

**METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS
777 North Capitol Street, N.E.
Washington, D.C. 20002-4239**

**MINUTES
Board of Directors' Meeting
COG Board Room
April 14, 2004**

BOARD MEMBERS, ALTERNATES AND PARTICIPANTS PRESENT AND NOT PRESENT

***SEE ATTACHED CHART FOR ATTENDANCE**

STAFF

**David J. Robertson, Executive Director
Lee Ruck, General Counsel
Paul DesJardin, Director of Planning**

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Mendelson called the meeting to order at 12:10 p.m. with a recitation of the pledge of allegiance.

2. APPROVAL OF MINUTES OF MARCH 10, 2004

Motion was made, seconded and carried unanimously to adopt the minutes of the March 10th meeting.

3. AMENDMENTS TO AGENDA

There were no amendments to the agenda.

a) Summer Retreat

Chair Mendelson announced that the annual summer retreat will be held the weekend of July 23rd at Lansdowne Resort in Leesburg, Virginia.

b) Foster Care Gala

The second annual Foster Care Gala will be held Saturday, May 1st at the Trinity Center at Trinity College. COG is partnering with the Freddie Mac Foundation to honor foster families throughout the region. Last year's event was attended by close to 1,000 foster and adopted parents, family members,

elected officials and social services administrators and staff.

c) Executive Director's Report

The Executive Director highlighted activities as of April 2004 by other COG policy bodies, officials and staff.

4. ADOPTION OF CONSENT AGENDA ITEMS 10.A.-E.

Motion was made, seconded and carried unanimously to adopt the consent agenda:

A) Resolution Authorizing a Contract for Information Center Renovations

Resolution R22-04 - Authorizes the Executive Director or his designee to contract with a design and construction firm to make renovations to the COG Information Center.

B) Resolution Authorizing COG to Enter into Cost-Share Agreements for Upgrading Chesapeake Bay Modeling Tools

Resolution R23-04 - Authorizes the Executive Director or his designee to enter into cost-share agreements with the U.S. Army Corps of Engineers and the Maryland Department of the Environment for upgrading Chesapeake Bay modeling tools.

C) Resolution in Support of a Grant to Administer the Safe Cribs Program for the District of Columbia

Resolution R24-04 - Authorizes the Executive Director or his designee to accept grant funds from the District of Columbia's Health Department to provide crib vouchers to new mothers in need of a crib.

D) Resolution to Amend the Metropolitan Washington Council Governments Pension Plan

Resolution R25-04 – Amends COG's Pension Plan. The amendment: 1) changes the benefit formula from high five compensation to high three compensation consistent with COG's member jurisdictions and majority of government agencies nationwide effective adoption of resolution; and 2) increases the retiree supplemental benefit from \$105 to \$200 effective July 1st, 2004.

E) Resolution Authorizing COG to Expand Membership on the Employee Compensation and Benefits Review Committee and Appointment of Members by COG Chair

Resolution R26-04 - Authorizes COG to expand membership on the Employee Compensation and Benefits Review Committee (ECBR) and appointment of members by the COG Chair.

5. PRESENTATION ON PUBLIC SAFETY WORK PROGRAM ACTIVITIES AND REQUEST FOR BOARD ACTIONS

Supervisor Penelope Gross gave the Board a brief history of the Public Safety Policy Committee, its objective and goals, and items for consideration in 2004. Margaret Nedelkoff-Kellums and Gordon Aoyagi are working on the committee with her this year, and they bring a wealth of experience in the public safety arena.

The committee's mission is to ensure that any public safety initiatives having regional impact are in accordance with the rules and procedures established by COG. Ms. Gross went through the slide presentation and elaborated on the problem of hoarding, one of the items being considered for 2004.

Hazards are created when people collect things and allow items to pile up in their homes. A regional approach should be taken to deal with such issues.

Ms. Gross also elaborated on gangs in the region and said the two committees will be working together to present a full day conference on gang/youth issues hopefully in the fall.

Regarding the Urban Security Initiative, she said the committee is beginning to receive briefings from the first responder community as they work with federal and state officials on regional preparedness using the UASI funding.

A. Approval of Proposed Mutual Aid Liability and Indemnification Legislation

COG General Counsel Lee Ruck, who was joined by Attorneys Committee Chair Sharon Pandak and Crane Miller, the Department of Homeland Security Attorney, briefed the Board on the background of the proposed mutual aid legislation. The proposed legislation has been approved by the CAOs and Attorneys Committees.

