

**COG BOARD OF DIRECTORS MEETING**

**DATE: Wednesday, June 11, 2003**  
**TIME: 12:00 Noon**  
**PLACE: COG Board Room**

**PLEASE NOTE: Chair Hill 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 Mary K. Hill  
Prince William County**
- 2. APPROVAL OF MINUTES OF MAY 14, 2003  
(12:00 - 12:05 p.m.)**  
**Chair Hill**
- 3. AMENDMENTS TO AGENDA  
(12:05 – 12:10 p.m.)**
- 4. ANNOUNCEMENTS  
(12:10 - 12:20 p.m.)**  
**Chair Hill**
  - a) National Association of Regional Councils' Annual Conference, June 21-24, 2003,  
Pittsburgh, Pennsylvania**
  - b) Maryland Municipal League Annual Convention, June 22-25, 2003, Ocean City,  
Maryland**
  - c) COG Board of Directors Retreat, July 25-27, 2003, Lansdowne Resort, Leesburg,  
Virginia**
  - d) Executive Director's Report**
- 5. ADOPTION OF CONSENT AGENDA ITEMS (12.A., 12.B., 12.C., 12.D. and 12.E.)  
(12:20 – 12:25 p.m.)**

**RECOMMENDED ACTION: Adopt consent Resolutions R29-03, R30-03, R31-03 and R32-03.**

- 6. INFORMATION ITEM (11)**

**RECOMMENDED ACTION: No action required. Staff will proceed as indicated unless otherwise directed by the Board of Directors.**

**7. PRESENTATION ON ACTIONS AND ACTIVITIES OF THE OFFICE FOR NATIONAL CAPITAL REGION COORDINATION  
(12:25 – 12:50 p.m.)**

**Michael Byrne  
Director, Office for National  
Capital Region Coordination  
U.S. Department of Homeland  
Security**

The Homeland Security Act of 2002 established the Office for National Capital Region Coordination (ONCRC) to ensure adequate planning, information sharing, training and execution of domestic preparedness activities in the National Capital Region. ONCRC was established to foster coordination among the many federal agencies and interests in the National Capital Region and link federal efforts with state, local and regional agencies, and the private sector. Mr. Byrne, who was a senior advisor in the Office of Homeland Security, was appointed to head the ONCRC by U.S. Department of Homeland Security Secretary Ridge. Mr. Byrne currently represents ONCRC on the COG National Capital Region Emergency Preparedness Council (NCR-EPC). Mr. Byrne will brief the COG Board of Directors on recent ONCRC actions and activities, including coordination with COG, the NCR-EPC and area local governments.

**RECOMMENDED ACTION: Receive presentation.**

**8. UPDATE ON CONGRESSIONAL PROPOSALS TO CHANGE THE SLOT AND PERIMETER RULE AT REAGAN NATIONAL AIRPORT  
(12:50 – 1:05 p.m.)**

**Board Member Barbara Favola  
Arlington County Board  
Chair, CONAANDA**

Over the past weeks, various proposals were introduced in the U.S. House of Representatives, (HR 2115) and the U. S. Senate (S 824) to increase the number of slots at National Airport and on an exception basis outside the 1,250 non-stop perimeter rule. These proposals are being offered as amendments to the Federal Aviation Reauthorization Act. The slot and perimeter rule have been very important tools in managing the volume of air traffic at National Airport and balancing the economic viability of the region's three airports – National, Dulles, and BWI. Chair Favola has convened weekly meetings with representatives from the Metropolitan Washington Airports Authority, area Congressional delegation staff, and airline industry representatives to develop strategies to minimize the impact and of these congressional proposals. Chair Favola will brief the Board on actions to date, anticipated outcome and timeline.

