

**METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS
777 North Capitol Street, N.E.
Washington, D.C. 20002-4290**

**MINUTES
Board of Directors' Meeting
COG Board Room**

October 14, 2009

BOARD MEMBERS, ALTERNATES AND PARTICIPANTS PRESENT AND NOT PRESENT

***SEE ATTACHED CHART FOR ATTENDANCE**

STAFF

**David J. Robertson, Executive Director
Lee Ruck, General Counsel
Nicole Hange, Clerk to the Board**

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairman Gross called the meeting to order at 12:05 p.m. with a recitation of the pledge of allegiance and a moment of silence for Jim Shell, a long-time COG employee who tragically lost his life earlier this week.

2. APPROVAL OF MINUTES OF SEPTEMBER 9 MINUTES

The minutes of the September 9 meeting were unanimously approved and adopted. There were six abstentions: Gross, Euille, Harrison, Tejada, Hudgins and Katz.

3. AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

4. CHAIRMAN'S ANNOUNCEMENTS

Chairman Gross provided highlights of her recent visit to the Changsha province of China where she represented the National Capital Region at the 2009 International Tourism Festival. She was part of a multi-national delegation that met with Lei Yixin, the Chinese artist selected to sculpt the centerpiece of the Martin Luther King, Jr. Memorial here in Washington, D.C. Currently there is concern over the environmental assessment for the proposed memorial. COG will work with the National Capital Planning Commission to ensure a preferred alternative, which should include design and security revisions in the final analysis.

The Annual Meeting of the National Association of Regional Councils Board of Directors recently met in Aspen, Colorado. Ms. Gross provided an overview of the program and next steps.

Fairfax County was recently chosen to host the 2015 World Police and Fire Olympics. A preview of the games and its economic opportunities for the region will be given at the November Board meeting.

5. EXECUTIVE DIRECTOR'S REPORT

Outreach for the Greater Washington 2050 Initiative is ongoing.

Mr. Robertson represented COG at a "meet the planning directors" reception sponsored by the American Planning Association-National Capital Area Chapter.

COG received a lot of media attention this past month on its Car Free Day which promoted alternatives to driving to work alone.

Mr. Robertson provided the Board with copies of COG's H1N1 Continuity of Operations Plan and the proposed workplan for the continued and enhanced partnership with the National Capital Planning Commission.

6. CONSENT AGENDA

Supplemental Documents: R52-09 through R56-09 (Electronic)

A. RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO CONTRACT WITH DC DOE TO ADMINISTER A DIESEL ANTI-IDLING CAMPAIGN IN THE DISTRICT OF COLUMBIA

The Board adopted Resolution R52-09, authorizing the Executive Director, or his designee, to receive and expend up to \$215,732 in sub-grant funding from the District Department of the Environment under the American Recovery and Reinvestment Act of 2009 (ARRA) for the purposes of administering a Diesel Anti-Idling Campaign. The campaign will target trucking and bus companies, related trade associations and business groups. COG will manage the program in consultation with air quality and transportation staff in the District of Columbia. No COG matching funds are required.

B. RESOLUTION AUTHORIZING A LETTER TO THE UNITED STATES SENATE SUPPORTING HIGHER PERCENTAGES OF GREENHOUSE GAS EMISSION ALLOWANCE REVENUES TO LOCAL GOVERNMENTS AND FOR TRANSPORTATION PLANNING

In the coming weeks the U.S. Senate will be considering landmark legislation to address climate change. Senators John Kerry (MA) and Barbara Boxer (CA) have co-sponsored S.1733 which includes a provision to allocate revenue generated by the sale of carbon emission allowances to implement programs that reduce emissions of greenhouse gases. The Board authorized the transmittal of a letter

of support for such a provision to the Chair and Members of the Senate Environment and Public Works Committee and Senate Finance Committee. The letter will urge Congress to increase the greenhouse gas emission allowance revenues provided to local governments to support local and regional programs that address energy efficiency, renewable energy, and transportation planning to meet climate change goals.

C. APPROVAL OF AN OPERATING BUDGET EXPENDITURE FOR ENTERPRISE CONTENT MANAGEMENT

The Board adopted Resolution R53-09, authorizing the Executive Director, or his designee, to enter into a contract not to exceed \$200,000 with a selected firm as chosen through competitive procurement to install and implement an Enterprise Content Management software suite. Enterprise Content Management is a broad technology term to describe a system for creating, collecting, storing, and disposing of records. A major component of an enterprise content management suite is document management. This allows for the secured storing and retrieval of records electronically. Another major component is the ability to complete forms electronically and to create workflows to have the form approved by other people. A final piece is auditing of records within the system and the ability to set retention limits on records as legally required. Funding for this project has been allocated in COG's Fiscal Year 2010 operating budget. No COG matching funds are required.

