



*Local governments working together for a better metropolitan region*

## COG BOARD OF DIRECTORS MEETING

**DATE:** Wednesday, April 14, 2004  
**TIME:** 12:00 Noon  
**PLACE:** COG Board Room

**PLEASE NOTE:** Chair Mendelson will begin the meeting promptly at Noon. Lunch for members and alternates will be available at 11:30 a.m.

### A G E N D A

1. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**  
 (12:00 Noon)  
 Chair Phil Mendelson  
 Council Member, District of  
 Columbia
2. **APPROVAL OF MINUTES OF MARCH 10, 2004**  
 (12:00 – 12:05 p.m.)
3. **AMENDMENTS TO AGENDA**  
 (12:05 – 12:10 p.m.)
4. **ANNOUNCEMENTS**  
 (12:10 – 12:15 p.m.)  
 Chair Mendelson
  - a) Summer Retreat
  - b) Foster Care Gala
  - c) Executive Director's Report
5. **ADOPTION OF CONSENT AGENDA ITEMS**

**RECOMMENDED ACTION:** Adopt Consent Agenda Items 10.A.-10.E.

6. **PRESENTATION ON PUBLIC SAFETY WORK PROGRAM ACTIVITIES AND REQUEST FOR BOARD ACTIONS**  
 (12:15 – 12:25 p.m.)  
 Penelope Gross  
 Supervisor, Fairfax County  
 Chair, Public Safety Policy Committee

The Public Safety Policy Committee is the COG Board of Directors' principal policy adviser on a broad range of public safety policy issues, including law enforcement, fire safety, emergency management and corrections. Chair Mendelson recommended that each 2004 Board of Directors meeting have a theme or focus and asked each of COG's policy boards and committees to update the Board on significant policy and program initiatives or recommendations requiring action.

The COG Board will be briefed on the work program activities of the Public Safety Policy Committee, including two pending actions, and a proposed joint human services and public safety focus on gangs.

**A. Approval of Proposed Mutual Aid Liability and Indemnification Legislation  
(12:25 – 12:35 p.m.)**

**Sharon Pandak  
Prince William County Attorney  
Chair, COG Attorneys Committee**

**Crane Miller  
Attorney, Office of the General  
Counsel, FEMA/Department of  
Homeland Security**

**Lee Ruck  
COG General Counsel**

Area local attorneys have grappled with the indemnification and liability implications of mutual aid agreements for several years. After the September 11<sup>th</sup> attacks, this issue was identified by both COG's Task Force on Homeland Security and the Governors' Summit Senior Policy Group as a top policy priority. COG jurisdiction attorneys, representatives of the state attorneys general, and the Senior Policy Group have been working for over a year to craft a solution to the problems presented by this issue. On Friday, March 19<sup>th</sup>, the COG Public Safety Policy Committee approved a resolution requesting Congressional support for National Capital Region mutual aid. Attorneys Committee Chair Sharon Pandak, Prince William County Attorney, and Crane Miller, DHS Attorney, will join Lee Ruck in briefing the Board on the proposed mutual aid and indemnification legislation and will ask the Board to adopt Resolution R19-04.

**RECOMMENDED ACTION: Adopt Resolution R19-04.**

**B. Approval of Regional Transportation Evacuation/Protective Actions Annex  
(12:35 – 12:45 p.m.)**

**David Snyder  
Council Member, City of Falls  
Church  
Chair, TPB Transportation Work  
Group/R-ESF-1**

Transportation Work Group/R-ESF-1 Chair David Snyder will brief the Board on the recently completed revision of this vital transportation and protective actions component of the Regional Emergency Coordination Plan (RECP<sup>SM</sup>), and on follow-up activities requested by the National Capital Regional Emergency Preparedness Council at its March 4<sup>th</sup>, 2004 meeting. An overview of the Annex has been distributed to the Board with this agenda; the full Annex document is available at [www.mwcog.org/transportation](http://www.mwcog.org/transportation) on the COG Web site. The Board will be asked to adopt Resolution R20-04, endorsing the Regional Emergency Evacuation Transportation Coordination Annex and approving its inclusion in the RECP<sup>SM</sup>.

