

* SPECIAL EDITION *

ALL resTOWN REFERENDUM PETITION SIGNATURES ARE DUE BY MON., OCT. 15

■ RCA Responds to Ken Plum's E-News

State Delegate Ken Plum ran an item in his weekly E-News and in the Reston Connection on Oct. 3, concerning RCA's current efforts in getting petition signatures to ask the VA Legislature to authorize a referendum so the 60,000 residents of Reston can decide if we want to become a town. (Del Plum's communication begins at the bottom of column 1 of pg. 2 of this newsletter)

RCA felt obliged to respond in order to clear up any misunderstanding which may have resulted from Del. Plum's column and to clarify certain aspects of its proposed governance plan for Reston. This was accomplished by a letter written directly to Del. Plum and a Letter to the Editor (LTE) of the local newspapers, which appears to the right. (The letter to Del. Plum is attached as pgs. 3-4 to this newsletter)

Letter to the Editor, Reston Connection - Oct. 5, 2007 from RCA President, Mike Corrigan

Dear Editor:

Ken Plum's column on "Local Governance Sought" (*Reston Connection*, Oct. 3-9, 2007) raises a number of questions about the Reston Citizens Association proposal for a referendum to determine if Reston should become a town.

These issues include:

1. the nature of the referendum;
2. the hurdles to be overcome;
3. guidance on what would justify a new town;
4. concerns about growth control and cost savings as justifications for a town;
5. the appropriateness of becoming a town or a city;
6. and whether or not Fairfax county is providing all the services we want and, if not, why we don't just ask for the additional services.

RCA has reviewed most of these issues in depth (as have previous efforts to allow Reston to become a town) and we have provided this information in the Reston Governance section of our web site at <http://go-resTOWN.org/governance>. While there is a wealth of material there, we would like to respond briefly to each of Delegate Plum's comments.

The petition currently underway to gather signatures is not to request "an advisory referendum." It is to request a binding referendum on whether Reston should become a town. The proposed draft legislation to accomplish this is on our web site. We recognize that there may be some changes to this legislation as a result of discussions with the county and our legislators, but we think the petition is clear in its intent: **Let the people of Reston vote on whether or not to become a town.**

Current Virginia law requires actual legislation for Reston to become a town, as Del. Plum states. **Our draft legislation is consistent with that passed by the legislature in 1979, which allowed a town vote in 1980.** There are no new hurdles that RCA is aware of or that Del. Plum has mentioned. It is not known if the legislation will pass, but it is clear that submitting the legislation for consideration is the first step.

We have spent several years discussing the services and type of government we would like to have in Reston. There are some in favor of the status quo. We believe there are more in favor of greater local control of planning and zoning, a rationalized approach to our currently fragmented recreational, cultural, and infrastructure services, an official voice for our community (like those of Herndon and Vienna), and local coordination of such issues as the impact of Metro, accessibility, affordable housing and grants for community projects. RCA is supporting a vote in our community to decide between these two alternatives. **This is the usual way in a democracy to decide such things, and we are petitioning our legislative officials to allow it.** Each of them may have their own views on whether or not Reston should become a town, but it seems like a fundamental question we should decide for ourselves. (continued top of pg. 2)

■ Candidate Forums On RCTV – Ch. 28



Reston Citizens Association (RCA) and Reston Impact, the local public policy issues/personalities TV program, has again combined with Comcast Ch. 28 to telecast the Reston Candidate Forums. There will be live and re-broadcast forums for the offices noted below at the times listed and videos of the forums are also available on RCTV's website at: <http://www.rctv28.com/videos.htm> as they become available.

FFC BOS-Chairman

10/8 – 8pm Live
10/13 – 1pm
10/14 – 1pm
10/21 – 3pm
10/27 – 1pm
11/4 – 3pm

School Board-Hunter Mill

10/13 – 3pm
10/14 – 3pm
10/21 – 1pm
10/27 – 3pm
11/3 – 1pm

FFC BOS-Hunter Mill

10/17 – 8pm Live
10/20 – 3pm
10/26 – 8pm
10/28 – 1pm
10/29 – 1pm
11/3 – 3pm

Commonwealth Attorney

10/12 – 8pm
10/15 – 8pm
10/20 – 1pm
10/28 – 3pm
11/4 – 1pm

FFC=Fairfax Co.; BOS=Board of Supervisors
The ARCH Hunter Mill Supervisors Candidate Forum held on Oct. 29 can also be seen as a video on the above website.

