

**METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS  
777 North Capitol Street, N.E.  
Washington, D.C. 20002-4290**

**MINUTES  
Board of Directors' Meeting  
COG Board Room**

**February 9, 2011**

**BOARD MEMBERS, ALTERNATES AND PARTICIPANTS PRESENT AND NOT PRESENT**

**\*SEE ATTACHED CHART FOR ATTENDANCE**

**STAFF**

**David J. Robertson, Executive Director  
Sharon Pandak, General Counsel  
Nicole Hange, Clerk to the Board**

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

Chairman Harrison called the meeting to order at 12:15 p.m.

**2. CHAIRMAN'S ANNOUNCEMENTS**

The National Association of Regional Councils is holding its National Conference of Regions on February 14-15 at the Ritz Carlton in downtown D.C. NARC uses this conference as a forum to identify key policy issues and a federal legislative agenda.

Fairfax County Supervisor Penny Gross, who represents NARC Region 3 (DC, MD, VA, WV), will attend the Conference on the Board's behalf, along with Mr. Robertson and will update the COG Board on conference outcomes next month. We will also be looking to nominate a replacement for Ms. Gross as the Region 3 representative at that time as she is term limited.

**3. EXECUTIVE DIRECTOR'S REPORT**

Mr. Robertson first welcomed COG's newest Board member Karen Toles from Prince George's County.

A copy of Mr. Robertson's Executive Director's report, which includes outreach to elected officials and other stakeholders, was handed out in the Board's packet.

The President is expected to release his blueprint for the FY 2012 budget early next week and Congress is currently debating FY 2011 appropriations, whose funding levels are set to expire March 4. The Congress has introduced many amendments to cut funding of critical programs, Metro funding in

particular. The Board will be briefed during its March meeting on the status of FY 2011 appropriations and implication of the President's FY2012 proposal.

COG will be hosting the third in a series of aviation related forums on February 23<sup>rd</sup> to be focused on Helicopter noise; this is follow-up to a similar forum held in the fall.

The Board will receive a presentation and proposed action plan, including recommendations for improvement, during its March meeting on the region's response to the snow event on January 26; a subject that has received intense scrutiny in the last few weeks.

COG's General Counsel Sharon Pandak provided the Board with two written opinions on issues of FOIA and COG committee bylaws related to jurisdictional seat apportionment; two issues which were raised in the last month and required greater clarity. She added that COG's Attorney's Committee is again meeting on a regular basis and she asked members to encourage their local attorneys to participate. The upcoming February 11<sup>th</sup> meeting will be focused on the NCR Mutual Aid agreement and the status of operations plans.

#### **4. AMENDMENTS TO THE AGENDA**

There were no amendments to the agenda.

#### **5. APPROVAL OF JANUARY 12 MINUTES**

The minutes of the January 12 meeting were unanimously approved and adopted.

#### **6. CONSENT AGENDA**

Supplemental documents: R11-2011 through R14-2011.

##### **A. Appointment of 2011 Policy Committee Vice Chairs and EPC Members and Vice Chairs**

Chairman Harrison recommended the appointment of the vice chairs of the following COG Board policy committees in 2011: Human Services and Public Safety Policy Committee: Phil Mendelson, District of Columbia; Climate Change, Energy and Environment Policy Committee: Mary Cheh, District of Columbia and Roger Berliner, Montgomery County and Chesapeake Bay and Water Resources Policy Committee: Hamid Karimi, District of Columbia and Andrew Fellows, City of College Park. John Foust, Fairfax County was appointed as Vice Chair of the National Capital Region Emergency Preparedness Council. Appointments to the newly created Region Forward Coalition will be made in March.

##### **B. Resolution Authorizing the Executive Director, or his designee, to Receive and Expend an Urban Area Security Initiative (UASI) Subgrant For The Purpose Of Implementing Regional Water System Security Projects In The National Capital Region**

The Board adopted Resolution R12-2011, authorizing the Executive Director or his designee, to receive and expend a UASI subgrant in an amount of \$500,000 for the purpose of implementing regional water system security projects in the National Capital Region. No COG matching funds are required.

##### **C. Resolution Authorizing the Executive Director to Receive and Expend Funding from the Chesapeake Bay Trust in Support of the Anacostia Restoration Partnership**

The Board adopted Resolution R13-2011, authorizing the Executive Director, or his designee, to receive and expend up to \$65,000 in grant funding from the Chesapeake Bay Trust to provide contract and staff services in support of the Anacostia Restoration Partnership. The total cost of these services shall not exceed \$65,000. No COG matching funds will be required.

