLEAN COMMUNITY CENTER.** This is an all-day affair at McLean Day celebration on Saturday, May 21, also funded by the County. Registration is outdoors at the park followed by counting at the Community Center

after 5 p.m. This one needs lots of volunteers: at least two shifts of four for registration and another six for counting the ballots at the Center.

- **SKYLINE PLAZA CONDOMINIUM** on George Mason Dr. in Falls Church has scheduled its election for Wednesday, June 8. We will need at least two shifts of four for registration during the day and another six for counting after 7:30 p.m.

As you can see, the spring is our busy season, so there will be sign-up sheets at the Annual Meeting and the May units. The more volunteers we have, the easier the job will be for all.

So VOLUNTEER at your unit meeting, or call or e-mail me (703-922-8721).

Ed. Note: This is a major fund-raising opportunity for the League.

An Overview: Should Fairfax County Seek City Status?

(Note: The City/County Committee intends to issue Part II of this study as part of next year's program, perhaps asking for a consensus. The following served on the committee: Chair Mary Grace Lintz, Pat Brady, Fred Griffin, Jane Hilder, Bette Hostrup, Karen Knopes, Mary Nightlinger and Sherry Zachry.)

INTRODUCTION

At the April 2010 Annual Meeting the League of Women Voters of the Fairfax Area (LWVFA) voted to study the advantages and disadvantages to Fairfax County of becoming a city versus the current Urban County Executive form of government. The scope of the study was also to include information on what it would take to make the change. During the discussion, it was clear that Fairfax County's need for wider taxing authority, particularly to support transportation, motivated the decision to study city status.

LWVFA has studied Fairfax County government many times and although we have many positions related to local governance,¹ members have not developed any position on forms of government. A fiscal policy position developed in the 1970s states "LWVFA believes the autonomy of Fairfax County should be enhanced, particularly through the granting of flexible taxing powers."² This position has particular relevance to current concerns about the County's taxing authority.

Any local Virginia government's authority must be understood as it stands in relation to the Commonwealth. State and local authority to govern is based on the Tenth Amendment of the United States Constitution: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Virginia's Constitution establishes the relationship between state and localities. Article VII, Section 3 empowers the General Assembly (GA) to enact general or special legislation allowing any county, city, town or other unit of government to exercise powers and perform functions needed by its citizens. The GA also enacts the means by which localities finance their various responsibilities. The GA may also allow localities to participate with other jurisdictions in regional arrangements to provide "services, functions, and related facilities."

Constitutionally mandated state control may not be problematic for rural areas with low populations where citizen needs seem to change less rapidly and the time required for the legislative authorization process to address local needs is acceptable. However, communities with large, rapidly growing populations and density create

complex demands on local governments which in turn require timely and innovative solutions to provide an adequate quality of life.

Table 1 illustrates how Fairfax County has responded to issues resulting from dramatic population growth over the past 60 years. This is from a 1993 LWVFA study "Time for a Change in Local Government?" and has been updated to show 2000 – 2010 information.

Fairfax County's growth and need for the ability to be innovative in serving its citizens is constricted by the Virginia Constitution, which establishes the parameters of state/local relationships, but it is the Commonwealth's strict interpretation of the Dillon Rule which has strengthened the state's authority over political subdivisions, has fortified the concept that they are creatures of the state, and serves to restrain innovative governmental responses.

THE DILLON RULE

In the 1860s, local government corruption and fiscal irresponsibility was rife across the country and led to a court case against the city of Des Moines.³ Judge John Dillon's decision declared municipal powers to be limited to "First, those granted in express words; second, those necessarily or fairly implied in or incident to the powers expressly granted; third, those essential to the accomplishment of the declared objects and purposes of the corporation – not simply convenient, but indispensable."⁴ This decision was ultimately upheld by the U. S. Supreme Court, and the Dillon Rule has been employed in 39 states with varying degrees of interpretation. The Virginia Supreme Court first recognized the Dillon Rule in 1896 "...when the Court decided that the City of Winchester did not have the authority to issue a

