

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

MINUTES

**Board of Directors' Meeting
COG Board Room
June 11, 2003**

BOARD MEMBERS, ALTERNATES AND PARTICIPANTS PRESENT AND NOT PRESENT

***SEE ATTACHED CHART FOR ATTENDANCE**

STAFF

**David J. Robertson, Executive Director
Lee Ruck, General Counsel
George Nichols, Principal Environmental Planner**

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

2. APPROVAL OF MINUTES OF May 14, 2003

Motion was made, seconded and carried unanimously to adopt the minutes of the May 14, 2003 meeting.

3. AMENDMENTS TO AGENDA

There were no amendments to the agenda.

4. ANNOUNCEMENTS

a) NARC Conference

The NARC Conference will be held June 21-24 in Pittsburgh. Chair Hill told the Board she will attend, along with Board Members Phil Mendelson and Bob Dorsey. Dave Robertson and Lee Ruck will also attend.

b) Maryland Municipal League Annual Convention, June 22-25, 2003, Ocean City, MD

The annual convention will be held in Ocean City. COG staff members from the Office of Public Affairs and the Department of Human Services, Planning and Public Safety will attend the meeting to network with members of MML and distribute literature about the work done at COG.

c) COG Annual Retreat

Chair Hill referred the Board to an announcement in their packets regarding the Board's Annual Retreat, scheduled for July 25-27, 2003 at the Lansdowne Resort located in Leesburg. The Board will discuss the Strategic Plan and crosscutting issues facing the region.

d) Executive Director's Report

The Executive Director highlighted activities as of June 2003 by other COG policy bodies, officials and staff.

Board Member Judith Davis thanked Board Member Penny Gross for her involvement in the Wise Water Use campaign. Ms. Davis attended the launch and noted that it was well-organized and well-attended. Ms. Gross thanked the COG staff.

Chair Hill talked about the Foster Parent Gala held on May 31, 2003. She said it was a great and humbling experience. Ms. Gross asked what COG can do to continue to honor foster parents. Mr. Robertson responded that although there have been smaller-scaled and internal social services agencies events, COG staff are discussing the future possibility of large events for families. Broader regional recognition is needed and COG has an opportunity to showcase regional aspects of foster parenting.

5. ADOPTION OF CONSENT AGENDA ITEMS 12.B., 12.C., 12.D., and 12.E.

Item **12.A.** was moved from the Consent Agenda to the Agenda for discussion.

Frederick County Commissioner Jan Gardner was present for the discussion.

Mr. Robertson briefed the Board about supporting the expansion of the definition of "National Capital Region" to include COG member Frederick County. Frederick County is a signatory to the Memorandum of Understanding to implement the Regional Emergency Coordination Plan. The Frederick County Board of Commissioners has been working with Senator Barbara Mikulski to the modify the definition of the NCR. Mr. Robertson called the Board's attention to a letter included in the Board packet, which will be transmitted to the congressional delegation. He added that it may be appropriate at this time for the COG Board to take a position on the issue.

Commissioner Gardner said Frederick County is the only COG member not included in definition of NCR. Frederick County plans to be part of any evacuation route and is home to Fort Dietrich and Camp David. She stated that Frederick County should be included and asked the Board to support the letter included in packet. Chair Hill said she'd like to see Frederick County represented more often at COG Board meetings.

Board Member Gerald Connolly asked about fiscal implications of having Frederick County included in the NCR definition. He may give his support as long as there are no negative consequences on funding and asked for more time to decide the issue.

Mr. Robertson responded that money is available specifically for the NCR. Michael Byrne of the Department of Homeland Security (DHS) added that a portion of the funds made available under the Urban Area Security Initiatives, \$18 million, will be available for the region, as well as an additional \$42 million.

Mr. Connolly stated that although he may be willing to see Frederick County included in the definition, he's not willing to do so at the expense of his jurisdiction.

Board Member Jay Fisetete wanted clarification on how Congress defines the NCR. Mr. Robertson said

that it varies. For purposes of the Homeland Security Act of 2002, the definition includes D.C., Montgomery and Prince George's counties in Maryland, and Alexandria, Arlington, Fairfax, Loudoun and Prince William counties (included cities within these counties) in Virginia, but excludes Frederick. He stated he's unsure whether the exclusion was intentional. Mr. Fisetto informed the Board that he didn't want to support the letter on the basis of homeland security coordination, but would support it—with modifications—on the basis of Frederick's COG membership. He offered suggestions for revising the letter to specify Frederick County.

Various Board Members asked Mr. Byrne how money under the Urban Area Security Initiatives would be spent. In response, he said that each jurisdiction could, for example, send people to training centers, allow communities to recoup overtime costs, etc. Generally, the money will benefit the whole region.