## **D. Resolution Amending the Bylaws of the Climate, Energy, and Environment Policy Committee (CEEPC)**

On May 13, 2009, the Board of Directors of the Metropolitan Washington Council of Governments (COG) adopted Resolution R21-09 adopting the Bylaws of the Climate, Energy and Environment Policy Committee (CEEPC). During a recent review of stakeholder applications for appointment for CY 2011, the Chair of the Climate, Energy and Environment Policy Committee (CEEPC) identified the need to add an additional membership category to "Article IV -- Membership: Voting Members" to include three new At-Large members and to update the name of the Citizen Advisory Committee. The recommended bylaw amendments to add stakeholders will enhance the committee operation by adding a broader base of participation.

**ACTION: Upon motion made, and seconded, Resolutions R11-2011 through R14-2011 were unanimously approved and adopted.**

## **7. ADDITIONAL PRESENTATIONS ON WMATA GOVERNANCE REFORMS**

Supplemental Documents: RAC Report

Tri-State Implementation Plan for WMATA Governance Reform

COG jointly sponsored a task force with the Greater Washington Board of Trade to examine WMATA governance. The Joint WMATA Governance Review Task Force released its report on November 17, 2010. The National Capital Region Transportation Planning Board (TPB) and the COG Board were briefed on the report at their December 2010 and January 2011 meetings, respectively. Both TPB and the COG Board were asked to docket presentations on a similar study undertaken by the WMATA Riders' Advisory Council (RAC), as well as a joint implementation plan by the Mayor of the District of Columbia and the Governors of Maryland and Virginia. David Alpert, Vice Chairman of Metro's Riders' Advisory Council, briefed the Board on the RAC governance report. Andrew Scott, Special Assistant to the Secretary, Maryland Department of Transportation provided an overview of the joint plan by the District of Columbia, Maryland and Virginia, which was influenced by the Task Force and RAC reports.

The RAC of WMATA is a 21-member body composed of Metro riders from the District of Columbia, Maryland and Virginia. The group formed a committee to examine WMATA governance issues from a rider's perspective and make recommendations, including structure of the Board. The "Report on Governance of the Washington Metropolitan Area Transit Authority" includes recommendations that the Board should: include elected officials; set clear standards for its member; focus on high-level policies; act as a regional body rather than as individuals; top staff member should be a CEO, not general manager; and decision-making should include a clear and accessible public input process. Mr. Alpert stated that RAC believes implementation of these recommendations enhance the effectiveness, efficiency and accountability of the Board.

As a result of the COG-BOT Task Force and RAC reports, the Mayor and Governors of the three "states" directed their transportation executives to develop a comprehensive implementation plan and schedule for WMATA governance. The plan presents a concrete timetable for action by the signatories and the WMATA Board to address WMATA's governance issues. However, structural changes to the Board and membership and compact amendments require additional work. The US Government Accountability Office will issue a report on WMATA governance by July 1, 2011 and will inform the Congress and Administration's approach to reforms, including compact amendments. The state transportation Secretaries and Director will continue to convene as a Work Group to oversee implementation of the plan, including the definition of roles and responsibilities of the Board and Chair within the first six months. Additionally, the Work Group will recommend a coordinated process for appointing Board members and within the first year will draft any legislation needed to implement governance changes. Mr. Scott commended both COG and RAC on its important leadership on this issue and noted that WMATA has, as a result of the findings, made taken steps to implement several recommendations.

City of Greenbelt Mayor Davis stated that the COG and RAC report differ on recommendations on veto power and Board composition and asked for further explanation. Mr. Alpert stated that in terms of veto power, the RAC feels it is an important tool that compels members to work together and that riders like the accountability of having local representation on the Board.

City of Falls Church Vice Mayor David Snyder reiterated his concern that any discussion of WMATA governance must be linked with the need for sustainable funding, without which governance changes will be for naught.

Fairfax County Board Vice Chairman Penny Gross, in response to Mr. Snyder's suggestion that advocacy for sustained funding remain a top priority, requested that the Board commissioned Blue Ribbon panel report, which specifically addressed the issue of funding, be re-circulated to members.

## **8. ADOPTION OF REVISIONS TO COG'S STRATEGIC PLAN**

Supplemental Documents: Draft Strategic Plan

The COG strategic plan was first adopted in 1999 and updated in 2004. After the 2009 retreat the Strategic Plan Review Task Force examined the current plan and presented its recommendations during the 2010 Leadership Retreat. Rather than an overhaul of the Plan, the Task Force recommended a Task Force-led revision that would fully integrate the vision and goals of Region Forward, the newly adopted Plan for regional growth and development. City of Takoma Park Mayor, and Chair of the Task Force, Bruce Williams briefed the Board on the proposed 2011 Strategic Plan changes and ask for the Board's concurrence.

Mr. Williams stated that the revised document is meant to be clear and concise and should be easy to understand whether you are an elected official that has participated at COG for years or if you are someone with little or no familiarity with us at all. While it is shorter than the 2004 update, it more clearly reflects the goals we want to achieve and the ways COG can help the region achieve them.