Table 1 - Issues and Changes by Decade

| <u>Decade</u> | <u>Population</u> | <u>Major Issues</u> | <u>Major Changes</u> |
|---------------|-------------------|--|---|
| 1950 - 1960 | 98,537 | Suburban sprawl; provision of water, sewers, and schools; annexation. | Traditional form of government (1870) gives way in '52 to County Executive form; number of magisterial districts increases from six to seven; population grows 153 percent. |
| 1960 - 1970 | 248,897 | Rate of growth; enlarging school system; providing more water, sewer, & other services; more annexation suits. | Town of Fairfax is granted city status; Urban County Executive form goes into effect ('68), departments reorganize; number of districts increases again; redistricting is required; chairman of BOS can now be elected at large; population grows 83 percent. |
| 1970 - 1980 | 454,275 | Court decisions impeding county's efforts to control growth; impetus for greater local autonomy; inadequate transportation system; towns' rights; pressure from Reston to incorporate. | BOS chairman is granted right to vote; BOS adopts policy ('75) to increase nonresidential tax base; state legislation ('79) immunizes Fairfax County from annexation, guarantees towns' rights; population grows 31 percent. |
| 1980 - 1990 | 596,901 | Traffic congestion; real-estate tax burden; lack of affordable housing; homelessness, no coordination between land use and transportation planning. | County begins to fund road construction; demographics change; office space glut becomes apparent (late '80s); population increases 37 percent. |
| 1990s | 818,584 | Decline in real-estate values; budget shortfalls. | New Comprehensive Plan in place; gov't downsizing begins; number of magisterial districts increases to nine; BOS appoints committee ('92) to look into elected executive form of government; pop. increases 32 percent. |
| 2000 - 2010 | 1,081,726 | Budget shortfalls; real-estate values increase, then drop; NOVA & Hampton Roads transportation referendum fails. | Transit-oriented development ('06); cool counties climate stabilization declaration ('07); forces for change assessment (MAPP), a community health strategic planning assessment ('10). |

reward for the apprehension and conviction of criminals.”⁵ Attempts to reverse or modify the Dillon rule’s effect on the state have failed.

The Dillon Rule applies to all local governments - cities and towns, as well as counties. As a result, local governments in Virginia spend considerable time pursuing enabling legislation from the General Assembly to allow them to address purely local issues. Sometimes, the GA relents; Fairfax was given permission to levy the business, professional and occupational license (BPOL) tax some time ago. But the Dillon Rule can hamstring Fairfax County’s desires. The GA has denied attempts to ban guns in government buildings and to prohibit discrimination against gays.⁶ For the recently completed legislative session (2011), the County, at the behest of the police department, requested that financial exploitation of the elderly and other vulnerable adults be defined as a criminal offense. This did not pass. However, the GA did enact a law allowing locally authorized child care providers to administer medicine.

It is the need for tax diversity and adequate funding for transportation that are a constant concern in the Fairfax County area. Each year Fairfax County submits a legislative package or “wish list” to the GA. This year’s legislative package, “2011 Legislative Program for the Virginia General Assembly,” as well as a summary of the GA’s action on the Supervisors’ requests can be found on www.fairfaxcounty.gov under the Board of Supervisors part of the website.

Regarding tax structure, the Supervisors said in the 2011 Legislative Program, in part: “Local government revenues must be diversified, including the provision of equal taxing authority for counties and cities, without state mandated restrictions on use or caps on capacity. Currently, about 90 percent of Fairfax County’s revenues are capped, restricted or controlled by the state, which forces a dependence on the local real estate tax and prevents the creation of a more flexible tax base, structured to reflect the local economy and the core needs of County residents.”

The Supervisors also requested “major new revenue sources for transportation...What was once a crisis in Northern Virginia and Hampton Roads has become a catastrophe for nearly the entire Commonwealth. There is no viable transportation solution that does not include long-term, dedicated, sustainable, new multimodal revenues...Over the past three years...secondary and urban system construction funds have essentially been eliminated...secondary road allocations to counties in Northern Virginia are now less than \$2,000 each and localities are being allocated no urban construction funds. In addition, the growth in maintenance spending has been reduced from 4% to 3%, even though

maintenance costs are increasing overall.”

CITIES AND COUNTIES SOME BACKGROUND

In Virginia, cities are totally independent from counties even if a city is completely surrounded by a county. Counties and cities are separate political entities with their own laws and system of governance. Non-natives to Virginia are not used to the notion of city independence from a surrounding county because this is not the case in the rest of the country. Thirty-nine of the U.S.’s forty-two independent cities are in Virginia. The other three are Baltimore, MD.; St Louis, MO, and Carson City, NV.⁷

In Virginia, towns are part of the counties in which they are located. Town residents pay additional taxes and receive additional services such as police, fire or trash removal from the town government. Generally, a town shares services such as courts and schools with its surrounding county. There are three incorporated towns in Fairfax County: Vienna, Herndon and Clifton.