For over a decade, COG's attorneys have dealt with the issue of mutual aid. Mr. Ruck discussed some of the problems with getting the legislation passed because of different jurisdictions and third party liability. After September 11, state and local representatives held meetings to try and come up with solutions. Drafting parallel statutes and amending emergency compacts were considered earlier but discarded. COG adopted the proposed legislation last year, and the committee has been negotiating with DHS and the states to achieve uniform endorsement. We now have federal support, and the legislation cures about 95 percent of the jurisdictions' inability to address mutual aid.

The proposed legislation is now being shopped on Capitol Hill. The House Government Reform Committee may assume primary jurisdiction. Mr. Miller added that DHS is pleased to support the legislation and strongly recommends the Board's support.

Council Member Carol Schwartz said that COG supports the proposed legislation. Mayor Judith Davis asked if cities and jurisdictions in the State of Maryland were protected against liability, and in response, Ms. Pandak said it would protect cities and towns in the National Capital Region.

Board Member Jay Fisette asked if the legislation could be used as a model for other parts of the country and whether the proposed legislation would pass on the Hill. In response, Mr. Ruck said it could be used if jurisdictions found that their laws were competing. He gave examples of some of the main problems and added that he hopes it will pass. The biggest concern is which committee will assume jurisdiction for the legislation.

Chair Mendelson said that mutual aid is one of the more understated but more important issues COG has faced. Mr. Bruce Romer added that this issue has been on the CAOs agenda for 10 years and he couldn't be more pleased with what's come out of this effort. Motion was made, seconded and carried unanimously to adopt Resolution R19-04.

B. Approval of Regional Transportation Evacuation/Protective Actions Annex

Transportation Work Group/R-ESF-1 Chair David Snyder briefed the Board on the recently completed revision of the transportation and protective actions component of the Regional Emergency Coordination Plan (RECPSM), and on follow-up activities requested by the National Capital Regional Emergency Preparedness Council at its March 4th, 2004 meeting.

On September 11, the region encountered problems with coordination of transportation systems. In September 2002, some of those problems were addressed in the RECPSM. Additional work is needed,

however, such as improving the procedures of the Regional Incident Communication Coordination System, revising maps and recommendations for future actions.

In addition to recommendations, the annex for approval involves a much broader set of stakeholders. Mr. Snyder stressed that the annex does not override individual plans but attempts to provide uniform templates for action. The importance of timely public communications was one of the key findings in the plan. The plan also found that reduction in demand would be the greatest improvement in travel conditions and that ripple effects throughout the region need to be dealt with.

Mr. Snyder outlined four key recommendations: 1) Continue to work with scenarios involving officials; 2) Coordinate a public education campaign; 3) Ensure that timely information is given during incidents; and 4) Strengthen coordination within the transportation sector.

Ms. Schwartz commended Mr. Snyder for his leadership and action on this issue. Ms. Gross stressed the importance of the public education campaign because people usually don't know what to do in an emergency. COG could have a great impact in this area. Council Member Redella Pepper asked if the annex will be sent to councils and city managers. Mr. Robertson said it would be transmitted to COG member governments.

Motion was made, seconded and carried unanimously to adopt Resolution R20-04.

C) Joint Public Safety Policy Committee and Human Services Policy Committee Efforts on Gang Issue

Ms. Gross briefly noted that the two committees will be working together to present a full day conference on gang/youth issues hopefully in the fall.

6. BRIEFING ON LEAD IN DRINKING WATER – REGULATORY AND HEALTH PERSPECTIVES

For the past two months, lead in drinking water has been a significant concern for several water utilities, local governments and school systems in the metropolitan Washington region. COG has provided assistance through coordination of several conference calls, through posting of frequently asked questions and answers on its web site as well as graphical and tabular information on how to locate and contact water providers and health departments throughout the region.

To help the Board understand the broader approach regulatory context as well as the fundamentals of lead in water and health affects, Rick Rogers of the U.S. Environmental Protection Agency Region III and Dr. Georges Benjamin of the American Public Health Association, briefed the Board. Mr. Rogers said the focus is on corrosion control treatment and reducing lead health risks in the community. He described how lead gets into drinking water, how corrosion treatment works and why there is no maximum containment level for lead. Sources of lead are in customer plumbing, and water utility authority ends before in-house plumbing begins.

The EPA regulates lead in drinking water under the Lead and Copper Rule. Water suppliers must, among other things, optimize treatment to control corrosion in customers' plumbing and achieve a Lead Action Level of 15 parts per billion. If the Action Level exceeds this number, the EPA must optimize corrosion and control treatment, educate customers about health effects, intensify tap water monitoring and initiate lead service line replacement.

