

# NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

## - RESOLUTION 21-08 -

### PROVIDING FOR THE CESSATION OF TAXES AND FEES IMPOSED BY THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

**WHEREAS**, the Virginia General Assembly authorized the Northern Virginia Transportation Authority to impose the following taxes and fees in Northern Virginia (the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the counties of Arlington, Fairfax, Loudoun and Prince William). Chapter 896 of the 2007 Acts of Assembly:

- Congestion Relief Fee (Grantor's Tax) at \$.40 per \$100 evaluation
- Motor Vehicle Rental Tax at 2% of rental rate
- Transient Occupancy Tax at 2% of hotel rate
- Safety Inspection Fee of \$10.00 annually
- Sales and Use Tax on Auto Repairs at 5% of labor charges
- Regional Registration Fee at \$10.00 annually
- Initial Vehicle Registration Fee at 1% (one time); and

**WHEREAS**, with the adoption of Resolutions 01-08A through 01-08G on July 12, 2007, the Northern Virginia Transportation Authority imposed the above taxes and fees within Northern Virginia; and

**WHEREAS**, the Northern Virginia Transportation Authority has been collecting these taxes and fees since January 1, 2008; and

**WHEREAS**, on February 29, 2008, the Virginia Supreme Court ruled that "the General Assembly may not delegate its taxing power to a non-elected body such as NVTA . . . . Therefore, such taxes and fees that NVTA has already imposed are null and void; and

**WHEREAS**, consistent with the Commonwealth of Virginia's cessation of state-managed collections (for NVTA), on March 3 the Northern Virginia Transportation Authority ceased collection of all the listed taxes and fees; and

**WHEREAS**, the Northern Virginia Transportation Authority intends, in the absence of some intervening legislative resolution, to refund those taxes and fees paid to date; and


**WHEREAS**, the Northern Virginia Transportation Authority, in collaboration with the Commonwealth of Virginia, is developing a concept for refunding taxes and fees as outlined in Attachment A; and

**After careful consideration, and to response to the ruling of the Supreme Court of Virginia, NOW, THEREFORE, BE IT RESOLVED, BY NVTVA THAT:**

- 1. The cessation of collection of Northern Virginia taxes and fees (listed above) is hereby confirmed.**
- 2. The executive director of the Northern Virginia Transportation Authority is hereby authorized to proceed with the development and implementation of a refund plan generally consistent with Attachment A.**
- 3. The Northern Virginia Transportation Authority appreciates the collaborative effort from cities, counties and towns, as well as the clerks of circuit courts and business community, in the collection of taxes and fees to date, and it encourages the jurisdictions and other agencies and businesses to continue a similar partnership during the refunding process.**

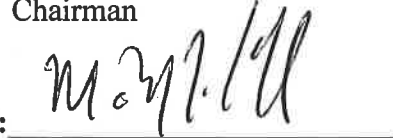
Adopted by the Northern Virginia Transportation Authority on this 6<sup>th</sup> day of March 2008.

By:



Chairman

Attest:



Vice Chairman