Because of its unique local government structure, Virginia has a small number of local governments and uses few independent or special districts. Besides the 39 cities, there are 95 counties in the State. Historically, counties were formed to implement state authority at the local level, and cities and towns were incorporated to provide urban services to more densely populated areas. Two Virginia counties, established at the time of the original eight shires of Virginia, use the word “city” in their names although they are counties. They are Charles City County and James City County.

Some cities have absorbed their counties. Examples are Chesapeake, Hampton, Newport News, Suffolk and Virginia Beach. The largest city, Virginia Beach, has around 437,000 people, less than half of Fairfax County’s 1.08 million population. (All populations given are approximate and are taken from U.S. census data found on the worldwide web.) Of interest, also, is that Virginia Beach is 497 square miles compared with Fairfax County’s 407 square miles area. The populations of the other cities range from Suffolk’s 84,000 to Chesapeake’s 222,000. The City of Fairfax (pop. 25,000) had been a town since 1874 and achieved city status in 1961. The City of Falls Church (pop. 12,000) was a town within Fairfax County and became a city in 1948 in order to maintain control over its schools and other services.

The powers of cities and towns vary according to their particular charters and any amendments approved by the General Assembly. Powers of the counties also vary,

depending upon their form of government and any authority they have obtained from the General Assembly for specified functions. For all localities, the ability to gain additional powers is affected by the clout of their General Assembly members.

We should say something about Fairfax County's unique Urban County Executive Form of government, which took effect in 1968. In the early 1960s, the county was looking for a governmental structure better able to serve the rapidly growing area than would other county forms of government available in Virginia. The Urban County Executive Form was legislated after much wrangling between the county and the GA. Considered an interim solution - it did not give the county powers that many believed were necessary to respond to rapidly escalating needs - this form was politically acceptable to the rest of the State because it could be amended as needed without affecting the other counties. For more information about this issue, see LWVFA's 1993 study mentioned above the historical chart.

CITIES AND COUNTIES – MAJOR DIFFERENCES

The most significant differences in powers between counties and cities are in their ability to borrow money and to tax. Counties must seek voter approval each time they want to issue general obligation bonds unless the residents have granted them this power in a referendum. (Wythe, Prince George, and Isle of Wight counties have done so.) Cities, on the other hand, may issue general obligation bonds without voter approval, as long as total indebtedness does not exceed 10 percent of assessed real estate valuation. The limits on a city's power to borrow excludes the following: one year revenue bonds; bonds approved by voters for projects such as water supply which may produce revenue; obligations for any publicly owned regional project authorized by an interstate agreement; or if the General Assembly has specifically authorized that the project should be excluded.

The authority to levy taxes is determined by the General Assembly, principally according to whether a jurisdiction is a city, town, or county. Counties do not have taxing authority equal to that of cities. Depending on their charters, cities may levy a capitation tax (i.e. a "head tax" like the now extinct poll tax), admission and utility taxes, business and professional licenses taxes (BPOL) and vehicle license taxes.

When, on occasion, the General Assembly has permitted the county to try for new taxes in order to diversify from reliance

on the boom-or-bust real estate world, it has always been required to put the new tax to referendum. People seldom vote to tax themselves even when not doing so merely means that the revenues would have to come from higher real estate levies than would otherwise be the case. Therefore people with a special interest in defeating a new tax measure, have little trouble defeating it. City governments do not need to put new revenue measures to a vote.

Another significant difference between the powers of cities and counties is that counties, except for Arlington and Henrico, are not responsible for roads or traffic control and depend on the state to resolve traffic problems. Cities are responsible for building and maintaining their roads and for traffic control. The state retains authority and responsibility for what is or is not built or maintained by the city.

There are many local issues on which Fairfax County is impeded from dealing creatively and expeditiously by the lack of authority imposed on it by what some have called the "nanny-like" governance by the state. Thus a troubling area for the county is its inability to address our gridlocked transportation system. While the GA might be willing to shed the burden of fixing our transportation system, it is unlikely to offer sufficient funding help to make it possible for the county to finance needed updating and maintenance. Fairfax County has a far larger road system than most cities.

While we're thinking of roads, we should note the difference between "local" roads, including major thoroughfares like Braddock Road or Reston Avenue, and projects that people tend to associate with cities which have been funded and maintained by revenue bonds. For example, the Richmond-Petersburg Toll Road which is now part of the Interstate System, was not built by the cities of Richmond and Petersburg because, as cities they have the "power" to build roads. Rather, the GA granted Richmond and Petersburg the power to create a turnpike authority, with revenue bonding authority, for a needed highway between the two cities.⁸

CHANGE TO A CITY?

