

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

**MINUTES  
Board of Directors' Meeting  
COG Board Room  
November 9, 2005**

**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**

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**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Chair Judith Davis called the meeting to order at 12:04 p.m. with a recitation of the pledge of allegiance.

**2. APPROVAL OF MINUTES OF OCTOBER 12<sup>TH</sup> MINUTES**

A name change was made to the minutes to accurately reflect the alternate Board Member from the City of Falls Church as Martha Meserve.

Motion was made, seconded and carried unanimously to adopt the minutes.

**3. AMENDMENTS TO THE AGENDA**

Chair Davis amended the agenda to allow for a brief update by District of Columbia Mayor Anthony Williams on his regular meetings with the Governors of Virginia and Maryland as a part of their continued commitment towards regional collaboration.

#### **4. ANNOUNCEMENTS**

Chair Davis acknowledged those who recently ran for election and added her congratulations to those who won: Jay Fiset, Arlington County Board; Del. Jim Scott, Va. House of Delegates; Robert Catlin, College Park City Council; Frederick Robinson Bowie City Council; Robert Dorsey, Rockville City Council; Bruce Williams, Mayor Pro Tem Takoma Park; and Judith Davis, Mayor, City of Greenbelt.

Mr. Fiset also recognized Hilda Barg, Prince William County, for her valiant but unsuccessful effort for a seat in the Va. House of Delegates.

Invitations have been sent out for the Annual Membership and Awards Luncheon scheduled for December 14<sup>th</sup>. The luncheon will continue with COG's policy focus on growth and development issues that began in January 2004. Addressing these issues, as keynote speaker, will be Dr. Robert Lang, Director of the Metropolitan Institute at Virginia Tech. In an effort to focus all attention on the luncheon, the Chair along with the COG Board Executive Committee has decided to forgo hosting a holiday dinner.

Last month, COG co-hosted, along with Prince George's County, a very successful outreach program for municipalities and towns within the County. Dr. Jacqueline Brown, CAO for Prince George's County, highlighted how the County and its residents benefit from COG membership and David Robertson discussed opportunities for associate membership adopted as part of our revised bylaws. Two municipalities, Hyattsville and Bladensburg, are looking into such associate membership.

Additional COG outreach efforts included a special briefing by representatives of the CAO's committee to members of the Congressional delegation on emergency preparedness and response. Chair Davis thanked Bruce Romer, CAO for Montgomery County, for his hard work and continued leadership and asked that he convey Board appreciation to the CAO's committee.

#### **5. EXECUTIVE DIRECTOR'S REPORT**

Executive Director David Robertson reported that October was a busy month for COG as it leveraged the Department of Homeland Security's September Preparedness Month to get the preparedness message out and expand its regional public education campaign.

COG has authored a chapter in the new McGraw-Hill Homeland Security Handbook entitled "Emergency Planning: The Evolving Role of Regional Planning Organizations in Supporting Cities and Counties."

The "Work of Heart Gallery" is currently on exhibit at Union Station until November 14<sup>th</sup> when it will be moved to other member jurisdictions for display. The Gallery showcases children within the region who are awaiting adoption.

Mr. Robertson along with Vice Chair Fiset, met with leadership officials from Sister Cities International earlier in the month at which time COG was granted complimentary membership into the organization. Sister Cities is looking for COG, along with local jurisdictions, to be active partners in planning for its 50<sup>th</sup> Anniversary next year. Updates will be made in the beginning of 2006 by Mr. Fiset, who is actively involved with the organization.

An announcement flyer was included in the Board's packet for the upcoming Day Labor summit organized by COG's Human Services Policy Committee. The summit will be held on November 17<sup>th</sup> and will address the supply, demand, and economic impact issues surrounding day laborers. A packet will be distributed at the summit and will include information on demographics, ordinances, best practices, and a map of worker sites within the region.

General Counsel Lee Ruck, updated the Board on HR 3496 which would provide additional federal funding contributions for capital and preventative maintenance needs for WMATA. The Bill has been reported out of committee with amendments that provide for four federal directors (two voting) and a reduction in the limitations impacting local land use, but has not been scheduled for action on the floor.