D. RESOLUTION AUTHORIZING COG TO ENTER INTO AN AGREEMENT WITH THE FEDERAL HIGHWAY ADMINISTRATION TO CONDUCT A STUDY ON THE PUBLIC ACCEPTABILITY OF ROAD PRICING

The Board adopted Resolution R54-09, authorizing the Executive Director, or his designee, to enter into an agreement with the Federal Highway Administration (FHWA) and the Virginia Department of Transportation, for the purposes of conducting a study under the FHWA's Value Pricing Pilot Program on the public acceptability of road pricing. The project budget is not to exceed \$400,000 (\$320,000 federal, \$80,000 local). COG will provide a match of \$80,000 from funds authorized for a grant application to the FHWA Value Pricing Pilot Program that was submitted in October 2008 but not funded. For this match, \$50,000 will be provided through funds previously authorized in Resolution R62-08 for the FY2010 work program and budget, and \$30,000 will be included in the proposed FY2011 work program and budget.

E. RESOLUTION AUTHORIZING COG TO RECEIVE AND EXPEND URBAN AREAS SECURITY INITIATIVE FUNDING

The Board adopted Resolution R55-09, authorizing the Executive Director, or his designee, to receive and expend several FY 2009 Urban Areas Security Initiative (UASI) sub-grants in an amount totaling \$4,082,830. The NCR Senior Policy Group and Chief Administrative Officers have approved these grants. Funding will be provided to COG by the State Administrative Agent for Hospital Water and Power Resiliency; Water Monitoring Network maintenance; Critical Facilities Backup Power; and SharePoint Portal maintenance. The sub-grants' period of performance is August 1, 2009 through September 30, 2011. The resolution also authorizes one FY 2008 sub-grant in an amount totaling \$543,516 for an H1N1 Outreach and Education Campaign. The sub-grants' period of performance is September 1, 2008 through August 31, 2010. No COG matching funds are required.

F. APPOINTMENT OF 2009 NOMINATING COMMITTEE

The Board Chairman appointed several COG members to the 2009 Nominating Committee. The Committee shall recommend: 1) a slate of corporate officers for action by the General Membership meeting, at its Annual Meeting December 9, 2009; and 2) a slate of Board of Directors officers for action by the Board at its January 13, 2010 meeting.

7. BRIEFING ON CHESAPEAKE BAY PROGRAM REAUTHORIZATION

Earlier this year, President Obama's Executive Order on the Chesapeake Bay sent a strong signal of cooperation from the White House. Senator Ben Cardin has proposed the Chesapeake Bay Ecosystem and Restoration Act which provides a roadmap for making progress by establishing aggressive new deadlines for meeting water quality standards; listing consequences for not meeting the deadlines; and including provisions to strengthen the partnership among local, state and federal officials in this effort. Senator Cardin briefed the Board on his proposed legislation; the final details and bill number will be announced in the coming weeks.

The proposed reauthorization gives state and local governments of the Chesapeake Bay Watershed Area strong new enforcement tools and more than \$1.5 billion in new grant authority to restore the Bay's health and – for the first time – sets a firm deadline of May 2020 for all restoration efforts to be in place. The bill also establishes a flexible pollution trading program that is designed to lower compliance costs while also providing Bay watershed farmers with added financial incentives to implement conservation practices on their lands. In addition, the bill puts the force of law behind a recent Executive Order from President Obama that requires every federal department to work toward Bay restoration. Mr. Cardin stated that with this additional federal assistance, states will have the ability to set and meet enforceable targets for success by 2020 – a full five years earlier than planned by the current governing Chesapeake Bay Executive Council.

Cathy Drzyzgula, City of Gaithersburg Councilmember and Chair of COG's Chesapeake Bay and Water Resources Committee, presented the perspective of her committee on the Bay reauthorization program; the comments were recently provided in testimony to a similar bill introduced in the U.S. House of Representatives by Representative Gerry Connolly. Ms. Drzyzgula stated Bay policy should recognize the need for equity and cost-effectiveness in allocating responsibilities among regions, be grounded in sound science and include input from local governments. She said flexibility is key and that some aspects of regulation are best left at the state and local level.