**RECOMMENDED ACTION: Receive presentation.**

**9. RECOMMENDATION TO MODIFY THE ROLE AND RESPONSIBILITY OF THE ENVIRONMENT AND PUBLIC WORKS DIRECTORS COMMITTEE  
(1:05 – 1:20 p.m.)**

**Mayor Pro Tem Bruce Williams  
City of Takoma Park  
Chair, EWPDC**

In February 2003, COG Board Chair Mary K. Hill asked the Chairman Williams of the Environment and Public Works Directors Committee (EPWDC) to develop recommendations to the Board regarding the future role, membership and responsibilities of the EPWDC, in light of changes in its assigned roles since it was established by the Board in 1995. Mr. Williams will provide a brief history of the EPWDC and present recommendations for revisions to its role, membership, and responsibilities, consistent with the current environmental committee structure at COG. A proposed resolution to formalize the recommendations and a background memorandum are attached.

**RECOMMENDED ACTION: Adopt Resolution R28-03.**

**10. PRESENTATIONS BY PARTICIPANTS OF THE REGIONAL EXECUTIVE DEVELOPMENT PROGRAM OF THE INSTITUTE FOR REGIONAL EXCELLENCE (1:20 – 1:50 p.m.)**

The participants in the Regional Executive Development Program of the Institute for Regional Excellence are completing their course work and anticipating graduation in September. They will make the following presentations to the Board on their work to date.

**PUBLIC SAFETY TEAM (1:20 – 1:30 p.m.)**

**Members: Paulette Burt, Roberta Butler, Steve Dickstein, and Kevin Sanzenbacher**

This presentation is designed to inform the COG Board of the importance of supporting community volunteer efforts directed at homeland security. The Team will also seek Board support for its recommendations.

**ECONOMIC DEVELOPMENT (1:30 – 1:40 p.m.)**

**Members: Luann Korona, Linda Smith, James Compton, Leslie Jackson-Jenkins, and Sara Anne Daines**

The positive impact of cultural arts and entertainment on the economy and the quality of life in our communities is evident throughout the region. COG can enhance its role in supporting the benefits of this approach and can strengthen regional collaboration by: 1) hosting a regional arts and revitalization forum; 2) establishing an Economic Development Technical Committee; and, 3) identifying additional opportunities to expand ongoing regional marketing efforts.

**PUBLIC TRANSPORTATION (1:40 – 1:50 p.m.)**

**Members: Teri Adams, Jeff Burton, Ingrid Parris-Hicklin, Robert Owolabi, and Milton Watkins**

Pedestrian safety will grow in importance, especially as we move towards a more integrated approach to transportation in light of worsening traffic situation in the Washington metropolitan area. The team will present their recommendations on possible engineering solutions that they saw as a viable area for immediate implementation.

**RECOMMENDED ACTION: Receive three presentations and transmit reports and recommendations to appropriate COG committees.**

**11. INFORMATION ITEM**

**Presentation On Mutual Aid Indemnification/Liability Issue**

Area local government legal staff has concluded that current federal and state statutes on

indemnification and liability do not provide adequate protection for jurisdictions that voluntarily elect to provide public safety mutual aid and assistance. Following the terrorist attacks of September 11, when mutual aid was critical to first response activities at the Pentagon, this issue was identified by the Ad Hoc Task Force on Homeland Security and Emergency Preparedness for the National Capital Region and its successor body, the National Capital Region Emergency Preparedness Council as a top policy priority. Representatives of area legal staff, COG and the Office for National Capital Region Coordination have been examining several policy alternatives to address this issue. The COG Board of Directors will receive a memo on the proposed legislative remedy for long-standing indemnification and liability impediments to the provision of public safety mutual aid in the National Capital Region. Local, state and federal government are finalizing the proposal, which will be presented to the COG Board for endorsement at its July 9 meeting.

## **12. CONSENT AGENDA**

### **(A) Approval Of Letter Concerning Frederick County Inclusion In The Definition Of The National Capital Region**

The Homeland Security Act of 2002 established the U.S. Department of Homeland Security and the Office for National Capital Region Coordination. The law adopted a definition of the National Capital Region that did not include Frederick County, making the County ineligible to receive funding and other support available to communities in the National Capital Region. Frederick County is in the federally defined MSA, a COG member government and signatory to the Regional Emergency Coordination Plan. The Frederick County Board of Commissioners has urged that COG transmit a letter to the congressional delegation requesting that Congress re-examine the definition of the National Capital Region to include key communities such as Frederick County.