Fairfax County Board Chair Gerald Connolly suggested that the Board monitor the status of additional voting directors and that if federal funds cease, so too should the federal government's presence on the WMATA Board. The Board may also want to take the position that the clock should not start ticking until the legislatures in Virginia and Maryland dedicate sources of funding.

Mr. Connolly asked that Mr. Ruck look into whether the requirement for the need of a public hearing and report on the disposition of the site in Fairfax County was the same for the City of Takoma Park.

## **6. ADOPTION OF CONSENT AGENDA ITEMS**

**ACTION: Upon motion made and seconded, consent agenda items A through D were unanimously agreed upon and adopted.**

**(A) Resolution Authorizing COG to Receive and Expend Funding From the District of Columbia for the Development of a Mathematical Modeling Framework Relating pH to Other Water Quality Factors in the Potomac River and Chesapeake Bay**

The Board adopted Resolution R47-05 authorizing the Executive Director to receive and expend \$150,000 from the District of Columbia Department of Health for the development of a mathematical modeling framework that would relate pH to nutrient loading, primary production, and other factors in the Potomac River, and amend an existing contract with LimnoTech, Inc. for an amount not to exceed \$150,000 to carry out the model development work. This project is included in the ongoing Chesapeake Bay model upgrade scope of work for the Potomac River in which COG is a non-federal sponsor (see Resolution R23-04). The total estimated cost of the project is \$150,000. No COG local matching funds are required.

**(B) Resolution Authorizing the Executive Director to Expend Urban Area Security Initiative Grant Funds for Upgrades and Application of the Potomac River Spill Model to a Water Supply Assessment for the National Capital Region**

The Board adopted Resolution R48-05 authorizing the Executive Director to expend Urban Area Security Initiative (UASI) grant funding (subgrant number 04-TU-09) in an amount not to exceed \$347,000 for the purpose of providing funding to the Interstate Commission on the Potomac River Basin (ICPRB) and the United States

Geological Survey (USGS) for upgrades to the Potomac River Spill Model and application of the model to assess the risk to water systems in the National Capital Region from different types of spills, contaminants, and locations on the Potomac River. The total estimated cost of the project is \$400,000. The USGS will contribute \$53,000 from its Cooperative Water Program. No COG local matching funds are required.

**(C) Resolution Authorizing a Temporary Contract Extension for the Executive Director**

The Executive Director's three-year employment contract expires on April 9, 2006. The terms and conditions automatically renew, but with a 90-day notice requirement for renegotiation or termination. To bring this period consistent with the annual Executive Director's evaluation process, it is recommended that the Chair execute an amendment extending the current contract to December 31, 2006, to allow the COG Board to have the benefit of the next evaluation prior to acting on the contract. The Board adopted Resolution R49-05 which authorizes such an extension.

**(D) Resolution Authorizing the Execution of a Partnership Agreement with the Prince George's Community College on the CyberWATCH Regional Center for Cybersecurity and Information Assurance**

The Board adopted Resolution R50-05, authorizing the Executive Director to enter into a four-year partnership agreement with Prince George's Community College in which it will pay COG \$160,000 (\$40,000 renewable annually), in return for which, COG will provide internship opportunities for students from the CyberWATCH communities and externships for the CyberWATCH consortium member community college faculty in the field of cybersecurity/information assurance and computer forensics.

## **7. MAYOR WILLIAMS' REPORT**

Mayor Williams stated that he has met regularly with Governors Warner and Ehrlich regarding tourism and hospitality, terrorism, transportation and environmental issues. At their last meeting the focus was on tourism and the continued push for major initiatives in the tourism industry; the most recent collaborative effort was the WWII Memorial.

In addition to tourism, the leaders discussed emergency planning options specifically looking into ensuring better cooperation with federal intelligence and command and control procedures. Mr. Williams pledged his support on behalf of the District, for a centralized command post in the event of an emergency, be it a natural disaster or terrorist threat.

Supervisor Penelope Gross asked Mayor Williams if Chesapeake Bay issues were brought up in his meetings with the governors. He stated that they have discussed ensuring the protection of the Bay including making it a nationally protected area. The role transportation plays in pollution has been a topic of discussion as well.

Chair Davis added that tourists must be taken into account when planning the region's emergency response plans.

