

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

**MINUTES
Board of Directors' Meeting
COG Board Room
July 9, 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
Paul DesJardin, Director of Planning
Carl Kalish, Director of Procurement and Contracts
Gregory Goodwin, HSPPS
Diana Farina, HSPPS**

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 JUNE 11, 2003

Motion was made, seconded and carried unanimously to adopt the minutes of the June 11, 2003 meeting.

3. AMENDMENTS TO AGENDA

There were no amendments to the agenda.

4. ANNOUNCEMENTS

- a) COG Board of Directors Retreat, July 25-27, 2003, Lansdowne Resort, Leesburg, Virginia**

Chair Hill announced that the Board's Annual Retreat is 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.

She discussed several issues the Board will address, such as transportation, air and water quality, affordable housing and regional educational issues.

b) Appoint Budget/Finance Committee

Chair Hill named the new members for the Budget and Finance Committee. She will ask the following members to serve on the committee: Council Member Phil Mendelson, Mayor Judith Davis, Council Member Bruce Williams, Kelvin Robinson and Supervisor Penny Gross. Chair Hill will serve as chair of the committee. Please let her know if you're interested.

c) No August Board Meeting

Chair Hill reminded the Board that there will be no August Board meeting. The next meeting is scheduled for September 10, 2003.

d) Executive Director's Report

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

5. ADOPTION OF CONSENT AGENDA ITEMS 13.A., 13.B., 13.C., 13.D.

A) Memorandum of Understanding in Support of America Recycles Day in the Region

Resolution R35-03 – Authorizes the Executive Director or his designee to sign a memorandum of understanding with America Recycles Day, Inc., to coordinate America Recycles Day activities in the Washington Area.

B) Resolution Authorizing the Executive Director to Execute a Grant Agreement with the Freddie Mac Foundation to Support the Wednesday's Child Adoption Program

Resolution R36-03 – Authorizes the Executive Director or his designee to execute a grant agreement with the Freddie Mac Foundation to support the Wednesday's Child special needs adoption program.

C) Resolution Authorizing the Execution of a Contract with the Occoquan Watershed Monitoring Laboratory for the Fiscal 2004 Operation of the Chain Bridge Monitoring Station

Resolution R37-03 – Authorizes the Executive Director or his designee to execute a one-year contract with the Occoquan Watershed Monitoring Laboratory (OWML) in an amount not to exceed \$76,078 for the FY 2004 Potomac River Water Quality Monitoring program at Chain Bridge using funding from the FY2004 Regional Water Fund.

D) Resolution Authorizing Continuation of the Potomac Aquatic Plant Control Program to Maintain Public Navigational Channels in the Potomac River from the City of Alexandria to the Mouth of the Potomac

Resolution R38-03 – Authorizes the Executive Director or his designee to enter into a contract agreement, not to exceed a total of \$100,000, with the U.S. Army Corps of

Engineers and the Commonwealth of Virginia, that would continue the aquatic plant harvesting program through the 2003 season.

6. INFORMATION ITEM

JOHN BOSLEY REGIONAL SCHOLAR PROGRAM

On November 13, 2002, the Board of Directors established the John Bosley Regional Scholar Program as both a living memorial and a method of enhancing the scholarly study of regionalism (Resolution R42-02). The Chair designated senior staff as an Advisory Committee to oversee the Program and recommend and implement procedures and practices consistent with the Board's resolution. COG will announce a topic of independent, academic study, designed to augment or enhance the knowledge base of regionalism in a area important to the Washington Metropolitan Region, but beyond the scope or capacity of COG's current efforts. The academic community will be requested to submit outline proposals addressing the subject. The proposal selected will be the subject of a COG-published monograph and a lecture to be delivered at the annual meeting in December. The subject recommended for this initial Bosley Scholar effort is development of a model to ascertain the economic cost to all the private and public stakeholders in the region if the currently proposed voluntary efforts to clean up Chesapeake Bay are unsuccessful by 2010 and if regulatory limitations on TMDL's are imposed.