Despite enormous growth since the 1960s Fairfax County has not sought a change in government status, although recently there has been much discussion about seeking city status in order to better control transportation. As provided by State Code in Section 15.2, becoming a city involves a long process. First, the Board of Supervisors needs to petition the Circuit Court to declare that the County is eligible for city status. This petition must include a long list of information including population, property values,

school enrollment and taxation methods. Interested parties must be notified and be part of the petition if they so desire. If the Court denies the petition, there is an appeals process, but if denial is final, the County must wait three years to reapply. If eligibility is approved, the Board of Supervisors must appoint a charter commission to prepare the charter. Public hearings must be held. The charter can provide for items like taxing authority, tax rates and elections. When completed, the charter goes to referendum. If it is approved by a majority of County voters, a bill to grant a city charter is introduced in the GA, which can deny or grant approval. The GA also has the authority to alter provisions in the charter. If city status is approved, the new city has 10 years to assume full responsibility for roads and highways. Towns currently within the county would retain their identity and become townships; their town charters would become township charters. This information and more about conversion can be found in the County Attorney Bobzein's 2006 Memo cited earlier.

Also, there is a little-known Virginia law affecting localities seeking city status. In an October 23, 2009, *Washington Post* article by Fredrick Kunkle, the director of governmental affairs at the Virginia Association of Counties (VACO) is quoted as saying "there is a little-known provision in Virginia law that would appear to put a moratorium on approving any new city charters until 2018. The measure, enacted in 1987, was intended to slow the rapid encroachment of suburban development by cities through annexation...however...the legislature could simply override the provision."

OCCASIONAL GRANTS OF FISCAL AUTHORITY

From time to time, the General Assembly (GA) has granted Fairfax County a reprieve from the Dillon Rule. What follows are some examples of the GA's positive response to Fairfax County's requests for additional fiscal authority, with mixed results:

1. In 1981, Fairfax County was granted authority to issue general obligation bonds for road construction.
2. In the late 1980s, with the urging of land developers in the Route 28 corridor, the GA passed legislation that enabled counties to form transportation districts to construct, reconstruct, alter, improve and expand mass transit or limited primary highways.⁹ The districts can issue bonds and accept gifts, but district debts are solely the debts of the transportation district and not the debts of the counties involved or the state. In 1987, Fairfax County formed the Route 28 Highway Transportation Improvement District in partnership

with Loudoun County. The district was formed after landowners (commercial and industrial) petitioned to accelerate planned highway improvements to the area. A special tax district was formed whereby landowners are assessed a tax not to exceed \$.20 of \$100 of assessed land value. This tax provides 75 percent of project costs. The balance is provided by the Commonwealth. By 1986, Northern Virginia's clout was being felt when businesses led by "...Bill Thomas, Til Hazel's law partner and Vivian Watts, who was Secretary of Transportation,...led a traveling road show that detailed the new blacktop planned for each legislative district. The result? A half-penny sales-tax increase, a one-cent tax increase on car sales, and 2.5 cents-a-gallon tax increase on gasoline."¹⁰

3. In 2002 the GA allowed "...Northern Virginia and the Hampton Roads area to vote on a half-cent sales-tax increase to pay for new roads and transit...The referendum bombed in both regions...attacked by anti-tax conservatives along with smart-growth activists who argued persuasively that more roads equaled more sprawl."¹¹ Voters also resented paying a special tax for a state responsibility.
4. A few years ago, Fairfax County tried to raise taxes for transportation needs through the formation of a local transportation authority appointed by the Board of Supervisors and having the power to tax. This was ruled unconstitutional by Virginia's Supreme Court because the members of the taxing authority were not elected.
5. In 2007 the General Assembly passed legislation declaring real property zoned or used for commercial and industrial purposes to be a separate class of property. A special assessment was authorized, the revenues from which could be dedicated for local transportation improvements. In 2008, Fairfax County began to collect this additional tax. The County was sued by a landowner asserting that the levy violated the constitutional requirement for tax uniformity. In 2010, The Virginia Supreme Court confirmed the legality of the legislation in *FFW Enterprises v. Fairfax County*.¹² This was a positive outcome for Fairfax County.