**RECOMMENDED ACTION: Adopt Resolution R20-04.**

**C. Joint Public Safety Policy Committee and Human Services Policy Committee Efforts on Gang Issue (12:45 – 12:55 p.m)**

**Walter Tejada  
Board Member, Arlington County  
Chair, Human Services Policy  
Committee**

**Penelope Gross  
Supervisor, Fairfax County  
Chair, Public Safety Policy  
Committee**

The growing gang problem is a cause for concern for the metropolitan Washington region. Walter Tejada, Chair of the Public Safety Policy Committee and Penelope Gross, Chair of the Human Services Policy Committee, will brief the Board on the work program activities of the two committees and their effort to focus on gangs.

**RECOMMENDED ACTION: Receive briefings.**

**7. BRIEFING ON LEAD IN DRINKING WATER – REGULATORY AND HEALTH PERSPECTIVES (12:55 – 1:25 p.m.)**

**Rick Rogers  
Chief, Drinking Water Division, U.S.  
EPA, Region III, Philadelphia**

**Dr. Georges Benjamin, MD, FACP  
Executive Director, American Public  
Health Association**

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 website ([www.mwcog.org](http://www.mwcog.org)), as well as graphical and tabular information on how to locate and contact water providers and health departments throughout the region (see attached staff memo). To help the Board to understand the broader approach regulatory context as well as the fundamentals of lead in water and health affects, Rick Rogers of the U.S. EPA Region III and Dr. Georges Benjamin of the American Public Health Association, have been invited to brief the Board. EPA is responsible for setting national regulatory requirements for drinking water to protect public health under the Safe Drinking Water Act.

**RECOMMENDED ACTION: Receive briefing; provide feedback to staff on additional steps.**

**8. DEVELOPMENTS REGARDING FUNDING INITIATIVES FOR CHESAPEAKE BAY CLEAN-UP EFFORTS  
(1:25 – 1:35 p.m.)**

**Peter Shapiro  
Council Member, Prince  
George's County  
Chair, Chesapeake Bay Policy  
Committee**

**Penelope Gross  
Supervisor, Fairfax County  
Vice Chair, Chesapeake Bay Policy  
Committee**

The Board is on record in support of a "reliable and permanent state funding source" to provide funds for further upgrades of wastewater plants. Chesapeake Bay Policy Committee (CBPC) Chair Peter Shapiro will update the Board on the progress of legislation (SB320 / HB555) introduced by the administration of Maryland Gov. Robert Ehrlich that would create a Chesapeake Bay Restoration Fund for this purpose. CBPC Vice Chair Penelope Gross will brief members on her participation in two meetings of groups devoted to developing funding strategies for Bay restoration: the Chesapeake Bay Task Force, a congressional coalition, and the newly created Chesapeake Bay Blue Ribbon Funding Panel. A memorandum summarizing the status on these initiatives is attached.

**RECOMMENDED ACTION: Receive briefing.**

**9. APPROVAL OF "SMART GROWTH BEGINS AT THE LOCAL LEVEL" MULTI-MEDIA CD ROM AND IMPLEMENTATION KIT  
(1:35 – 1:45 p.m.)**

**Joyce Woodson  
Council Member, City of Alexandria  
Chair, Metropolitan Development  
Policy Committee**

In May, 2002 the COG Board approved resolution R-21-02, which authorized the preparation of "Smart Growth Begins at the Local Level" – a multimedia educational tool to inform citizens, elected officials and developers of the importance of employing "Smart Growth" principles in making land use decisions in metropolitan Washington. In July, 2003, the Board approved the final script for the video portion of the project and, since that time, the Metropolitan Development Policy Committee, COG staff and the project consultant have been working to complete the video. During the March 10<sup>th</sup> meeting, the COG Board reviewed the final "Smart Growth Begins at the Local Level" video and a draft Implementation Kit. Since that time, COG staff has been working with members of the Metropolitan Development Policy Committee (MDPC) and Metropolitan Development Citizens Advisory Committee (MDCAC) to refine the Implementation Kit. Board members will be asked to adopt Resolution R21-04.