Board Members expressed disappointment that other Members were focused on the issue of funds. As a regional body, COG must be consistent and cannot become concerned solely about their local jurisdictions when it comes to who gets their share of the money. Being more regional and inclusive now will be more valuable in the long run. COG is a group working together for better a metropolitan region.

Board Member Redella Pepper asked if a decision on the issue could be postponed for one month. Mr. Robertson said that he saw no harm in postponing for another month. At this point, Mr. Fisetto moved to support the letter with revisions to specify Frederick County only in the expansion of the definition of the NCR. The motion was seconded, but Chair Hill recognized Board Members for more discussion before calling the question.

Mr. Byrne informed the Board that homeland security funds going to the states for emergency preparedness are based on a population and vulnerabilities formula. He reported that 80% of the funds allocated to the states must go to local government entities. The High Threat Urban Area funding and the Urban Area Security Initiatives received \$60 million because of the uniqueness of the region and for regional activities and initiatives.

Chair Hill expressed concerned that if the definition of the NCR is expanded, outlying counties may want to join just to receive the urban area funding. At this point, Ms. Gardner reiterated that Frederick County is a longstanding member of COG.

Ms. Pepper made a substitute motion to postpone the Board's decision to support the letter for one month and asked COG staff to provide more information. The motion was seconded.

Board Member Phil Mendelson said he would not support the motion to postpone and asked that a vote be taken on the issue today. Board member Catherine Hudgins added that including Frederick County in the definition of NCR seemed to be more an issue of correcting an error by Congress rather than expanding the definition. She was prepared to vote with the understanding of clarifying the record that Frederick County should have been included in the original definition.

On the substitute motion to postpone for one month, Chair Hill took a vote with a show of hands. The motion to postpone was defeated by a vote of 8 yeas to 9 nays.

A vote was taken on the original motion to revise the letter. For clarification, Mr. Fisetto repeated his suggested revisions to the letter to limit expansion of the definition to include Frederick County only, and that the expansion be considered in the appropriation of federal funds to the NCR in the future.

By a show of hands, the original motion passed by vote of 14 yeas, 2 nays and 1 abstention.

Just before the discussion of item 12.A., a motion was made to adopt the remaining actions and resolutions on the Consent Agenda. The motion was seconded and carried unanimously. These items are:

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 (TDML) Coordination Support"

Resolution R29-03 - Authorizes 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.

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

Resolution R30-03 - Authorizes the Executive Director or his designee to prepare and execute a Memorandum of Understanding with the U.S. Department of Homeland Security and subsequently with the Potomac Electric Power Company (PEPCO).

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.

Resolution R31-03 – Authorizes the Executive Director or his designee to prepare and execute an agreement with ReedSmith, LLP.

(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

Resolution R32-03 - Authorizes the Executive Director or his designee to enter into an MOU with the Prince George's County Department of Environmental Resources to implement a national conference on Low Impact Developments and conduct Low Impact Development monitoring in the Anacostia watershed.

6. INFORMATION ITEM

Mutual Aid Indemnification/Liability Issue

Mr. Ruck briefed the Board on legal issues raised by mutual aid agreements. Developing such agreements has been difficult in the past because each jurisdiction has differing laws. COG member attorneys have been working with state EMAs to come up with a solution. As a result, they've drafted a proposed federal statute, which was included in the Board packet. Mr. Ruck reported that the state Attorneys General and the D.C. Corporation Counsel support the proposed statute.

Also in the Board packet was a letter and memorandum to be mailed to the CAOs, chief electeds and municipal attorneys, on the Board's behalf, for a final review prior to Board action on July 9. Mr. Ruck said he hoped that each jurisdiction will review the documents in the next month. The EPC intends to take position in July and hopefully COG will, too. Mr. Ruck reported that the proposed statute will be sent to the Bush Administration for the purposes of an administration-sponsored amendment in

Congress. Mr. Ruck anticipated action will be taken by the fall.

7. PRESENTATION ON ACTIONS AND ACTIVITIES OF THE OFFICE FOR NATIONAL CAPITAL REGION COORDINATION

Mr. Byrne briefed the Board on recent ONCRC actions and activities, including its coordination with COG, the NCR-EPC and area local governments. He commended Mr. Robertson and COG staff for helping him to understand the issues and providing a forum to discuss matters, particularly at the EPC meetings.

Mr. Byrne stated that COG is good place to discuss and examine regional security issues to assist in developing an operational plan when issues reach the DHS. The plan is to take the issue at hand, have a team vet it out with COG, move it into project management and make it operational. The evacuation and protective action guide plan is an example. Two separately funded efforts were joined into one and unified, which will benefit the whole region. Only through this process will the complexity of the area be addressed uniformly.

The same can be done for interoperable communications, liability issues, disease surveillance and public information. Mr. Byrne said he often refers to the RECP, and added that it's time to make these issues operational in our communities. We have the office and the money; now it's time to get things done.