7. PRESENTATION OF SCRIPT FOR METROPOLITAN DEVELOPMENT POLICY COMMITTEE "SMART GROWTH BEGINS AT THE LOCAL LEVEL" PROJECT

Paul Desjardin of COG reported on the status of the Smart Growth video project. A work group comprised of members of the MDPC and MDCAC developed a script for the CD-ROM. The draft script is a result of months of work by the work group, Take Aim Media and COG staff. Following the Board's approval, filming will begin this month and the video will be viewed in the fall.

Board Member Jay Fisetle expressed Council Member Joyce Woodson's regrets for not being able to attend the Board meeting. He explained the background of the video project. After a series of dialogues in 2000, the MDPC concluded there was a need to help citizens and elected officials understand planning policies and to share some off the fundamental principles of Smart Growth and wiser land use issues. The concept of the video CD arose in this context. The bulk of the video project was funded by a \$50,000 grant from Environmental Protection Agency (EPA).

The purpose of video is to demonstrate the value of Smart Growth principles and showcase some of the best practices. The draft script contains ten principles that will be applied in different ways to different jurisdictions. These principles have been termed "smart growth." Mr. Fisetle reported that the script had been revised since the Board mail out and asked the Board to approve it. He moved to approve the draft script and the motion was seconded. Chair Hill recognized Board members for discussion.

Various Board members expressed their concerns about the draft script and suggested revisions. Mr. Fisetle agreed to revise the draft script according to suggestions. After discussion, the revised draft script was unanimously approved.

8. PRESENTATION ON ECONOMIC TRENDS AND COMMERCIAL CONSTRUCTION REPORTS

Gregory Goodwin of COG reported on economic trends in the region. He presented key findings contained in the report, *Economic Trends in Metropolitan Washington, 1998 to 2002*. The report presents key regional economic indicators, including population growth, employment, federal

spending, construction activity, housing sales, income, retail sales and the number of passengers at the region's three major airports.

Mr. Goodwin reported that the region has grown almost 9% between 1998 and 2002. Loudoun County has had the greatest percentage change at 38.4%, and Fairfax had the greatest change in absolute numbers. He discussed the increase in job growth and home sales in the region.

Diana Farina of COG reported on increases in regional commercial construction. She summarized information from the *Commercial Construction Indicators – 2002 Summary Report*. The report provides information on the level of commercial construction activity by jurisdiction, structure type, relationship to Metro rail and commuter rail stations, and in Regional Activity Centers. More than 33 million square feet of space in 510 projects was started in 2002. The amount of construction in the region has increased by 4% from 2001-2002.

Various Board Members asked about specific growth areas and regional activity clusters. Mr. Fisetto pointed out that although the goal of the regional activity centers project was to increase growth inside the centers, the opposite appeared to be happening. He requested that COG staff conduct more research to find out why this was the case.

9. BRIEFING ON CHESAPEAKE BAY RESTORATION FUNDING NEEDS AND PROPOSED FEDERAL LEGISLATION

Board Member Bruce Williams asked the Board to approve a process for Board analysis and endorsement of funding initiatives for the Chesapeake Bay. The Chesapeake 2000 Agreement (C2K), adopted by the executives of the Chesapeake Bay states, the District of Columbia, the EPA, and the Chesapeake Bay Commission, includes a number of major commitments relative to the restoration of the Chesapeake Bay. Recently, the Chesapeake Bay Commission (Commission), which represents state legislatures in Maryland, Pennsylvania and Virginia, conducted a detailed analysis of the funding requirements to meet the C2K commitments. As a result of this analysis, the Commission has developed several legislative proposals for federal funding support to assist with implementation costs.

Melanie D. Davenport, Chesapeake Bay Commission Virginia Director, briefed the Board on the highlights of cost analysis and funding proposals. She reported that the cost for Maryland, Virginia and Pennsylvania to clean up the Bay is estimated at \$18.7 billion, but the projected income available to states for cleanup is \$5.9 billion, a gap of \$12.8 billion or about \$1.6 billion per year.