**Sign the resTOWN petition at the
Reston Farmers' Market from 8am-12noon
Sat. until Oct. 13 or online at:**

gopetition.com/petitions/rca-reston-town-governance.html

Email the following with your support for Reston town status:

VA State Sen. Janet Howell: SenHowell@aol.com

VA State Del. Ken Plum: Kenplum@aol.com

Hunter Mill Supv.-Catherine Hudgins: catherine.hudgins@fairfaxcounty.gov

FFC BOS Chairman-Gerry Connolly: chairman@fairfaxcounty.gov

(Letter to the Editor – continued from pg. 1)

Whether and how we decide to deal with growth and how much we want to spend on services are questions that we would decide (within the legal guidelines of the state) once we are a town. The charter puts some important boundaries on these issues, and RCA has proposed an approach to financing the town that we believe is consistent with the town costing about the same as our current approach, with improved services. Many details will be worked out over time as they are in any democratic process. **But we would work out those details locally, with accountable local officials that we can replace if we are unhappy with the results. Our influence on county decisions is far less.**

Why a town and not a city? Because Reston residents are for the most part happy with the basic Fairfax County services of fire and rescue, police, schools and libraries. Towns are part of counties and have access to these basic services. A city in Virginia, on the other hand, is not part of the county and has no access to these county services except by contract. But we also want, and have, additional recreational and cultural services. **We want greater control of land use. We want to have a real voice in how we deal with Metro and the other issues in our future, including the environment and our aging population.** A town lets us do all this, because a town is a very flexible form of local government in Virginia and can be shaped by its charter.

As for the final point in Delegate Plum's article, that we would better spend our time making up a list of services that we could petition Fairfax County to bring to our community, we think he may be missing our point. **It appears that the service that Reston citizens want most is to have an effective voice in county affairs:** a voice with the same effectiveness as our neighboring towns of Vienna and Herndon. Our recent experience with the County-proposed changes to the Planned Residential Community ordinance confirmed in us our belief of the futility of trying to influence the county through home owners and citizens associations. RA, RCA and ARCH testified that changing the density permitted under the ordinance should follow a serious review of all the factors in the over 40-year-old Reston master plan. **The county ignored us.**

It is time that the citizens of Reston get the opportunity to do what thousands of them are petitioning for: voting on town status for Reston. Get more info on RCA's proposal at: <http://go-resTOWN.org/governance/>

Mike Corrigan – President, Reston Citizens Association
(703) 786-3672 (Cell); mike.corrigan@comcast.net

Delegate Ken Plum's Virginia E-News October 3, 2007 - Local Governance Sought

A flyer stuck under my automobile windshield wiper last Sunday morning while I was at church asked that I "Sign the petition to have a referendum on Reston Town status." I knew that such a campaign was underway, but I had never read the wording of the petition. The signers ask the Virginia legislature to authorize a referendum among the voters of Small Tax District #5 "to vote on whether Reston should be incorporated as a town." While I always appreciate hearing from my constituents through a petition or otherwise, a petition in this instance is not needed as the Virginia Constitution in Article VII, Section 2 provides that a majority of voters in an area must approve a change in the form of local government. Virginia does not provide for advisory referenda. A referendum question of whether Reston should become a town would

require an explicit charter to be proposed in order for voters to determine their preference. I understand that a conceptual plan for a town has been talked about, but a significant number of major issues need resolution before a bill can be presented to the legislature or to local residents for a vote. Senator Janet Howell and I spelled out these requirements in a letter to the town proponents in November, 2005.