TRANSPORTATION IS THE HEART OF THE ISSUE

Much of the motivation for seeking city status has focused on transportation, particularly roads and highways. The need to control roads has been exacerbated by recent economic woes which have substantially reduced the county's share of highway funds from the State. In 2000, Fairfax County received \$29 million in highway money; last year the amount

was \$238,000. The projected amount for FY2012 is less than \$2,000.¹³ Interest in this topic was intense during the 2011 legislative session where Del. Vivian E. Watts promised “to push for a comprehensive plan that would allow the region to raise and spend its own money to repair its dilapidated transportation network.”¹⁴

The 2011 GA provided for more transportation funding in a complex piece of legislation, HB2527. Here are a few provisions: A Virginia Transportation Infrastructure Bank was created as a new source for funding transportation projects. The GA may appropriate funds for this bank of which 20 percent would be used for grants and the balance for loans. Additional revenue anticipation notes for transportation were also authorized. The bill increased the issuance of Transportation Capital Projects Revenue bonds from \$300 to \$600 million for FY 2012 and up to \$500 million in FY 2013. There are many other provisions: See the state’s Legislative Information Service <http://leg1.state.va.us/lis.htm> for more details. There is also an excellent legislative summary on the county website www.fairfaxcounty.com.

Although the fiscal needs for transportation may improve for Fairfax County through this latest legislation, the issue of State control presents problems. Virtually all roads (sidewalks too) in the County, except those that run through private developments, are state-controlled and maintained by the Virginia Department of Transportation (VDOT).

In many other states, the state transportation department maintains state highways but not local residential streets. How did this occur in Virginia? The state did not always control and maintain almost all the roads. But during the Depression, when counties were short of funds, the Commonwealth of Virginia agreed to assume responsibility for most of the roads in the state that were not located within incorporated cities and towns. Of the counties, only Arlington and Henrico, near Richmond, chose to retain operation and maintenance of their own roads with funding from the state. Towns and cities with population over 3,500 also operate and maintain their own roads.

As Fairfax County has grown to have more suburban and urban road conditions, rather than rural, frustration has grown with the limitations of having VDOT maintain and improve roads. Declining state revenues have forced VDOT cutbacks while need for maintenance and improvements have increased. Statewide standards for roads may not be a good fit for a rapidly growing area that wants to try innovative solutions to problems. VDOT has not always had the resources to respond to local priorities. Infrequent

mowing of roadside and median strip grass has been a recent example of this. One possible solution would be for Fairfax County to become a city and maintain its own roads. Another possibility would be for Fairfax County to assume greater responsibility for local roads without changing other aspects of county government.

In 2010, at the direction of the Board of Supervisors, the Fairfax County Department of Transportation (FCDOT) undertook a study of “Alternatives for Improving Roadway Services” that analyzed possibilities for the County to take on some or all of the state’s road operation and maintenance for primary and secondary roads. Full responsibility for interstate highways within the County would continue to be entirely a State responsibility. VDOT defines primary roads as two to six lane roads that connect cities and towns with interstates. Secondary roads are state maintained roads generally numbered 600 and above. They are actually owned by the counties but VDOT maintains operational control.

The draft report was released on November 30, 2010, and the supervisors requested further study of some questions. The study considered both incremental changes in the County’s relationship with VDOT and major administrative changes that would involve action by the General Assembly.

Three possibilities for incremental increases in county responsibility for local roads emerged from the FCDOT study:

1. The first would be to work with VDOT to identify additional administrative, planning or engineering functions that the County could assume with or without additional funding.
2. The County could work with VDOT to enhance selected maintenance activities throughout the county.
3. County could assume full maintenance responsibilities for identified geographic areas under state provisions for Urban Transportation Service Districts.

Responsibilities for road maintenance differ between the cities and the two counties that chose to retain control of roads. In the cities VDOT maintains only interstate highways. Cities and towns receive direct payments to maintain roads within their boundaries as part of the urban system. Arlington and Henrico counties have responsibility only for secondary roads within their boundaries, and VDOT maintains both primary and interstate systems. Each county negotiated a separate agreement with the State to obtain payment for operating and maintaining their secondary roads.

One finding of the study was that, based on VDOT records

from 2007 to 2009, the amount of money transferred to cities for road maintenance per mile was comparable to what VDOT has actually spent to operate and maintain Fairfax County roads over the same time period. In other words, cities had control over road maintenance but did not receive more money to do so than was spent in Fairfax County. However, this finding has been disputed, and the issue is very important to any proposed change in status. One source felt that the cities receive nearly twice the funding per lane mile that the counties do. The study committee will follow up, seeking to clarify this issue in the second part of the study. Funding for road maintenance in Henrico County was also allegedly similar, although that county retained control of how and where the money was spent. Arlington County was the only jurisdiction that apparently received a higher level of funding per mile. One difference noted between funding allocated to the cities and the two counties was that it was more consistent from year to year than what was spent by VDOT to maintain Fairfax County roads. But the average rate of payment to cities and Henrico County was claimed to be similar to the average of annual costs incurred in Fairfax County.