Montgomery County Council Member Roger Berliner stated that the legislation should include a provision that local governments receive a 5% of allowance revenue as they have a lead role to play in advancing energy conservation and greenhouse gas reduction. Senator Cardin stated that while he agrees the offsets must be real ways to keep costs down and achieve goals, not just be a feel good measure for localities.

City of Falls Church Vice Mayor Hal Lippman requested a copy of Senator Cardin's prepared statements on his legislation.

Chairman Gross welcomed the opportunity to work together with the Senator on establishing achievable targets and standards that will lead to a restored Chesapeake Bay stating that we want to cooperate with our federal partners to ensure that we succeed in this effort.

8. PRESENTATION ON PLASTIC BAG REPORT

Supplemental Document: Plastic Bag Report
Resolution R57-09

To address the issue of plastic bag pollution of the region's waterways, the Board directed the Chesapeake Bay and Water Resources Policy Committee (CBPC) to survey the effectiveness of measures to reduce the incidence of such pollution, to review the data on the incidence of such pollution locally, and to review the effectiveness of local recycling programs that currently address plastic bag pollution.

Cathy Drzyzgula, City of Gaithersburg Councilmember and Chair of the Chesapeake Bay and Water Resources Committee, provided opening remarks and the recommendations of the Committee; John

Snarr, a Principal Environmental Planner at COG, presented the findings of the report. Mr. Snarr stated that plastic bags are the most frequent pollutant in local streams, particularly the Anacostia, where they tend to get snagged on vegetation and other obstructions. In larger, more free flowing rivers, plastic bags are the third most common pollutant.

Most of the region's supermarkets offer plastic bag recycling opportunities. All major stores have begun selling reusable bags and several offer a rebate for each reusable bag provided for shopping.

The District of Columbia's legislative initiative, which will take effect Jan. 1 2010, will establish the first bag fee program in the United States. Proceeds from the 5-cent a bag fee, will be used to defray the cost of reusable bags and help pay for water quality restoration efforts in the District's portion of the Anacostia Watershed.

There are a number of plastic bag bans now in place in other communities, but most of these are fairly new and therefore have limited data on their effectiveness. There are also bans or fee programs in place outside of the United States. Ireland's fee program has shown some effectiveness in reducing overall litter levels.

Mr. Snarr stated that a one size fits all approach may not be the best course of action and suggested that local governments consider whether their goals are to reduce consumption, increase recycling, and/or reduce litter. He added that increased recycling efforts are always welcome but do not necessarily result in litter reduction.

Ms. Drzyzgula stated that the Committee recommends that the Board adopt Resolution R57-09 directing the Committee to track this issue and report back as appropriate; that the Board encourage its membership to include the issue of plastic bag pollution in citizen outreach efforts focused on use of reusable bags and plastic bag recycling programs; and that the Board include in its 2010 legislative package support for initiatives in Maryland and Virginia that are consistent with legislation enacted in the District of Columbia.

Arlington County Board Member Walter Tejada offered a friendly amendment to the resolution that would specifically include diverse communities in citizen outreach.

City of Falls Church Vice Mayor Hal Lippman noted that many jurisdictions are now moving to single source recycling and asked if plastic bags were included. Mr. Snarr stated that plastic bags can get tangled in the machinery and should be recycled separately even if allowed in the same recycling bin; he added that if they are included they should be bunched together.

ACTION: Upon motion made, and seconded, Resolution R57-09 was unanimously approved and adopted as amended.

9. GREATER WASHINGTON 2050 REPORT AND RECOMMENDATIONS FOR PUBLIC RELEASE AND COMMENT

Supplemental Documents: Region Forward: Greater Washington 2050 Report

The COG Board established the Greater Washington 2050 Coalition in late 2007 as an outgrowth of COG's 50th Anniversary. The Board, in addition to many local government boards or councils, has been briefed on the Coalition's work and preliminary recommendations. The Coalition approved a draft report and recommendations for public release and comment prior to action in January 2010. Dave Robertson presented the highlights of the report and next steps.

Region Forward: Greater Washington 2050 proposes a new, comprehensive vision for the National Capital Region based on 19 shared regional goals, short-term, mid-term and long-term targets designed

to measure progress toward the goals, and a compact agreement for local governments to support and refer to when making decisions.

The report recommends that COG take on new responsibility to regularly measure progress toward the goals and survey area residents to determine if quality of life is improving. It also directs COG to provide strategies and best practices to help area governments achieve the goals and targets.