Ms. Davenport reported that there is a need to double, if not triple, nutrient control efforts. She said that the region must seek a new partner and new funding if it's going to meet these commitments. The process is to determine baseline goals, identify policy options, forecast progress through existing programs, etc.

One of the main goals is to decrease nutrient and sediment loadings. States will not be able to find money on their own to do this. What are federal funding opportunities? The federal government provided funds for the Everglades in Florida; why not for the Bay? Ms. Davenport outlined various federal legislation that could provide these funds. For example, Senators Sarbanes and Jeffords are working to provide designated funds to clean up roadway pollution. For storm water pollution, however, there are no designated funds.

Another federal legislation is SAFETEA, which presents one of the few near-term big money opportunities. The Commission has asked state governors to send letters of support to the regional delegates in the District to support the bill.

Board Member Robert Dorsey asked if D.C. was a member of the Chesapeake Bay Commission. In

response, Ms. Davenport said that D.C. is a partner but is a signatory to the C2K. The Commission has been in existence since 1980. Maryland and Virginia were original members and were joined later by Pennsylvania. Ms. Davenport said she wasn't sure why the D.C. legislature is not represented, but reiterated that the District signed the C2K.

In response to a question by Mr. Williams, Ms. Davenport said that the Commission was a voluntary cooperative effort to restore the Chesapeake Bay and was separate from state programs. The EPA was sued by environmental groups and went to the states to find out which waterways were not reaching standards. As a result, the EPA would not approve Maryland and Virginia's environmental programs unless they listed the Chesapeake Bay. As a consequence, the Chesapeake Bay has now come under regulatory programs and states must figure out how to comply. States will be forced to adopt stricter standards, which will trigger costly upgrades. Ms. Davenport pointed out that funding gaps also affect local governments.

Motion was made, seconded and carried unanimously to approve the process for endorsement of the initiatives.

10. PRESENTATION ON PROPOSED MUTUAL AID INDEMNIFICATION/LIABILITY LEGISLATION

Lee Ruck of COG briefed the Board on proposed federal legislation for mutual aid agreements. After the September 11 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 several months to find a solution to the problems presented by this issue. The recommended solution is a federal statute which will govern liability and indemnification issues among the region's governments. The proposed statute has been circulated to all COG jurisdictions for review prior to formal presentation to the COG Board and the National Capital Region Emergency Preparedness Council.

Mr. Ruck informed the Board which jurisdictions are precluded from signing off on certain provisions of an agreement. He asked the Board to approve Resolution R33-03, recognizing COG's support for the proposed legislation. He stated that 13 of 18 jurisdictions have approved the legislation; however, legislative counsel in Montgomery County has raised some issues. Despite some disagreement, the COG Board may still support resolution.

Mr. Ruck outlined important provisions in the legislation. The federal government has not yet approved the proposed legislation. If the current administration does not support the legislation, the state Attorneys General in Maryland and Virginia, and the governors senior policy group, said they will shop the legislation to the regional delegation in the House of Representatives and the Senate.

Ms. Floreen expressed concerns about Montgomery County and asked that the Board delay the vote until the September Board meeting. Chair Hill stated that the vote was delayed last month and that she did not think it should be delayed any longer.

After some discussion of the issue, various Board members expressed concern about moving forward to support proposed legislation. A motion was made to adopt Resolution R33-03, seconded and carried with 13 yeas and 3 abstentions.

11. RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT FOR A REGIONAL ELECTRONIC PROCUREMENT PROCESS

Jonathan Butler, Chief Contracting Officer, D.C., asked the Board to adopt Resolution R34-03, authorizing the Executive Director or his designee to enter into an agreement with PublicBuy.net. COG has been coordinating the metropolitan Washington region's cooperative purchasing program for thirty years. In order to enhance the capabilities of the program, it has issued a Request for Proposals (RFP) for the implementation of a regional electronic procurement process. PublicBuy.net was selected by a technical selection committee comprised of members of COG's Chief Purchasing Officers Committee (CPOC) to provide the services detailed in the RFP. The selection of PublicBuy.net was unanimously approved by the full CPOC. The Chief Administrative Officers Committee has also reviewed and approved of the selection of the firm to provide these services.