County staff came to the conclusion that neither assuming control of secondary roads as in Arlington and Henrico, nor becoming a city, would guarantee a higher level of state funding than county roads currently receive. They felt that it was unlikely Fairfax County could obtain an agreement as favorable as the one between Arlington and the state of Virginia. They also noted that all of the local jurisdictions that maintain their own roads supplement state funding with other local sources of revenue.

County staff did identify other advantages to the county in assuming some additional responsibility for road

maintenance. It might be possible to obtain more influence in VDOT's decision-making with regard to county roads, to make the system more accountable to local requests and needs, and to obtain additional flexibility in establishing priorities and standards more appropriate to an urban and suburban system.

It is clear from the long standing frustration over "minor" transportation issues such as mowing the grass along county roads or putting up a stop sign that Virginia's control over county roads doesn't seem to serve the public interest in Fairfax County. The historic enmity between Northern Virginia and the rest of the State, which we have not touched upon in this study, is also partial stumbling block to achieving Fairfax County's legislative goals. This could change as it is expected that Northern Virginia will gain more seats in the GA with the current redistricting of the state as a result of the 2010 census.

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11. Drew Lindsay, *op.cit.*
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Criminal Justice Advisory Board Recommends Additional Funding for Detoxification Program

Dallas Shawkey, Vice Chair of the Fairfax County Criminal Justice Advisory Board (CJAB) testified before the Fairfax County Board of Supervisors concerning funding for the County's detoxification of persons arrested needing help. Mr. Shawkey stated, "For four years now, the Police Department and the Community Services Board (CSB) have worked together in a partnership for a cost effective response to persons in need of detoxification.. The goal is to move people through the substance use treatment system rather than the criminal justice system when appropriate. So far this fiscal year, the program has served on average 63 individuals a month for a total of 565 since July 1. Of those diverted to detox, 94 percent entered CSB services and completed the

program." The program involves a mobile team of CSB staff that responds to police requests to provide an intervention at the scene of a potential arrest and refer the person(s) to detoxification services. For the police, this allows them to return to patrol rather than transporting these person(s) to jail, where they will not receive the needed detoxification services. The necessary funding for this program is approximately \$275,000 per year. Until this year this service has been provided by a variety of funding sources (including Recovery Act funding) which are no longer available. The CJAB requested that the necessary funding be added to the FY 2012 Budget.

And As for June... Program Change Announced

By Lois Page, Program Director Emeritus

June's program this year has always been an iffy proposition, and the recent announcement that NCA's water update will not be ready sent the Board scurrying to discover the best use of the suddenly freed-up time.

Your Board is proposing, first of all, to provide you with updated information on our signature LWV-VA issue, redistricting. We hope you are all aware by now of how important this is in our political life and how up to now drawing those ever-important maps has been done in back rooms, very quietly. LWV-VA has been working with a number of partners in the state to change this. At the least, we have helped to publicize the process and show that map drawing can be done by non-politicians. We hope you will take some time out of your other June activities and talk over some of the questions we will provide.

Secondly, the Board would like units to take up a new project, either alone or with other units in your quadrant. *Quadrant*, you ask? You may have noticed that it can be hard getting around Fairfax County at certain times of the day. We know unit members enjoy meeting up with other

units from time to time but this offers some geographical difficulties. Consequently we propose that units consider joining up with other units in their area or quadrant to pursue some activities. Quadrant 1 would be the Restons; 2 would be McLean, Dinner Unit and Vienna/Fairfax; 3 would be Fairfax Station, Chantilly/Centreville, Greenspring and Springfield, and 4 would be the Mt. Vernons.

The first thing we suggest you think about pursuing with or without your quadrant members is to take another look at one of our local positions, with a few exceptions (things we have studied recently and which will be listed in the June *VOTER*). Get out your "Here We Stand" and decide if we should still be standing there. Talk over in June what your members would like to dig into a little more deeply and whether you would like to see if another unit would like to share the subject.

June's *VOTER* will offer some suggestions on who you might interview and where you might find more information. We hope this leads to a lively discussion and that you find both parts of the meeting, plus any social event you include, very satisfying.