Ms. Gross asked Mr. Byrne to address the public information component. In response, he said that the governors of Maryland and Virginia and the mayor signed off on commitments to action on public information and communications. A virtual joint information center is being developed and will be presented to the EPC, then it will go to the COG Board before it's made operational.

Mr. Fisette commended Mr. Byrne on seeing his office as operational coordination. Mr. Byrne thanked the Board and said he's more than willing to come back and discuss important issues.

8. UPDATE ON CONGRESSIONAL PROPOSALS TO CHANGE THE SLOT AND PERIMETER RULE AT REAGAN NATIONAL AIRPORT

George Nichols of COG updated the Board on slot and perimeter rules at Ronald Reagan Washington National Airport. The House of Representatives's slot bill was not expected to reach the floor until June 12, 2003. He provided the Board with a packet of recent correspondence on the issue and informed them they'd receive a report from CONAANDA Chair Barbara Favola at a later date.

Mr. Mendelson asked if flight plans were supposed to be over the Potomac River. Mr. Nichols said some plans extend some distance beyond the river and pointed out that commercial aircraft doesn't fly over protected air space. He told Mr. Mendelson he'd look into the matter.

Ms. Gross mentioned the noise issue and noted that NORAD conducted unannounced exercises in her area at the end of May, which were not reported until after the fact. She requested that CONAANDA recommend to the Board how COG can notify citizens in advance of the exercises. Mr. Robertson said he will work with CONAANDA and also find out if RICCS could be used to notify public.

9. RECOMMENDATION TO MODIFY THE ROLE AND RESPONSIBILITY OF THE ENVIRONMENT AND PUBLIC WORKS DIRECTORS COMMITTEE

Mr. Williams briefed the Board on the status of the EPWDC. In February 2003, Chair Hill asked Mr. Williams 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. He asked the Board to adopt R28-03, which would modify the role, membership and responsibility of the EPWDC. Mr. Williams recommended that the EPWDC no longer be a policy committee, but that it should be retained as an oversight committee for regional environmental work programs and budget funded through the Regional Water and Environmental Funds. He said membership will be solely environmental and public works directors and affiliated utility managers. The EPWDC should be retained as a regional environmental peer-networking committee for its members. Bylaws should be revised as soon as possible.

Motion was made, seconded and carried unanimously to adopt Resolution R28-03.

10. PRESENTATIONS BY PARTICIPANTS OF THE REGIONAL EXECUTIVE DEVELOPMENT PROGRAM OF THE INSTITUTE FOR REGIONAL EXCELLENCE

The first presentation by members of the Public Safety Team included Paulette Burt, Roberta Butler, Steve Dickstein, and Kevin Sanzenbacher. Mr. Sanzenbacher discussed September 11, 2001, and citizens' fear about what to expect. President Bush called upon Americans to form a citizens core of volunteers to serve the country. The team conducted extensive research in the last 9 months and came up with recommendations to support citizen volunteers in emergency efforts, outreach and advocacy, to ensure that they receive the funds they need. The goal is to look for sustainable efforts for the long-term. He asked the Board to support groups in the region that bring people together to discuss voluntary efforts and funding sources. The groups will look at best practices--what's worked and what hasn't—to develop a network that will come together when emergencies arise.

The second presentation by members of the Economic Development Team included Luann Korona, Linda Smith, James Compton, Leslie Jackson-Jenkins, and Sara Anne Daines. Ms. Daines said the team is an advocate for COG's increased involvement in and use of the arts as a redevelopment strategy. The economic impact of the arts in the region is significant. Arts and cultural institutions generated over \$1.24 billion for the region's economy in 2000. The team's research has shown that promotion and development are effective means of revitalization, and Ms. Daines encouraged the Board to support sponsorship on: 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.

The third presentation by members of the Public Transportation Team included Teri Adams, Jeff Burton, Ingrid Parris-Hicklin, Robert Owolabi, and Milton "Buck" Watkins. Mr. Watkins discussed problems faced by pedestrians in the region. Second to occupants, pedestrians are the second highest group represented in motor vehicle deaths. The transient and diverse nature of the region calls for change in cultural awareness of pedestrian safety.

COG is already making great efforts to educate the public about pedestrian safety. He attributed this to a number of jurisdictional ordinances and agencies. Additionally, engineering will have the greatest impact on safety. For example, he suggested that for crosswalks, visible and consistent markings would improve safety. Ms. Adams elaborated on pedestrian crosswalks. Ms. Parris-Hicklin added that such safety devices are low-cost improvements

Various Board Members expressed concerns about pedestrian safety in their jurisdictions and thanked all presenters.

11. THE BOARD WAS REMINDED THAT THE NEXT BOARD MEETING WOULD BE ON JULY 9, 2003

There being no further business, the meeting was completed at 2:20 p.m.