The Coalition developed the goals by selecting the best elements from local government visions, previous COG plans, a workshop that studied bold future scenarios, and public input from a survey of thousands of area residents conducted earlier this year. To inspire action, local governments will be asked to support a compact agreement early next year. While voluntary, the compact will motivate cities and counties in the region to pledge to use their best efforts to advance the goals.

Mr. Robertson stated that staff will continue to reach out to member governments and stakeholders both during this comment period, and after, to ensure optimal participation and buy-in. The Board will take action in January on the final report and recommendations. Local governments will again receive presentations with the goal of compact signature in March. An aggressive media strategy and branding effort will help augment these efforts.

The comment period would begin with approval of the report's release and end on November 30. Many Board members commented on the value of the report and its recommendations in moving this region forward in a more systemic and sustainable way.

City of Frederick Alderman Alan Imhoff stated that this comment period is allowing us to take the pulse of the region and see if others are on the same page and see the value is this effort.

Montgomery County Councilmember Mike Knapp stated that are a number of goals that are quantified and that it would be helpful to have benchmarks to better understand where we are and where we need to be.

District of Columbia Councilmember Phil Mendelson requested the deadline be accommodated for formal comment by the Metropolitan Washington Air Quality Committee which will not meet again until December 9.

Fairfax County Board Supervisor Cathy Hudgins stated that this report will be tremendously helpful as local governments reevaluate their comprehensive plans.

ACTION: Upon motion made, and seconded, the Region Forward: Greater Washington 2050 was released for public comment.

10. APPROVAL OF ROUND 7.2A COOPERATIVE FORECAST

Supplemental Documents: Round 7.2A tables
Resolution R58-09

Since 1975, the COG Board of Directors has maintained the Cooperative Forecasting Program for preparing official forecasts of employment, population, and household growth for the COG member jurisdictions. In July, the Metropolitan Development Policy Committee (MDPC) approved a request from Montgomery and Prince George's counties to modify the Round 7.2 Cooperative Forecasts to reflect the inclusion of the Purple Line light rail project, and from the District of Columbia to reflect development associated with the "Return to L'Enfant" project. Paul DesJardin, COG's Director of Community Planning and Services briefed the Board on the inclusion of these projects into the cooperative forecasts.

Consistent with COG policy, the Board was asked to approve the new Round 7.2A Cooperative Forecasts concurrent with the National Capital Region Transportation Planning Board's (TPB) approval of the results of the Air Quality Conformity Analysis resulting from this amendment to the 2009 financially Constrained Long-Range Transportation Plan (CLRP) and the FY2010-2015 Transportation Improvement Program. The TPB is scheduled to approve the results of the Air Quality Conformity Analysis during their meeting on October 21, 2009.

Montgomery County Board Member Roger Berliner asked about the projected increases, in terms of additional jobs and households that are expected within the Purple Line corridor. Staff will follow-up and provide Mr. Berliner with the statistics.

Chairman Gross asked about the specifics of the "Return to L'Enfant". The projected development will cover the sunken I-395 highway with three city blocks and two new Rights of Way (ROWs) at G and F Streets NW, by means of an at-grade platform above the highway. The city blocks will have a total of 2.3 million square feet of office, residential, retail, and public space.

ACTION: Upon motion made, and seconded, Resolution R58-09 was unanimously approved and adopted.

11. APPROVE 2010 LEGISLATIVE TASKFORCE APPOINTMENTS

The COG Board agreed as part of its 2009 policy focus to strengthen its communication and outreach on state and federal pending legislation and regulations. COG previously established a Legislative Liaisons Committee, comprised of local and state government staff responsible for tracking and supporting advocacy by area local governments with the State of Maryland, the Commonwealth of Virginia, the District of Columbia and the Federal government.

COG staff and the Legislative Liaisons Committee are preparing a draft report outlining targeted policy recommendations and legislative actions for consideration by Congress, the two states and the District. The COG Board was asked to appoint an Ad Hoc Legislative Committee to review these recommendations prior to action by the Board at its November 12, 2009 meeting. Final Board action will determine COG-supported regional priorities for transmittal to state and District officials for consideration in early 2010. The following members were nominated to serve on the committee: Penny Gross, Fairfax County; Kwame Brown, District of Columbia; Andrea Harrison, Prince George's County; Jay Fisette, Arlington County; Mike Knapp, Montgomery County; Phil Mendelson, District of Columbia; Wally Covington, Prince William County; and J Davis, City of Greenbelt.

ACTION: Upon motion made, and seconded, the nominations for the 2010 Legislative Committee were unanimously approved.