Dr. Benjamin briefed the Board on the toxicity of lead, which is a naturally occurring element in the environment. It's not just an inner city problem; older homes often contain high levels of lead. Twenty percent of lead exposure comes from water. Lead is also found in antique glazed dishes, some candy and folk remedies.

He outlined the health effects of lead and discussed ways to reduce it, including flushing pipes, avoiding exposure and doing environmental testing.

Council Member William Wren asked if water in homes could be tested with test strips. Mr. Rogers said it could but didn't know how accurate they are. Ms. Schwartz asked about the D.C. lead in water issue and whether 15 parts per billion is too low. Dr. Benjamin said it is the current standard and added that they are beginning to measure lead levels in people. High concentration in water doesn't necessarily reflect the same in people.

Ms. Floreen asked about extending regulatory authority to require changes. Mr. Rogers said that local jurisdictions, not the EPA, have authority to require plumbing changes in homes. Back in the 1980s, the EPA issued advisories for schools, recommending that testing be done regularly. Many plumbing codes have banned the use of lead components, and the Clean Water Act contained a similar provision. The biggest problem is lead in pipes, but to replace pipes would not be economically feasible.

Mr. Fisetto asked why the standard for homes is 15 parts but 20 parts for schools, and whether lead testing for children is being done. Mr. Rogers explained that the standard is based on different sample sizes, and Dr. Benjamin said that some periodic testing is being done through health fairs and systematic testing in jurisdictions.

7. DEVELOPMENTS REGARDING FUNDING INITIATIVES FOR CHESAPEAKE BAY CLEAN-UP EFFORTS

Chesapeake Bay Policy Committee Chair Peter Shapiro updated the Board on Maryland legislation related to funding initiatives for wastewater treatment upgrades. He provided background information on the Maryland House and Senate bills.

The proposed legislation passed both Houses of the Maryland legislature after a conference committee passed a compromise bill by a 19-3 vote. The most divisive issue was whether to charge septic system owners a fee. In the compromise bill, owners will be charged \$30 annually, which will generate an estimated \$12 million annually. Sixty percent of the money would be used for grants and loans to homeowners to upgrade septic systems, and 40 percent would be transferred to the Maryland Water Quality Agricultural Cost Share Program to expand the cover crop program statewide.

In addition to the "flush tax", other initiatives passed the Maryland General Assembly, including streamlined procedures to encourage development of "brown fields", revision of Maryland's nutrient management programs and the establishment of energy standards for certain appliances.

The \$283 billion federal transportation bill was passed by the U.S. House of Representatives on April 2, 2004. About \$51 billion is guaranteed for transit programs, \$217 billion for highway programs and the remaining for research, safety and other activities. Earlier this year, the U.S. Senate passed a \$318 billion companion bill. The House and Senate must resolve differences between the bills in the conference committee.

Ms. Gross briefed the Board on the Chesapeake Bay Watershed Blue Ribbon Funding Panel meeting held on March 30th and the Chesapeake Bay Watershed Task Force held on March 18th. The panel consists of high-level business leaders of major companies, financial and economic experts, stakeholders and current local, state and federal elected officials. The panel will evaluate possible funding sources, assess and explore funding opportunities, etc.

The panel hopes to develop recommendations for wastewater treatment plants and industrial dischargers, agriculture, developed lands, stormwater and air pollution. Recommendations will be generated by working groups. The goal is to submit a report containing final recommendations to the Chesapeake Executive

Council by October 29th, 2004.

Ms. Gross discussed the task force meeting on March 18th in the Rayburn House Office Building. Members include Rep. Tom Davis, Rep. Bobby Scott and Rep. Chris Van Hollen. Also in attendance were other Members of Congress, the Administration and state and regional interest groups. COG staff and Ms. Gross met before and after the meeting with the Members of Congress and staff to discuss policy issues facing local governments, including funding for Chesapeake Bay Water Quality goals. Ms. Gross sent letters to Rep. Gilchrest and Rep. Davis, thanking them for their leadership.

Ms. Davis thanked COG on behalf of the Maryland Municipal League for the position it took on the flush tax.

8. APPROVAL OF "SMART GROWTH BEGINS AT THE LOCAL LEVEL" MULTI-MEDIA CD ROM AND IMPLEMENTATION KIT

Joyce Woodson, Chair of the Metropolitan Development Policy Committee, asked the Board to approve the "Smart Growth Begins at the Local Level" video. Motion was made, seconded and carried unanimously to adopt Resolution R21-04.

9. THE BOARD WAS REMINDED THAT THE NEXT BOARD MEETING WOULD BE APRIL 14, 2004

There being no further business, the meeting was adjourned at 2:00 p.m.