**RECOMMENDED ACTION: Approve transmittal of letter to the congressional delegation.**

### **(B) Request for Authorization to Enter Into a Contract with the District of Columbia Department of Health, Entitled: "The District of Columbia's Total Maximum Daily Load (TMDL) Coordination Support"**

The Board will be requested to approve Resolution R29-03, authorizing the Executive Director or his designee to enter into a contract with the District of Columbia's Department of Health to provide TMDL coordination support. The amount of the contract is for \$40,000. Work is to be completed no later than September 26, 2003. No COG local match is needed. The Board will be asked to adopt Resolution R29-03, authorizing the signing of the MOU.

**RECOMMENDED ACTION: Adopt Resolution R29-03.**

### **(C) Resolution Authorizing the Executive Director to Enter Into A Memorandum of Understanding with the U.S. Department of Homeland Security and Subsequently with the Potomac Electric Power Company (PEPCO) For the Purpose of Administering An Energy Infrastructure Hardening Pilot Project**

In the wake of September 11, PEPCO, as with other utilities, has become increasingly concerned about the vulnerability of the critical infrastructure to a terrorist attack, its ability to receive sensitive intelligence and information, respond to critical situations affecting the restoration of utility services, as well as the vulnerability of its IT infrastructure to terrorist cyber penetration.

PEPCO was appropriated \$1,985,489 from FY 2003 energy security and assurance project account. The purpose of the funding is to protect and harden electricity infrastructure in the Nation's Capital. The conference agreement states that the project is to administered by the Metropolitan Washington Council of Governments. The Board is asked to adopt R30-03 to support this initiative.

**RECOMMENDED ACTION: Adopt Resolution R30-03.**

**(D) Resolution Authorizing the Executive Director to Enter into an Agreement with ReedSmith, LLP, for Services Assisting COG to Achieve Funding Support for Homeland Security and Other Program Purposes.**

Since March 1, COG has been using the services of ReedSmith, LLP, a major law firm with substantial experience in assisting clients secure federal funds, and with a demonstrated knowledge and expertise in Homeland Security issues. It is premature to gauge the ultimate success of this relationship, since the FY 04 budget and appropriations cycle is just underway. The Board is asked to approve a six-month continuation agreement with ReedSmith, LLP, at the cost of \$8000 per month to fully test this relationship and establish the level of success that reliance upon outside lobbying support offers COG. ReedSmith, LLP, assists in Homeland Security funding with Congress and with Executive branch agencies, and identifies funding opportunities for other COG programs and aids COG staff in securing same. The whole issue of outside counsel for legislative and lobbying purposes will be addressed at the Board's retreat in July, after which, if appropriate additional or longer service contracts can be considered. The Board is asked to adopt Resolution R31-03 to authorize this agreement.

**RECOMMENDED ACTION: Adopt Resolution R31-03.**

**(E) Memorandum of Understanding between COG and the Prince George's County Department of Environmental Resources to Coordinate and Co-host the National Low Impact Development (LID) Conference and Conduct an LID Monitoring Effort for the Anacostia Watershed**

Board authorization will be sought for COG to sign a Memorandum of Understanding (MOU) with the Prince George's County Department of Environmental Resources. This MOU would be in an amount not to exceed \$292,753. The MOU includes the following tasks: 1) co-host the National Low Impact Development (LID) Conference; and 2) conduct a LID Monitoring Effort for the Anacostia Watershed. The U.S. Environmental Protection Agency will provide funds for one-hundred percent (100%) of the project total (\$292,753). The Board will be asked to adopt Resolution R32-03, authorizing the signing of the MOU.

**RECOMMENDED ACTION: Adopt Resolution R32-03.**

**THE NEXT BOARD MEETING WILL BE ON WEDNESDAY, JULY 9, 2003.**

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