

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

**MINUTES
Board of Directors' Meeting
COG Board Room
March 12, 2003**

BOARD MEMBERS, ALTERNATES AND PARTICIPANTS PRESENT AND NOT PRESENT

***SEE ATTACHED CHART FOR ATTENDANCE**

STAFF

David J. Robertson, Interim Executive Director
Edward Graham, Department of Environmental Programs
Ronald F. Kirby, Director of Transportation Planning

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 FEBRUARY 12, 2003

Chair Hill announced that in the absence of a quorum, the Board will be meeting as the committee of the whole. She noted that the Board will conduct all business on the agenda except formal voting, and once a quorum is achieved, formally take all necessary actions. Chair Hill welcomed Dr. Jacqueline Brown, alternate for Jack Johnson, Prince George's County.

Board Member Bruce Williams brought to the Board's attention a discrepancy in the attendance for the February 12, 2003 Board meeting. Later in the meeting, after a quorum had been established, Chair Hill asked that the minutes be amended to correct the attendance. Motion was made, seconded and carried unanimously to adopt the minutes of the February 12 meeting as amended by Mr. Williams.

3. AMENDMENTS TO AGENDA

There were no amendments to the agenda. Chair Hill mentioned the need to discuss amending the bylaws to the Emergency Preparedness Council (EPC) to provide additional elected official representation. She also noted that there would be no action on the Child Welfare Committee.

4. ANNOUNCEMENTS

a) Proposed Truck Safety Task Force Meeting – March 2003

The Truck Safety Task Force meeting will be held during the first week in April. The Task Force will address issues such as establishing truck safety inspection programs, assisting responsible truck drivers, best practices for improving truck safety around the country, and dealing with foreign trucks traveling on the nation's highways.

b) Proposed Date for Board Spring Networking Dinner – April 12

The Board Spring Networking Dinner will be held on Saturday, April 12 from 6:30 p.m. to 10:00 p.m. at the Heritage Hunt Golf & Country Club in Gainesville, Virginia. Contact Pat Warren for more information.

c) Proposed Date for COG Annual Meeting – December 11

Chair Hill informed the Board that the previous date of the COG Annual Meeting, December 10, was changed to December 11 because it conflicted with the National League of Cities Conference.

She noted that Dan Gardner, Mayor of Falls Church, is at home recuperating from hip replacement surgery. On behalf of the Board, she wished him a speedy and full recovery. Chair Hill welcomed Marty Meserve, who is the alternate for Dan Gardner.

Chair Hill introduced a new category on the Agenda, "Information Items." The new category will allow staff to share timely information about policy committees that don't require Board action. She also called the Board's attention to new laminated contact information cards for Board members.

d) Executive Director's Report

Interim Executive Director Dave Robertson briefed the Board on his report. He said he joined Chair Hill at a community expo on Homeland Security in Prince William County. Mr. Robertson noted that Michael Byrne, Director of the new National Capital Region Coordination Office of the Department of Homeland Security (DHS), COG staff and area health officials were also present. He said that the DHS has been responsive to citizen's concerns.

Mr. Robertson mentioned that COG had a booth at the expo, and asked the Board members to let him know if they wanted COG booths set at any expos they planned to have.

Chair Hill added that similar community information meetings for local jurisdictions tend not to be well-attended. She observed that people wanted to be involved with hands-on activities, such as signing up for classes in CPR, etc. Chair Hill suggested that the Board members consider formats targeted to citizen interest.

Continuing with his report, Mr. Robertson noted that the new COG web site is active. The web site contains a network of information, including a built-in calendar for meetings and activities. COG is developing a password protected area for Board members, and may develop a tutorial, as well. He asked the Board to let him know if they'd like to see additional features.

Mr. Robertson brought to the Board's attention Metropolitan Development Policy Committee Chair Joyce Woodson's memorandum on the Metropolitan Development Committee's "smart growth" project. A small working group is involved with the project, and Mr. Robertson encouraged the Board and other officials to get involved. He noted Board member Jay Fissette's role in the project.