## **8. BRIEFING ON ENERGY ISSUES AND ENERGY PLAN PROJECT**

Recent national events have led to rising concerns about the cost of energy and fuel. Before New Orleans and the Gulf Coast states were hit with devastating hurricanes, COG held a seminar on renewable energy and embarked on formulating an energy plan. That plan involves analysis of current energy usage, as well as sound ideas and best practices for energy management and policy. Chuck Clinton, Vice Chair of COG's Energy Policy Advisory Committee briefed the Board on current energy projects and the upcoming winter heating season; Dr. Jerome Paige, COG's energy consultant, presented the Board with study findings and recommendations for best practices.

The Energy Information Agency has predicted that both natural gas and heating oil prices will see significant increases over last year's figures – 43% and 32% respectively.

Across the region, jurisdictions have been focusing on assistance and educational awareness programs to help ease the burden on its citizens. Programs such as the Low Income Home Energy Assistance Program, in the District, currently provide \$8 million to help low income families.

Conservation tips have also been presented to the public through a public education campaign; such tips include taking showers not baths and using a microwave instead of gas stove when possible.

COG is hosting a conference call on November 10<sup>th</sup> with the State Energy Directors in which they will discuss the need to update the tri-state agreement; a coordinated region-wide response to petroleum shortages.

The goal of the proposed regional energy policy is one of energy independence through sustained economic growth, enhanced energy affordability, increased energy security and stability, and improved environmental quality. In order to support these objectives the region must develop tax and other incentives for reduced consumption and the use of energy efficient appliances, promote the adoption of appliance standards, publicize tax and non-tax incentives for hybrid fuel vehicles and other alternative fuel vehicles, and expand the purchase of renewable energy through aggregation agreements.

Council Member Robert Dorsey asked what incentives, if any, were given for people to buy weatherized or insulated window treatments as well as other energy efficient items within the home. Mr. Clinton responded that there are low income programs, as earlier described, as well as the possibility of incentives within individual jurisdictions for purchasing such items.

Council Member Nancy Floreen asked if any analysis had been done on the impact of higher gas prices. Dr. Paige responded that prices have more than doubled and consumption has also increased. Ms. Floreen asked that a report with this information be distributed to the Board at the appropriate time.

Council Member Tony Knotts asked what outreach efforts have been made to the public. Mr. Clinton responded that a number of press releases and brochures have been produced that detail smart practices demonstrating how the public can reduce its consumption rates. When the report is released in its entirety it will include an additional education/outreach component.

Mr. Fisette recommended that a strategy be created that encourages jurisdictions to learn from each other and find the best ways to get the public to respond in the ways suggested by the study. He stated that the information cannot only be presented through charts and tables but must be presented in such a way that provides incentives for proactive jurisdictions.

Commissioner John Lovell asked Dr. Paige to speak towards solar power and how that could be embraced within the region and the effects it would have. Dr. Paige responded that solar power, while expensive, has been proven to be an effective and efficient source of energy.

Mayor Williams asked what incentives can be given to owners, as opposed to renters, of apartment buildings. Mr. Clinton stated that a program is underway that would allow owners to purchase more energy efficient appliances etc., while paying only the normal rate.

## **9. UPDATE REGARDING THE REGIONAL "TRASH TREATY" TO ACHIEVE A TRASH FREE POTOMAC RIVER**

In March, four of COG's member jurisdictions located in the Potomac Watershed joined a "Trash Treaty" headed up by the Alice Ferguson Foundation. In signing the treaty, six jurisdictions pledged to work toward a trash-free Potomac River by 2013. In May, the Board adopted Resolution R16-05 directing COG staff to work closely with the foundation in this effort. Since then, Arlington County has signed the treaty and several more COG members have expressed a strong interest in joining. Supervisor Penelope Gross along with Tracy Bowen, the Executive Director of the Alice Ferguson Foundation updated the Board on the progress and next steps for the "Trash Treaty."

There has been substantial progress on the regional initiative to achieve a "Trash Free" Potomac River since the COG Board addressed the topic last May. In addition to Arlington, the City of Alexandria is scheduled to sign-on on November 22. The foundation has also convened a high-level advisory committee and has formed six "action teams" whose responsibility it will be to pull together the elements of the strategy. COG and the Alice Ferguson Foundation received a grant from the Summit Fund to help develop the strategy and support planning for a two-day "Trash Summit" to be held next spring.