12. APPROVE SPECIAL AUTHORITY FOR ELECTRONIC MEETING OF THE COG BOARD IN THE EVENT OF EMERGENCY

Dave Robertson presented a staff recommendation that allow special authority for electronic meeting of the Board in the event of an emergency. COG staff recently completed its internal H1N1 Continuity of Operations Plan and the COG Board approved consultant support last month to accelerate completion of COG's overall all-hazards Continuity of Operations Plan. In reviewing this work, staff concluded that the COG Board lacked clear authority to meet by tele- or video-conference in the event of an emergency that prohibited or made it difficult for the COG Board to meet in-person.

Mr. Robertson stated that although the Board previously agreed as part of its 2007 bylaws amendments that it did not wish to routinely meet by tele- or video-conference, staff recommends that it adopt a bylaws amendment that establishes a process that allows the COG Board to meet by electronic means

should emergency conditions warrant. The Rules of Procedure which govern the operations of the Board would be amended to include the necessary language to allow for emergency electronic meeting.

Fairfax County Board member John Foust questioned the need to amend the Rules of Procedure as opposed to the Bylaws. COG's General Counsel Lee Ruck stated that the Bylaws are silent on what a meeting constitutes and therefore an amendment of the Rules of Procedure is appropriate. Mr. Foust disagreed.

District of Columbia Councilmember Phil Mendelson stated that in-person meetings are essential to furthering the business of this organization.

Chairman Gross noted the importance of that COG's coop include such an alternative as a way to protect the organization; business must still be done even if you cannot meet in person.

ACTION: Upon motion made, and seconded, R60-09 was approved and adopted. Mendelson and Foust – vote no.

THE NEXT BOARD MEETING WILL BE ON WEDNESDAY, NOVEMBER 12, 2009.

**ATTENDANCE: OCTOBER 14, 2009
BOARD OF DIRECTORS/ALTERNATES 2009**

<u>Jurisdiction</u>	<u>Member</u>	<u>Y/N</u>	<u>Alternate</u>	<u>Y/N</u>
District of Columbia				
Executive	Hon. Adrian Fenty	N		
	Mr. Neil Albert	N		
Council	Hon. Vincent Gray	Y	Hon. Michael Brown	N
	Hon. Kwame Brown	Y	Hon. Phil Mendelson	Y
Maryland				
Bowie	Hon. G. Frederick Robinson	N	Geraldine Valentino-Smith	N
College Park	Hon. Robert Catlin	Y		
City of Frederick	Hon. William Holtzinger	N	Hon. Alan Imhoff	Y
Frederick County	Hon. David Gray	Y	Hon. Jan Gardner	N
Gaithersburg	Hon. Sidney Katz	Y	Hon. Henry Marraffa	N
Greenbelt	Hon. Judith "J" F. Davis	Y	Hon. Rodney Roberts	N
Montgomery County				
Executive	Hon. Isiah Leggett	N	Mr. Tim Firestine	N
Council	Hon. Roger Berliner	Y		
	Hon. Michael Knapp	Y		
Prince George's County				
Executive	Hon. Jack B. Johnson	N		
Council	Hon. Marilyn Bland	N	Hon. Tom Dernoga	N
	Hon. Andrea Harrison	Y		
Rockville	Hon. Susan Hoffmann	N	Hon. John Britton	Y
Takoma Park	Hon. Bruce Williams	N	Hon. Terry Seamens	N
Maryland General Assembly	Hon. Benjamin Barnes	N		
Virginia				
Alexandria	Hon. William Eulle	Y	Hon. Redella Pepper	N
Arlington County	Hon. Jay Fissette	Y	Hon. Walter Tejada	N
City of Fairfax	Hon. Dan Drummond	Y	Hon. Jeffrey Greenfield	N
Fairfax County	Hon. Sharon Bulova	N	Hon. Catherine Hudgins	Y
	Hon. Penelope A. Gross	Y	Hon. Michael Frey	N
	Hon. John Foust	Y	Hon. Patrick Herrity	N
Falls Church	Hon. Hal Lippman	Y	Hon. Dan Maller	N
Loudoun County	Hon. Andrea McGimsey	Y		
Manassas	Hon. Harry J. Parrish II	N	Hon. Jonathan Way	N
Manassas Park	Hon. Frank Jones	N		
Prince William County	Hon. Wally Covington III	Y		
	Hon. Frank Principi	N		
Virginia General Assembly	Hon. James M. Scott	Y		

Other Participants
US Senator Ben Cardin
Cathy Drzyzgula Council Member, City of Gaithersburg
John Snarr, COG
Paul DesJardin, COG