On the issue of Homeland Security, Mr. Robertson reported that COG is mindful of its responsibility to staff in the event of a shelter in-place scenario. COG staff are now required to wear photo identification badges visibly, and a security guard will be walking through the building checking the badges. He said that emergency operation plans and procedures have been developed, and staff has been briefed on personal preparedness. Supplies and services will also be available to COG visitors.

At this point, Mr. Robertson introduced new staff to the Board: Giovanni Balsamo, Department of Transportation Planning, and Alex Hirtle, Department of Environmental Programs. He also recognized the employment anniversary of John Galli, Department of Environmental Programs.

e) Presentation of Certificate of Appreciation to Council Member Carol Schwartz

Chair Hill presented a Certificate of Appreciation to Council Member Carol Schwartz for outstanding qualities of leadership and exemplary service. Ms. Schwartz thanked the Board and said she would continue to be active in COG.

5. ADOPTION OF CONSENT AGENDA ITEMS 12.A. and 12.B.

Motion was made, seconded and carried unanimously to adopt the following resolutions on the Consent Agenda:

(A) EDITORIAL MODIFICATIONS TO THE RECP

Resolution R14-03- Authorizes the Executive Director to make changes of an editorial or technical nature in the text of the Regional Emergency Coordination Plan, consistent with policies and practices formally adopted by the COG Board of Directors.

(B) AMENDMENT TO CONAANDA'S BYLAWS

The Bylaws were amended to authorize an electronic quorum to permit CONAANDA's business to continue.

6. INFORMATION ITEMS 13.A. and 13.B.

(A) JOHN BOSLEY REGIONAL SCHOLAR PROGRAM

The Chair is authorized to appoint an Advisory Committee to oversee the Program and the staff was requested to develop, recommend and implement procedures and practices.

(B) COG BOARD ACTION ON ESTABLISHMENT OF CHILD WELFARE DIRECTORS COMMITTEE

The region's child welfare leadership has expressed a need to convene and respond to regional child welfare issues.

7. CHESAPEAKE BAY PROGRAM: PREVIEW OF MAJOR ACTION EXPECTED IN APRIL AND DISCUSSION OF POLICY RESPONSE BY COG

Chesapeake Bay Policy Committee Chair Williams briefed the Board on the Chesapeake Bay Program. He noted that because 2003 will be a critical year for the program, COG members should become more involved. He stated that the voluntary program is becoming increasingly regulatory. In 2003, there will be new caps on nutrient and sediment loads, water quality standards, and new Tributary Strategies. The Chesapeake Bay Program process remains open for local governments to add their views and concerns. Because of the real possibility the committee could end up with conflict in local growth plans, limits on wastewater capacities, and unacceptable and unfunded mandates, participation by policy makers is more important than ever. He referred to the 1997 committee policy statement, which advocates voluntary over regulatory mechanisms, equity, sound science and a local government voice.

The Chesapeake Bay Program is a partnership between Maryland, Virginia, D.C. and Pennsylvania. The C2K agreement, signed by each state in June 2000, is committed to the development of Tributary Strategies designed to eliminate problems created by nutrients and sediments in the Bay. The main water quality commitment will have an impact on local governments and wastewater utilities. Pollution in the Bay depletes oxygen and sunlight, causing undesirable algae blooms. The result is a degraded habitat.

Tributary Strategies will define the controls necessary to achieve desirable water quality conditions.

Chair Williams reported that nutrient sediment load caps will be issued next month. He said that the Chesapeake Bay Program is facing important issues in 2003, such as the cost and impact on localities and utilities, wastewater and storm water regulatory funding, the role of grants, and whether water standards are scientifically and economically defensible. He stressed the need for COG to maximize input now to avoid becoming locked into a mandatory regulatory process.

Board Member Nancy Floreen asked for clarification on the Board's role in the Program. Ted Graham, of the COG staff, stated that COG's role will involve getting together in a regional partnership, and that the committee is open and amenable to a full spectrum of viewpoints. If COG speaks with one voice, it can't be ignored.

Board members inquired about a timetable on funding issues. In response, Mr. Graham said that the committee will discuss the matter next week, and that guidance will come from the Chesapeake Bay Policy Committee meeting. For the benefit of new board members, Ms. Gross gave a short overview of the Chesapeake Bay Program. In 1998, the Board conducted a study to find out if a Chesapeake Bay Committee was needed. Such a committee was needed. As a result, other jurisdictions that were not members of COG became involved in the C2K agreement process. The result was dozens of mentions of local governments in the C2K and what they needed to do. There has been a lot of work in the past 5 years.