Hernandez Testifies at County Hearing on Redistricting

LWV-VA President Olga Hernandez testified on April 2 at the Virginia Privileges and Election Committee hearings held in Fairfax County Government Center, concerning redistricting on behalf of the League. She wondered if the group remembered that in all the hearings the testimony was about keeping communities together, having a choice at the polls and ensuring compact, logical districts - not to mention the idea of having a public process where the maps were visible during the drawing. "That's not reflected in what you have submitted," stated Ms. Hernandez in her testimony. "You released your maps very late with no prior viewing and now, these current hearings are so compressed that I'm concerned you are not really taking note of the testimony you are again getting," she continued.

Hernandez went on to ask if the Commission had looked at any of the many alternative plans submitted by some very

engaged, bright college students or the plan offered by the Governor's appointed Independent Bi-partisan Commission, staffed with experienced quality citizens. She concluded her testimony by reminding the group that, "We know this is not an easy task. But the purpose of redistricting is so everyone has a voice. It is about protecting democracy not yourselves. The one man one vote principle should be the best guide, and the voter is better served when he has a choice at the ballot. 'Safe' districts do not serve that purpose and thus citizens lose out on good government where representatives can be held accountable."

Think Green . . .

Between 1950 and 2000, the U.S. population nearly doubled. However, in that same period, public demand for water more than tripled! Americans now use an average of 100 gallons of water each day — enough to fill 1,600 drinking glasses! (EPA, 2008)

In the Spotlight . . .



Helen Kelly,
Co-Action Chair for LWV-
VA and BOS Reporter,

I joined the League of Women Voters in September of 2008. Unhappy about the result of recent elections, I knew that if I wanted to make my voice heard, I had to join a grassroots organization of like-minded people. After checking out a few websites,

I joined the League. I'm glad I did.

I majored in French at Georgetown, but quit after my junior year to get married. Even though I did not work outside the home while our daughter was growing up, I volunteered at her elementary school and at the public library. I took various writing courses, piano lessons, a computer programming course and at the urging of my husband, I learned to ride a motorcycle. And I continuously read books – lots of them.

When our daughter was a senior in high school, I took a secretarial training course and found a job. After two of the companies I worked for went out of business, I began working as a temp, and continued doing that until 2009. I now consider myself retired.

Our daughter Sandy, her husband Chris and their two daughters live close to us now but expect to be transferred to South Carolina within the next four years. So I spend as much free time with them as I can. Because I love reading, I embrace my role as “book grandma,” and try to find interesting children’s books for every gift-giving occasion.

Being a grandmother has prompted me to keep up two pastimes I have always enjoyed – photography and walking. It’s fun to record family events with my camera. I try to walk regularly for my own enjoyment and so I can keep up with my energetic grandchildren.

I have always wanted to volunteer, and believe that the League is a good fit for me. Like my Dad, I’m interested in politics, the process and the personalities. Joining the League has given me the opportunity to continue learning and to give back to the community.

Affordable Housing News . . .

New Development Meets County Affordable Housing and Business Needs

Following is an excerpt of a letter sent to constituents by Sharon Bulova, Chairman, Fairfax County Board of Supervisors.

Workforce housing provides our young people, entry level professionals, and lower income employees an affordable option for living near their jobs. This is not only convenient but environmentally sound and less expensive than living far from work and having a long commute, thus contributing to our area’s transportation challenges. Fairfax County business leaders have called a lack of affordable workforce housing a major impediment to their growth. In Fairfax County, we identified significant interest in creating affordable housing near the Government Center when we conducted surveys of our County employees several years ago.

On Tuesday [March 8] the Fairfax County Board of Supervisors approved the Residences at the Government Center, a new 270-unit affordable apartment community

to be built adjacent to Fairfax Corner. This attractive, high-quality development will offer apartments to applicants who work in Fairfax County at a rate affordable to working individuals and families.

We can do this is by leveraging our resources, in this case land on the Government Center grounds, through public-private partnerships like the one we have with the Jefferson Apartment Group for the Residences. They are able to provide affordable workforce housing by leasing land from the County and accessing federal low-income housing tax credits. This arrangement allows us to meet a community priority at no cost to the taxpayer. Because it will be privately-owned, the development will also generate tax revenue for the County.

Belly Dance Show Benefits Shelter for Abused Women

By Barbara Nunes, Domestic Violence Chair

Recently I was in Cabo San Lucas, Mexico, and saw this article about domestic violence in a local newspaper, *Gringo*. I have condensed it somewhat but found it interesting reading.

A nonprofit group in Los Cabos is planning to build a shelter to provide the community with prevention and education through workshops and to create a network of professionals in health, law, and all areas that are involved in domestic violence.