**RECOMMENDED ACTION: Adopt Resolution R21-04.**

**10. CONSENT AGENDA ITEMS**

**A) RESOLUTION AUTHORIZING A CONTRACT FOR INFORMATION CENTER RENOVATIONS**

The Board will be asked to adopt Resolution R22-04, authorizing the Executive Director or his designee to contract with a design and construction firm to make renovations to the COG Information Center. COG recently upgraded its web site to enhance public access of COG information and publications, including the ability to download publications free-of-charge or purchase online. COG staff has re-evaluated the use of the Information Center space in light of the enhanced online access and recommends renovations to the Information Center space. A contract in an amount not to exceed \$150,000 will be authorized. Renovation of the Information Center is considered a leasehold expense and will be amortized over a five year period.

**RECOMMENDED ACTION: Adopt Resolution R22-04.**

**B) RESOLUTION AUTHORIZING COG TO ENTER INTO COST-SHARE AGREEMENTS FOR UPGRADING CHESAPEAKE BAY MODELING TOOLS**

The Board will be asked to adopt Resolution R23-04, authorizing the Executive Director or his designee to enter into cost-share agreements with the U.S. Army Corps of Engineers (COE) and the Maryland Department of the Environment (MDE) for upgrading Chesapeake Bay modeling tools. The total estimated cost of the project is \$3,504,600. The COE will pay 50 percent (\$1,752,300) of the estimated project cost, and the non-federal share of the project will be paid as follows: the MDE will contribute not less than \$1,059,500 as in-kind services; the Blue Plains Regional Committee will contribute \$450,000 as approved in their work program and budget for cost-share and COG staff support to the project; COG will contribute approximately \$300,000 from the Regional Water Fund as in-kind services for ongoing Potomac River fall line data collection at Chain Bridge. The Feasibility Cost Share Agreement does not require a cash contribution by COG, and no additional COG matching funds are required.

**RECOMMENDED ACTION: Adopt Resolution R23-04.**

**C) RESOLUTION IN SUPPORT OF A GRANT TO ADMINISTER THE SAFE CRIBS PROGRAM FOR THE DISTRICT OF COLUMBIA**

The Board will be asked to adopt Resolution R24-04, authorizing 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. COG has been administering the Safe Cribs Program for the last two years through a subcontract with the DC Department of Maternal Health. This program provides a free crib to any resident of the District of Columbia. To date, more than 1,500 crib vouchers have been issued to the new mothers in the District of Columbia. Grant funds in an amount not to exceed \$150,000 will be accepted. No COG matching funds are required.

**RECOMMENDED ACTION: Adopt Resolution R24-04.**

**D) RESOLUTION TO AMEND THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS PENSION PLAN**

As recommended by the COG Pension Plan Administrative Committee comprised of COG management, staff and Board representatives, and after consultation with the actuarial consultant and pension lawyer, the COG Board of Directors will be asked to approve Resolution R25-04, amending the COG Pension Plan. The amendment will: 1) change 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) increase retiree supplemental benefit from \$105 to \$200 effective July 1<sup>st</sup>, 2004.

**RECOMMENDED ACTION: Adopt Resolution R25-04.**

**E) RESOLUTION AUTHORIZING COG TO EXPAND MEMBERSHIP ON THE EMPLOYEE COMPENSATION AND BENEFITS REVIEW COMMITTEE AND APPOINTMENT OF MEMBERS BY COG CHAIR**

The Board will be asked to adopt Resolution R26-04, authorizing COG to expand membership on the Employee Compensation and Benefits Review Committee (ECBR) and appointment of members by the COG Chair. On October 9<sup>th</sup>, 2002, the COG Board Of Directors created and established the Employee Compensation and Benefits Review Committee. The current composition of the committee includes the Chair of the COG Board of Directors and three members of the COG Board of Directors. The COG Board Chair recommends expanding the committee from four to six members with consideration for geographic representation. In addition to himself, Chair Mendelson appoints the following members to the ECBR Committee effectively immediately, members will serve for a period of one year:

District of Columbia: Kelvin Robinson  
Maryland: Camille Exum, Prince George's County  
Michael Knapp, Montgomery County  
Virginia: Jay Fisette, Arlington County  
Penny Gross, Fairfax County

**RECOMMENDED ACTION: Adopt Resolution R26-04.**

**THE NEXT BOARD MEETING WILL BE ON WEDNESDAY, MAY 12, 2004.**

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