Continuing with his report, Chair Williams reported that nitrogen has been reduced in the Bay by 53 million pounds. The new goal is to double the amount in half the time. Chair Hill added that local and state governments need to engage the states in partnership ideas. The need is to identify strategies and find those responsible for carrying them out. She also referred to a PowerPoint presentation given by the Chesapeake Bay Local Advisory Committee. She asked COG staff to copy the presentation and provide slides to the Board.

Mr. Graham noted that there will be better outreach and education to county councils and boards of supervisors, etc., by providing information and video presentations. Chair Williams cautioned the Board that COG needs to stay proactive because it could end up with mandatory programs, unfunded mandates, growth caps, moratoriums, etc. Right now, COG has more flexibility to deal with meeting targets. Mr. Graham added that he'd like to see more representation on the committee. Chair Hill suggested that COG intensify its input and engage elected officials, and expressed concern about the involvement of the utilities. Ms. Gross replied that in the past, utilities have been involved.

8. PRESENTATION OF THE NATIONAL CAPITAL REGION EMERGENCY PREPAREDNESS COUNCIL

Chair Hill briefed the Board on the first meeting of the EPC, which was held on March 6. Michael Byrne, Director of the new Office of the National Capital Region Coordination at DHS, briefed the group at the EPC meeting on the DHS's startup activities. The group was also briefed by each of three state's emergency management agencies on their initiatives in the region. The EPC will focus on the expansion of COG's work on transportation evacuation and shelter in-place, which are top priorities for the EPC. Urging mutual aid indemnification and liability for public safety officials is also a priority for the EPC. Chair Hill expressed concern about indemnification for public safety officials in Virginia. She is confident that with the DHS's engagement, the outcome will be favorable.

Additionally, the EPC must link its efforts with those launched by Mayor Williams and the governors of Virginia and Maryland. The EPC seeks to help those engaged at the state and federal level in advancing resolutions to the eight commitments to action.

The EPC monitors the work of CAO committees to expand and implement the Regional Incident Communication and Coordination System (RICCS), which was tested and used during the sniper attacks.

RICCS is getting positive reviews. The EPC has proposed sponsoring emergency support training.

The EPC plans to meet quarterly, and will hold its next meeting on April 3, 2003. Chair Hill asked the Board to adopt resolution R15-03, which would amend the EPC's bylaws to authorize the Chair to appoint additional members to the EPC.

Chair Hill noted that the Public Safety Policy Committee serves as the Board's policy advisor on public safety and homeland security matters.

Mr. Robertson added that identifying priority training and initiatives will take place in the coming months. Training will focus on emergency support and training similar to the scenario-based regional leaders seminar. He is working on laying the foundation for additional funding for the EPC to support the work plan. Funding is also provided through agencies like FEMA and DOJ. Mike Byrne's office is an advocate for COG, and he's working with Mr. Byrne on the funding issue.

Chair Hill reminded the Board that the Regional Emergency Coordination Plan (RECP) is still not official because D.C. has not signed. She noted that the RECP is getting good reviews from the jurisdictions. Judith Davis announced that the region's Memo of Understanding was mentioned at the National League of Cities Conference.

Motion was made, seconded and carried unanimously to adopt Resolution R15-03.

9. REPORT ON THE POLICY LEADERSHIP CONFERENCE

Chair Hill reported on the Policy Leadership Conference, which was held on February 20, 2003. Turnout was good, and there was a good discussion about cross-cutting issues. Policy leaders were responsive to concerns, and the group found a lot of common ground. COG identified the need for stronger advocacy at the federal level. Additionally, COG should be more aggressive in repackaging and using information in aiding local governments and citizens.

Chair Hill mentioned the need to revise COG's bylaws and the opportunity to expand COG membership. Ms. Gross, Mr. Mendelson and Ms. Floreen agreed to serve on the task force with Chair Hill.