One in three families in Mexico has experienced or lives with domestic violence. The alarming increase in domestic violence in homes is the origin of aggressive conduct that we see in our younger generations and is part of the phenomenon we experience every day in Mexico and all over the world.

The State of Baja California Sur is not exempt from the presence of violence. Baja California has a major migrant situation in Los Cabos, where families arrive every day from different places on mainland Mexico. Women are faced with the loss of extended family ties and support that is necessary in a moment of crisis. Among abused women, 79.1 percent

have denied domestic violence or did not file a report.

Cabo rates first in divorce rates nationwide; 52.5 percent of the relationships were interrupted by domestic violence. Of these, 48.7 percent experienced extreme violence. Yet 38.3 percent of women who did not report abuse did not consider this type of attack important or consider it part of married life; 24.3 percent chose not to denounce abuse because of shame, and 22.7 percent let it go for fear of their partner.

The organization in Cabo recently hosted a belly dance show to raise funds. The shelter Casa de la Mujer will be a temporary and safe space for women and children who have chosen not to live with domestic violence. It will offer professional, comprehensive care through a multidisciplinary model that will provide them with necessary tools and facilitate a complete rehabilitation and reintegration into society. The shelter plans to provide a safe and enjoyable environment and will offer educational and recreational opportunities.

Another project will create a collaboration network of professionals in all areas involved: psychologists, psychiatrists, social workers, teachers, lawyers, nurses, instruction in general, carpenters, and architects. All those who share love for the family are invited to donate their expertise, service, and time as much as possible.

President George Testifies at BOS Meeting on 2012 Budget

In testimony on March 29 before the County Board of Supervisors, League President Janey George made an appeal to the BOS adopt the advertised \$1.09 real estate tax rate for 2012. "Members of the League of Women Voters are not just concerned citizens; we are also homeowners willing to pay our real estate taxes at this rate because we believe it is necessary – necessary to establish reserves to meet future uncertainties, necessary to provide a safety net to those residents most in need, necessary to provide the services important to County residents and to attract new residents and businesses." testified George.

"The League does not consider the unallocated \$30 million based on a \$1.09 real estate tax rate to be a surplus. It is not enough to cover further needs that have been identified by the League, the County Executive and County citizens.

We were dismayed to hear of the possibility that some of the potential cuts in the 2011 advertised budget were again being considered for cutting. We oppose this step, especially those cuts in human services, and repeat our request that the \$1.09 tax rate be set for 2012."

George also complimented the Board for cutting costs where possible, while maintaining not only essential services but some of those amenities that make Fairfax County attractive to both new residents and businesses alike.

Think Green . . .

Recycling aluminum saves 95% of the energy needed to produce new aluminum from raw materials. Energy saved from recycling one ton of aluminum is equal to the amount of electricity the average home uses over 10 years. (Keep America Beautiful, 2006)

This Month's Unit Meeting Locations

Topic: Should Fairfax County Seek City Status?

Members and visitors are encouraged to attend any meeting convenient for them, including the "At Large Meeting" and briefing on Saturdays when a briefing is listed. As of April 1, 2011, 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, May 7

10 a.m. At-Large Unit and Briefing

Mason District Gov. Center
6507 Columbia Pike
Annandale 22003
Contact: Lois, 703-690-0908

Monday, May 9

1:30 p.m. Greenspring (GSP)

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

Wednesday, May 11

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

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

10 a.m. McLean (MCL)

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

10 a.m. Fairfax Station (FXS)

Burke Centre Library
5935 Freds Oak Rd.
Burke Centre 22015
Contact: Lois, 703-690-0908

12 noon Chantilly/Centreville (CC)

Sully District Gov. Center
4900 Stonecroft Blvd.
Centreville 20151
Contact: Susan, 703-391-0666

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

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

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

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

Thursday, May 12

9 a.m. Reston Day (RD)

Contact: Margo, 703-620-9054

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

12 noon Fairfax City Day (VFX)

Oakton Regional Library
10304 Lynnhaven Pl., Oakton 22124
Contact: Bobby, 703-938-1436

12 noon, Vienna (VFX)

Oakton Regional Library
10304 Lynnhaven Pl.
Oakton 22124
Contact: Anne, 703-938-7304

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

June Meetings:

**Two-Pronged Effort: Consider a Local Issue to Re-consider
and
Redistricting Summary: A Deal Done Before It Started**



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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May, 2011

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 is July 1 through June 30. Current dues year ends June 30, 2011.)

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