Several major hurdles must be overcome to incorporate Reston as a town. Virginia law prohibits the organization of towns in counties whose population density exceeds 200 persons per square mile (Section 15.2-3602) or that has the urban county executive form of government as in Fairfax County (Section 15.2-3605). Substantial arguments would need to be offered as to why these sections of the Code designed to prevent additional layers of government would need to be repealed or an exception be granted.

The General Assembly has provided guidance to the judiciary on criteria to use in approving new towns through a judicial process. Courts are required to find "proof" that "it will be in the interest of the inhabitants within the proposed town; the general good will be promoted; and the services required by the community cannot be provided by the establishment of a sanitary district, or under other arrangements provided by laws, or through extension of existing services provided by the county in which the community is located." Legislators will want the same kind of information on a proposed town charter for Reston as well as an explanation of what has changed that would make Reston want a new form of government since they rejected a proposed form of town governance in the early 1980's. I would not recommend using the argument before the General Assembly that having another layer of government would save people money because the potential for such savings in the future is dubious. Legislators spend much of their time looking for ways to curtail government because of its growth and expense. And be careful about using the argument that the town should be able to curtail growth. Counties, cities and towns have been trying unsuccessfully to get additional powers to control growth for decades. The VA legislature tilts in favor of developers and private landowners in these debates.

Counties are the basic unit of local government in Virginia. Historically when population centers developed at crossroads or seaports and needed services beyond the capacity of the counties to provide, towns were formed and as they grew they became cities. As counties have become more urbanized, their powers have been extended such as Fairfax County with the urban county executive form of government. Most of the 203 towns in Virginia trace their history to the nineteenth century. The half-dozen towns incorporated most recently in the mid-1900s have an average population of 485. Blacksburg with a population of nearly 40,000 is the largest town in VA, but towns generally have a couple of thousand residents. Reston with a population over 60,000 would dwarf all other towns in the Commonwealth and may actually find itself strapped by a form of government intended for much smaller jurisdictions. City status was designed for the most densely populated areas.

Once the proponents of a town have concurrence with Fairfax County, Reston Association, Reston Community Center, and community and business leaders on who will be doing what in the proposed town, a bill could be introduced in the legislature, and a referendum considering that new form of governance could be held. In the meantime, a more productive use of time might be spent clarifying what an additional layer of government would provide to the residents of Reston that are not currently provided by Fairfax County. A petition could then be circulated asking Fairfax County to bring those services to our community.

Reston Citizens Association
P.O. Box 2851
Reston VA, 20195

October 5, 2007

Del. Kenneth R. Plum
2073 Cobblestone Lane
Reston, VA 20191

Dear Delegate Plum:

The Reston Citizens Association (RCA) would like to respond to your recent Virginia E-News mailing and similar article in the Reston Connection on "Local Governance Sought."

RCA has been working on the town issue for several years and we would like to bring you up to date. We have used the letter sent to RCA by yourself and Sen. Janet Howell on November 22, 2005 [available on the RCA website at <http://go-resTOWN.org/governance/docs/Plum-Howell112205.doc>] as a guideline for our work, so we will also comment on how our current proposal is designed to meet the concerns expressed in that letter as well.

First, the petition campaign, to which RCA has been a significant but not the sole contributor, is intended to directly respond to the concern expressed in your 2005 letter that we demonstrate "**the involvement and support of a large base of the community.**" The petition wording is: "*We the qualified voters of Reston (defined as Small Tax District #5) do hereby petition that the legislature of the Commonwealth of Virginia authorize a referendum to enable the qualified voters of Reston to vote on whether Reston should become incorporated as a town.*" The intention is not for an "advisory referendum" as you appear to suggest in your article, but a referendum for a town with a specific charter. The draft proposed charter and associated legislation is on our web site [at <http://go-resTOWN.org/governance/docs/RestonCharter10-3-2007.doc>] and I have attached a copy to this letter as well.

The charter and legislation address a number of the specific issues raised in your letter of November 2005. Specifically, the charter adds planning and zoning to the services provided by the town and clarifies and limits the taxes that would be collected by the town. The legislative preamble makes clear that whatever agreements have been reached by the time of the referendum with Fairfax County and the various Reston Property Owners Associations will be included in the town. **After discussions with both the county and the POAs, it is clear that they will not pursue the detailed negotiations needed to transfer assets to the town unless legislative approval is in place.** We believe this approach provides the most complete information possible to voters at the point of the referendum and that it is consistent with the spirit of your letter.