Chair Hill brought to the attention of the Board a summary report handed out at the Board meeting, which she recommends be authorized for transmittal to participating committees and partnerships so that panels can examine activities and set priorities.

Board Member James Scott mentioned that a committee previously dealt with the Digital Divide issue, and that a report was distributed at COG's December 2002 annual meeting. The governor of Virginia recently announced a new initiative with funding to expand broadband facilities. Mr. Scott believes COG should re-visit the issue.

Ms. Davis commented on the wide variety of people who attended the conference to see what COG does, and suggested a schedule change to accommodate more discussion.

10. MAXACCESS-DC PROBIZ

Carl Kalish, of the COG staff, briefed the Board on Maxaccess, which is designed to give small and minority businesses an opportunity to meet directly with purchasing agents and buyers to get information on upcoming procurement activities. The Board was asked to approve resolution R12-03 to support the goals of Maxaccess-Probiz 2003 to strengthen small and minority businesses throughout the Metropolitan Washington region.

COG and the Minority Business Coalition (MBC) will host a joint businesses opportunity conference for the region's small and minority-owned businesses on May 1, 2003, at the new Washington Convention

Center.

Jonathan Butler, Chief Contracting Officer, D.C., reported that last December, the Chief Purchasing Officers Committee accepted an offer from the MBC to partner in a joint venture to sponsor one of the largest regional procurement conferences aimed at small, disadvantaged, minority and women-owned businesses. The purpose of the conference is to increase economic development in the region. COG's 22 jurisdictions will participate by bringing live procurements opportunities to the event. The group plans to bring in people to participate in a series of seminars and workshops.

Michael Beech, Publisher of Eagle News, briefed the Board on the MBC, a trade association in D.C. There will be an opportunity for small and minority business owners to make direct connections in the procurement process. Mr. Beech said that, unlike conferences in past that just presented information, he hopes this conference have the full support of procurement officers.

Businesses in the MBC consist of small, minority and women-owned businesses that are certified. Mr. Beech noted that many have not made the connection with other businesses, and that he hoped the conference will be an opportunity for them to make a connection. He explained that if citizens support the local business community, the result will be more jobs for local residents, an increased tax base, and will serve as economic catalyst for the entire region. He is looking forward to COG's participation and seeing Board members at the conference on May 1 at the Convention Center.

Mr. Fisetta asked if MBC's outreach extends to minority businesses outside the D.C. region, and who was part of the Minority Business Coalition. In response, Mr. Beech said that joint committees have been set up between COG and the MBC. One such committee, the Communications Committee, will send information to public relations officers for each jurisdiction, asking them to disseminate to their media lists. He said that his group plans to run advertisements on regional radio stations, public service announcements on cable TV, and is in the process of planning a half-hour cable TV show. Mr. Beech added that although the MBC has been predominately D.C.-centered in the past, the group recently won a bid with Department of Commerce to conduct a Minority Business Opportunity Committee on regional partnerships with other jurisdictions. A regional organization is now in place.

Ms. Floreen asked whether the MBC was coordinated with the A. Mario Loiederman Procurement Center in Montgomery County. Beech says it is, and that he's on the planning committee for the Center's upcoming procurement fair.

Motion was made, seconded and carried unanimously to adopt Resolution R12-03.

During the briefing, Board members received a chart listing the status of each jurisdiction's signature on the Memo of Understanding to implement the RECP. Board Member Redella Pepper noted that many jurisdictions have not signed, and asked Mr. Robertson to send reminder letters to city managers. Mr. Robertson noted that councils and executives were incorrectly listed separately on the chart. An amended list was requested.

11. DANGEROUS DOG LEGISLATION

Carol Stewart, Chair of the Human Services Policy Committee, asked the Board to approve resolution R13-03 to support the position statement and Model Dangerous Dog Legislation of the Animal Services Committee. After giving a brief report about the need for guidelines for dog ownership, she introduced two presenters. Peggy Keller is the Chief of the Animal Disease Prevention Division in the D.C. Department of Health and member of the Dangerous Dog Subcommittee. Rodney Taylor is the Associate Director of the Prince George's County Animal Management Division and Chair of the Animal Services Committee.