Mr. Butler introduced Ted Beyer, CEO of PublicBuy.net, LLC, who gave the Board an overview of his company and the eProcurement program.

Several Board members expressed concerns because of problems with a similar program. Carl Kalish of COG stated that this project was different from the previous company COG selected, which had suffered due to the collapse of Internet companies.

Other Board members asked about cost. In response, Mr. Kalish stated that project requires no up-front cost from COG. Individual jurisdictions will have different modules to choose from and they will incur a modest charge for participation. Chief purchasing agents concurred that the cost is modest enough to move forward with the program. Any fee the buyer pays will go to PublicBuy.net. Mr. Kalish anticipates the pilot program will be up and running within next 6 months.

Ms. Gross requested that COG report back to the Board in 6 months on the progress of the project. Board Member Redella Pepper asked if any of the COG jurisdictions had been informed about the committees' choice. Mr. Kalish replied that the Chief Purchasing Officers approved the selection.

Mr. Dorsey raised concerns about COG's legal liability, and Mr. Lee informed him that COG will not incur liability related to the project.

Motion was made to adopt Resolution R34-03, motion was seconded and carried unanimously.

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

ENVIRONMENTAL TEAM: "The Greening of Jurisdictional School Bus Fleets"

Members: Leslie P. McKenney, Contract Administrator, Fairfax County, Allison S. Mulligan, Assistant Regional Branch Manager, Fairfax County and Ravinder K. Singh, Construction Management Coordinator, Arlington County.

The COG Institute for Regional Excellence-EDP Environmental Team project explored the idea of reducing area emissions by focusing on solutions for regional school bus fleets. Allison Mulligan introduced the group and made the presentation.

Ms. Mulligan discussed air quality issues. Her team suggested that school buses be targeted as part of the solution to the problem of air quality in the region. She suggested that diesel engines be replaced or retrofitted for existing fleets.

She requested that COG sponsor a regional program called Adopt-a-Bus, similar to one implemented in Texas. Corporate funds were raised on a matching basis for retrofitting. Ms. McKenney added more information about the program in Texas.

Other funding opportunities include the Clean Bus USA Grant Program, which targets school districts and can be implemented by state or local agencies. Applications are now being taken for distribution of \$20 million--supplemental and environmental project dollars by Toyota.

Mr. Mendelson asked where the Clean Bus Grant funds come from. Ms. Mulligan said the funds come from private corporations. She requested that COG distribute information about funding opportunities so that fleet managers will be informed about application deadlines. Ms. Mulligan spoke about different emission solutions for different types of engines and devices that reduce emissions, which can be put on the buses themselves.

Mr. Ravinder added that Dominion Power in Virginia has donated \$1 million to Fairfax County.

COMMUNITY DEVELOPMENT TEAM

Members: Karla Bruce, Fairfax County, Michael Love, Montgomery County and Calvin Smith, MWCOG

The Community Development Team presented "Putting a Face on Affordable Housing - A Public Education Campaign" and discussed its use in providing necessary information and capacity to current and future residents of the region. The Campaign will position the region to better address and influence understanding of the need to have affordable housing to attract and retain a diversified population and workforce.

Karla Bruce introduced the group and made the presentation. She discussed the lack of affordable housing in the region. Many people who work in the region can't afford to live near their jobs. Initiatives such as "Live Near Your Work" have not been effective but the public needs to be aware of these initiatives. Ms. Bruce requested that COG create a Public Education subcommittee on the Housing Directors Advisory Committee and to develop and implement a region-wide public awareness campaign.

13. THE BOARD WAS REMINDED THAT THE NEXT BOARD MEETING WOULD BE O SEPTEMBER 10, 2003

There being no further business, the meeting was completed at 2:25 p.m.