In the case of Reston, there is no "*additional layer of government*" caused by the formation of a town. A town would replace the existing tax district layer. In addition, other components of current Reston governance, including most of the Reston Association functions and the Reston Citizens Association would fold into the town. **We would replace a hodge-podge of organizations with a more streamlined organization that has real powers under the town charter to solve problems and is accountable to the Reston community.**

Towns in Virginia are the only form of local government under Virginia law that provide the flexibility needed for the mix of services that most Reston residents want. RCA has rejected the city alternative for Reston local government because most Reston citizens appreciate the efficiency and quality of many county services, and these services would not be available if Reston became a city. The alternative is to become a town, since a town has access to county services such as fire, police and schools. While it is true that Reston would become the largest town in Virginia, a local government solution which provides the services of the county but allows additional services suits the needs of Reston. **Virginia's charter form of government allows towns to tailor their services as they desire – for example, our proposed charter includes meeting the original goals of Reston – goals that are in real danger of being lost.**

The county's concern has been that a town might continue to demand county services at the same time that it removed significant tax revenue from the county (for example, the Business, Professional and Occupational Tax (BPOL), Consumer Utility Tax, and Sales and Use Tax). The proposed charter specifically excludes these revenue sources although it leaves the flexibility for the county to approve them at a later time. The Bank Franchise Tax and two percent of the Transient Occupancy Tax would transfer to the town, since the county cannot collect these taxes in a town. The limited loss of tax revenue from these taxes is balanced by the reduced county services required for Planning and Zoning. The charter also permits a Vehicle Decal Fee, which could be used to help solve parking problems associated with the arrival of Metro. This would not represent a loss of revenue to the county, since the county no longer collects this tax.

The signatories to our petition do not expect all the details of the relationships with the county and POAs to be worked out before the legislature permits a referendum, nor do we believe that working out all the details in advance of legislative action is feasible, desirable though it might be. In 1979 the legislature felt that the issue of how to maintain a sense of community within an urban county was an important enough issue to allow an experiment in Reston.

[See <http://www.restoncitizensassociation.org/governance/docs/RestonTownStudy1980.pdf>]

At that time, the citizens felt that the limited charter proposed was insufficient to justify a town. We don't know what will happen this time, with a substantially stronger charter, but we know that many Reston voters want the opportunity to decide the issue for themselves.

RCA is having a meeting at the Reston library on October 22 from 7:15 to 8:30 PM to announce the current results of the petition effort and we would like to present the petitions to you, Sen. Howell, and Supervisor Hudgins at that time. We would be happy to discuss our town proposal with you prior to that meeting at your convenience. In addition to the draft charter and legislative package, the briefings that describe our town proposal that we discussed with the community over the summer, as well as the financial analysis for the town, are also available on our web site (restoncitizensassociation.org). The briefings constitute the position that, based on community input, reflects the best alternative to the status quo. We would be happy to benefit from your thoughts on how we might improve the town proposal.

As for the final point in your article, that we would better spend our time making up a list of services that we could petition Fairfax County to bring to our community, we think you may be missing our point. **It appears that the service that Reston citizens want most is to have an effective voice in county affairs:** a voice with the same effectiveness as our neighboring towns of Vienna and Herndon. Our recent experience with the County-proposed changes to the Planned Residential Community ordinance confirmed us in our belief of the futility of trying to influence the county through home owners and citizens associations. RA, RCA and ARCH testified that changing the density permitted under the ordinance should follow a serious review of all the factors in the over 40-year-old Reston master plan. **The county ignored us.**

We hope to work together with you and our other elected representatives to allow Reston to have a serious review of local governance, including the opportunity for a referendum on town status. We would very much like to engage you directly in that process.

Sincerely,

/Signed/

Mike Corrigan
President
Reston Citizens Association

cc: Sen. Janet Howell
Supervisor Cathy Hudgins