Mr. Taylor provided background on the Dangerous Dog subcommittee, which was formed in 2000 and consists of 25 members, including agencies and national organizations. The Dangerous Dog

subcommittee is charged with examining dog bites and attacks, and providing guidance to local jurisdictions with legislation to control dangerous and potentially dangerous dogs and minimize attacks.

The Model Dangerous Dog Legislation identifies and places restrictions on dogs of all breeds that exhibit a propensity for dangerous behavior before an attack occurs. Additionally, the legislation provides for education of the owner and behavior modification for the dog to protect the health and safety of the residents and visitors in the community.

According to Mr. Taylor, most laws don't allow the government to act unless there is an egregious act. He stated that something was needed to allow the government to act beforehand. Studies have shown that strong legislation coupled with an educational outreach component is essential to reducing attacks. With the Model Legislation, local governments can determine whether a dog is dangerous, and place the dog in a training program. The dog is sterilized, microchipped, registered and licensed as a dangerous dog.

Ms. Pepper asked about a list of identifying factors of potentially dangerous dogs, and who makes the decision that a dog is dangerous. In response, Ms. Keller said that she oversees dangerous dog investigations in D.C., and explained that a hearing examiner or administrative judge makes a decision based on the evidence. In non-serious cases, however, there is really no avenue. Ms. Keller referred the Board to one of the handouts with a list of factors defining "potentially dangerous." She said the benefits of the Model Legislation is that a designee can make a determination, and a dog's owner has due process.

Mr. Scott said he'd wanted to see something like this for the past two years. He asked if there were other jurisdictions that have adopted the definition of dangerous dog. Various Board members replied that Alexandria and Ann Arundel County have both adopted the definition.

Chair Hill expressed concern about rural versus urban views of labeling dogs as potentially dangerous or dangerous. Dogs tend to be territorial of property and owners, and she wanted to know if there were exceptions when a dog is threatened, teased or abused. Ms. Keller pointed out exceptions in the legislation handout. Chair Hill noted that the lack of such exceptions has been the chief stumbling block in getting similar legislation passed. Ms. Keller said incidents are investigated on a case-by-case basis.

Kate Pullen, of the Humane Society, added that more local jurisdictions are adopting the language of the Model Legislation. She stated that regardless where a dog is located—rural or urban—dog owners need to be responsible citizens. To ensure that dogs can remain in the home, education and sterilization components have been put in place.

Ms. Floreen said that legislation in Montgomery County has some of the language found in the Model Legislation. She inquired whether the particular form of legislation has been adopted without a lot of modification, and whether public meetings on the issue been held. Ms. Keller said the language of the legislation was drafted in the COG committee, and that some of the language will be used in updates of the D.C. Animal Control legislation. She also said that many other entities participated with the committee early on.

Mr. Fisetta expressed concern about dogs on private property, and pointed to one of the exceptions. He said that something comparable needs to be put in Virginia's code because of the Dillon rule, which would make the legislation hard to defend in court. In response, Ms. Keller said the legislation applies to dogs on public space, and is based on investigation.

Motion was made, seconded and carried unanimously to adopt Resolution R13-03

Chair Stewart recognized and thanked Kate Pullen of the Humane Society, Jamie Hinson of the D.C. Department of Health, Brian Glover, of the Animal Welfare League of Arlington, and COG staff, particularly Stephen Dickstein

At this point, a motion was made, seconded and carried unanimously to transmit the Policy Leadership Conference summary report to policy boards and committees, and COG partnerships.

Ms. Floreen informed the Board that she recently received a consultants report for the Maryland delegation on the assessment of Regional Transportation Authority for the Metropolitan Washington region. She suggested that the TPB discuss and report back to the Board. After discussion, Mr. Robertson said he'd review and report back to the Board.

Ms. Floreen also mentioned a presentation by Dr. Steven Fuller on the issue of affordable housing. She stated that the report concluded that the problem in the region is transportation, not housing. She'd like the report presented to the Board. Chair Hill said she had extra copies and would make them available to COG staff.

12. THE BOARD WAS REMINDED THAT THE NEXT BOARD MEETING WOULD BE ON APRIL 9, 2003

There being no further business, the meeting was completed at 2:12 p.m.