Ms. Bowen noted that not all spots are filled on the advisory committee including reservations for the District of Columbia and several businesses.

The issue of trash is one that will be substantially ameliorated by simply curbing behavior; laws need to be enacted and enforced and the public needs to be educated on trash's negative impacts.

The Foundation has developed a one-year action plan that includes a regional public education program and the analysis of jurisdictional legislation regarding trash in an effort to come up with a regional solution/position at the spring summit.

**ACTION: Upon motion made and seconded, Resolution R43-05 was adopted.**

## 10. MUTUAL AID AGREEMENT

COG's Attorneys Committee has completed a proposed Mutual Aid Agreement for the National Capital Region which implements and utilizes the authority and protections conferred on the region in the Intelligence Reform and Terrorism Protection Act of 2004. Mr. Ruck briefed the Board on the proposed Agreement.

Local governments have been assisting each other both formally and informally for many decades. COG has sponsored interstate mutual aid for public safety since the 1960's. In 1982 the complications of third party liability were imposed by the federal courts; there have been no amendments or new mutual aid agreements since.

After 9/11, the tremendous need for overhaul and enhancement of mutual aid agreements was realized. COG's Attorneys Committee has worked with the DHS, DOJ, OMB, and Secret Service to develop a federal statute for mutual aid authorization within the National Capital Region. This statute was included as Section 7302 of the Intelligence Reform and Terrorism Protection Act of 2004. The Committee has now drafted a master "National Capital Mutual Aid Agreement" to implement the new law. This agreement is ready for implementation by COG's member jurisdictions.

Mr. Ruck requested that the Board adopt Resolution R44-05 which acknowledges COG's support and endorsement of broad based mutual aid for natural disasters, incidents of terrorism, major public events and the day-to-day needs of providing efficient and expeditious public safety services to the residents of the National Capital Region. The region also requested the jurisdictions to review and consider the Agreement and authorize its execution as soon as possible.

Mr. Ruck acknowledged each of the attorneys and others who have significantly participated in creating this Agreement.

**ACTION: Upon motion made and seconded, Resolution R44-05 was adopted.**

## 11. UPDATE ON COMMUTER CONNECTIONS

Nick Ramfos, Director of COG's Commuter Connections Program, briefed the Board on recent program activities. Commuter Connections has seen a significant increase in the number of requests for ridesharing assistance. These increases are directly related to rising gasoline prices, as well as to marketing efforts and information on broadband technology in telecommuting.

The potential for teleworking has also seen moderate increases. Currently 13% of the workforce teleworks an average of 1.34 days a week and another 17% of the workforce said they would telework if the option was made available to them; therefore, the potential for teleworking in the region is 30% of the workforce. Teleworking has tremendous benefits for the region including reductions in traffic, congestion, and roadway deterioration.

A new private sector initiative is underway; the "Telework Exchange" is an independent legal entity comprised of private sector organizations, many who sell hardware and software, which will facilitate communication among federal teleworkers, government, and the private sector.

In order to expedite teleworking and enhance economic competitiveness within the region, an exploration of broadband access is suggested.

Mr. Robertson requested the Board's approval for the creation of a Broadband Taskforce to report back to the Board in early 2006.

Mr. Scott requested that the Task Force's report broadly acknowledge that there is still a digital divide within the region, and that without governmental assistance this divide will not be closed.

Mr. Connolly noted that the COG Board adopted a 20% teleworking goal for 2005 and that information should have been given in the presentation.

**ACTION: Upon motion made and seconded the Board approved the creation of regional Broadband Taskforce.**

## **12. REVIEW AND ACTION ON BUDGET AND FISCAL MATTERS**

### **(A.) FY 2005 Fourth Quarter Report**

Mr. Robertson stated that there is a cash balance of \$861,700; the reserve fund increase from \$5.1 million to \$5.9 million; and COG's total revenue of \$24,247,000 exceeded costs by \$452,700.

### **(B.) Acceptance of FY 2005 Audit**

The auditor stated it will be providing an unqualified opinion in reference to the COG audit, citing that the few minor management issues from last year's audit have been corrected.

