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Del. Don Scott, Speaker
Del. Charniele Herring, House Majority Leader
Del. Todd Gilbert, House Minority Leader
Sen. Scott Surovell, Senate Majority Leader
Sen. Ryan McDougle, Senate Minority Leader

Dear General Assembly Leaders,

Thank you for your service to our Commonwealth. I am writing to share with you some perspective on our Board's legislative principles and the relationship of those principles to Senate Bill 675. This bill was discussed at length at our Legislative Committee today, and this letter is a summation of that discussion. As you know, Senate Bill 675 would add Fairfax County to the list of localities eligible to hold a referendum to host a casino and provide that any proposed site for a casino gaming establishment considered by Fairfax County shall be (i) located within one-quarter of a mile of an existing station on the Metro Silver Line, (ii) part of a coordinated mixed-use project development, (iii) within two miles of a regional enclosed mall containing not less than 1.5 million square feet of gross building area, and (iv) outside of the Interstate 495 Beltway.

Each year, the Fairfax County Board of Supervisors adopts a robust Legislative Program based on the Ten Community Outcome Areas included in our Strategic Plan. This year's 23-page program outlines our overarching priorities, initiatives/budget priorities, and position statements on key issues such as education, health and wellness, human services, and more. A long-standing and fundamental overarching priority and principle for Fairfax County is local authority. Our 2023 program states the following:

Existing local government authority must be preserved and expanded, particularly in such key areas as taxation, land use, and the protection of public health, safety, and welfare. Further, local authority should be enhanced to provide localities additional flexibility in the administration of local government. Finally, local government representatives should be included on all commissions or bodies established by the state for the purpose of changing or reviewing local revenue authority or governance.

Each level of government has unique strengths. However, because Virginia is a Dillon Rule state, local governments are significantly restricted in their authority, which impedes their ability to react quickly and efficiently to emerging problems. In many instances, an overemphasis on statewide uniformity does not adequately consider the particular issues

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experienced in growing and urbanizing localities in Northern Virginia, limiting the ability of local governments to respond to community standards and priorities.

As such, Fairfax County has not historically opposed legislation that provides local governments with a new option or authority, even if we do not intend to exercise that new option or authority. Similarly, we do not seek or ask the General Assembly to provide a new authority unless we intend to seriously consider implementing such authority.

Unlike other jurisdictions that received the authority to hold a referendum to host a casino, Fairfax County did not seek such authority and has not been substantively involved in the development of the casino concept envisioned by stakeholders and the patron of the legislation. It likely comes as no surprise to you that the location and concept included in the legislation and reported in the media has generated significant community concern and opposition. Furthermore, since a community engagement process was not conducted prior to the bill being introduced as it was in other jurisdictions, we believe the bill in its current form is likely to result in strong community opposition to the future referendum.

While we understand the Commonwealth's desire to collect additional state tax revenue from residents of Northern Virginia, we do not believe our residents would accept the revenue share prescribed in current statute and in the pending legislation. As the law stands today, the Commonwealth would receive over 70 percent of the gaming tax revenue generated by a Fairfax County casino. This is especially relevant given the fact that the location outlined in the bill has the potential to generate significant local tax revenue without a casino.

A stated rationale for the legislation is the need to revitalize Tysons. While the COVID-19 pandemic and subsequent shift to remote/hybrid work has, of course, impacted Fairfax County's commercial office market, we feel the need to emphasize that Tysons and especially the Class A office space in close proximity to Tysons' four Silver Line Metro stations continue to thrive. Tysons continues to attract new corporations and create new jobs. Tysons has a blossoming entertainment district, anchored by Capital One Hall, a premier performing arts venue, and a state-of-the-art baseball stadium.

The Tysons Community Alliance, a community improvement organization supported by the Board of Supervisors and local businesses is engaged in innovative work to enhance placemaking, livability, and economic growth while our investments in transportation improvements are transforming a maze of asphalt and interchanges into walkable and bikeable communities that continue to attract new businesses and new residents. In short, we are confident that Tysons is poised for continued success and will be the economic engine of the Commonwealth for decades to come.

Thank you again for your service to our Commonwealth and for the opportunity to share our perspective on this important issue.

Sincerely,



Jeffrey C. McKay

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