### **(C.) Approval of FY 2007 Work Program and Budget**

Mr. Robertson gave an overview of the Work Program and Budget noting that it is in line with the Board's multi-year focus on growth and development. He drew the Board's attention to the chart stipulating member dues and described how those dues are derived.

The total FY 2007 budget is \$25.1 million, an 11% increase from the current year. The greatest increase occurs in the Transportation Planning Work Program, which will receive almost \$3 million in additional federal and state funding as a result of the recent reauthorization of federal transportation legislation. This additional revenue will be leveraged to expand and enhance environmental and land use priorities.

**ACTION: Upon motion made and seconded, Resolution R45-05 was adopted.**

### **(D.) Approval of Contract to Purchase Membership and Communications Software**

Mr. Robertson requested the Board's approval for the purchase of software and technical support to upgrade COG's membership records and communications software; the software will be used to develop and manage more than 10,000 member and committee records and enhance communications.



The budget for this purchase is included in the existing work program and budget as a capital expenditure and contingency line item. As a capital expenditure, this purchase will be amortized for three years and the annual cost will be recovered through COG's indirect cost allocation plan.

**ACTION: Upon motion made and seconded, Resolution R46-05 was adopted.**

**THE NEXT BOARD MEETING WILL BE ON WEDNESDAY, JANUARY 11, 2006.**

**ATTENDANCE: NOVEMBER 9, 2005**

**BOARD OF DIRECTORS/ALTERNATES 2005**

<u>Jurisdiction</u>	<u>Member</u>	<u>Y/N</u>	<u>Alternate</u>	<u>Y/N</u>
<b>District of Columbia</b>				
<b>Executive</b>	Hon. Anthony A. Williams	Y	Ms. Alfreda Davis	N
	Mr. Robert Bobb	N	Ms. Sharon Anderson	Y
<b>Council</b>	Hon. Phil Mendelson	Y		
	Hon. Carol Schwartz	Y		
<b>Maryland</b>				
Bowie	Hon. G. Frederick Robinson	N		
College Park	Hon. Robert Catlin	Y		
Frederick County	Hon. John R. Lovell, Jr.	Y		
Gaithersburg	Hon. John Schlichting	Y		
Greenbelt	Hon. Judith "J" F. Davis	Y		
Montgomery County				
<b>Executive</b>	Hon. Douglas M. Duncan	N	Mr. Bruce Romer	Y
<b>Council</b>	Hon. Nancy Floreen	Y		
	Hon. Michael Knapp	N		
Prince George's County				
<b>Executive</b>	Hon. Jack B. Johnson	N	Dr. Jacqueline Brown	N
<b>Council</b>	Hon. Camille A. Exum	Y		
	Hon. Tony Knotts	Y		
Rockville	Hon. Robert E. Dorsey	Y		
Takoma Park	Hon. Bruce Williams	Y		
Maryland General Assembly	Hon. William Bronrott	Y		
<b>Virginia</b>				
Alexandria	Hon. Redella S. Pepper	N		
Arlington County	Hon. G. N. Jay Fiset	Y		
City of Fairfax	Hon. Robert F. Lederer	N		
Fairfax County	Hon. Gerald E. Connolly	Y		
	Hon. Penelope A. Gross	Y		
	Hon. Joan DuBois	Y		
Falls Church	Hon. Daniel Gardner	N	Ms. Marti Meserve	N
Loudoun County	Hon. Lori Waters	N	Mr. Bruce Tulloch	N
Manassas	Hon. Douglas Waldron	N		
Manassas Park	Hon. Frank Jones	N	Mr. Michael Bunner	N
Prince William County	Hon. Maureen Caddigan	Y	Mr. Dana Fenton	N
	Hon. Hilda Barg	Y	Mr. Rick Canizales	N
Virginia General Assembly	Hon. James M. Scott	Y		

**Other Participants**

Chuck Clinton, Director  
District of Columbia Energy  
Office; Vice Chair, Energy  
Policy Advisory Committee

Dr. Jerome Paige, Ph.D.,  
Paige Associates

Tracy Bowen, Executive  
Director, Alice Ferguson  
Foundation

Nick Ramfos, Commuter  
Connections, COG

Abdool Akrhan, Partner, Bert  
Smith and Company