The strategic plan formally states that '*Region Forward* is our Vision.' The four themes of 'Sustainability, Accessibility, Livability and Prosperity' are the core of this vision. Our goals for each, taken directly from *Region Forward*, are then stated. These are the goals at the heart of COG's work.

COG's Mission, then, is to 'make *Region Forward* happen;' which we will do by being a discussion forum, expert resource, issue advocate, and catalyst for action. These roles—forum, resource, advocate and catalyst—are what area governments, stakeholders, and the public have come to expect of COG. By highlighting these key roles, the Mission section of this Strategic Plan, is different from the previous update. This is not a description of COG's internal management goals. While critically important, they often have little relevance for an outside audience. The roles listed in this Mission statement are externally-focused. They detail: 'What COG can do for you.'

Mr. Williams stated that they also serve as a reminder that COG's central mission and purpose is to help all of us in the National Capital Region meet the goals that we have set for ourselves.

**ACTION: Upon motion made, and seconded, the 2011 COG Strategic Plan Update was unanimously approved and adopted.**

## **9. COG BOARD POLICY FOCUS FOR 2011**

Supplemental Document: Draft 2011 COG Board Policy Focus and Priorities

Chairman Harrison and Vice Chairs Principi and Mendelson met in January to outline a proposed policy focus and priorities for 2011, which will elevate attention on economic and jobs issues and leverage existing COG capacity to support local governments in a very difficult fiscal environment.

COG will focus on the issues most critical to our region's success—the issues that will help us achieve the goals we've set for ourselves in Region Forward.

Chairman Harrison stated that the leadership is recommending activities that stress economic, fiscal and job issues that are critical to area residents, businesses and local governments. And COG will continue to focus on ensuring WMATA's success, combating foreclosures, restoring the Chesapeake Bay, and helping the region better prepare for and respond to major snowstorms and other emergency events.

Mr. Robertson highlighted the connection between the Board's newly adopted Strategic Plan, the Region Forward report, the Fiscal Year Work Plan and Budget and the draft Board Policy Focus and Priorities. He stated that the Board has a hand in shaping both the Strategic Plan and annual Work Program and Budget however, the Board Policy Focus and Priorities, which is updated every year as the new Board leadership takes office, is the Board's most direct opportunity to determine specific actions to bring about COG's vision.

Mr. Robertson also provided greater detail on the Board's proposed priorities including anticipated outcomes. Central to the Board's 2011 work will be the oversight of Region Forward Implementation; focusing on programs and initiatives that stimulate the economy and promote job growth; and promoting and ensuring reformation of WMATA's governance. Mr. Robertson added that while the Board leadership is clear in their goal to focus on a few critical priorities; staff does leave some "wiggle room" to address those unanticipated issues (like snow response) that may crop up during the course of the year.

Vice Chairman Principi stated that his continued concern is greater alignment of the COG Board's priorities with those of the Transportation Planning Board and the Metropolitan Washington Air Quality Committee, which while separate entities, should not be working in isolation of one another. Mr. Robertson agreed that we can always do a better job of communication and alignment and staff will ensure that occurs.

City of Falls Church Vice Mayor David Snyder suggested that the advocacy for sustained federal funding for Metro be added to the WMATA governance priority, and that the Regional Snow Response item be re-titled to 'Regional Incident Response.'

**ACTION: Upon motion made, and seconded, the COG Board's 2011 Policy Focus and Priorities were unanimously approved and adopted.**

## **10. CENSUS 2010 UPDATE AND PRODUCT PREVIEW**

Supplemental Document: Highlights from the American Community Survey 5-Year Data

On April 1, 2010, local governments and Washington area residents participated in Census 2010. As the official Census Bureau Co-State Data Center for the National Capital Region, COG is responsible for providing local governments and the public with access to "in-depth" data from the Census. James Whitehorne, the Assistant Chief of the Redistricting Data Office of the U.S. Census Bureau, briefed the Board on the data for legislative redistricting. Greg Goodwin of COG's Department of Community Planning and Services highlighted COG's plan for analyzing and disseminating information from the newest Census data product --- the American Community Survey (ACS) --- which will contain detailed annual demographic data for the region, local governments and neighborhoods.

Mr. Whitehorne stated that by law, the Census Bureau must send to each state, by a date certain, the small area data it will need to redraw districts for the state legislature; there is also a voluntary program between the Census Bureau and those states that wish to receive population tabulations for voting districts and other state specified geographic areas.

Each state has its own unique challenges which must be addressed during the redistricting process; for example, in Virginia plans are required for the Nov. 2011 elections and in the District of Columbia there are 4 types of districts: Wards, ANC Area, ANC Single Member Districts and Precincts.

Mr. Goodwin stated that the ACS is an annual, nationwide survey designed to provide communities with a fresh look at how they are changing. It replaces the Census long form and helps to determine how more than \$400 billion in federal and state funds are distributed each year.

The ACS is an important resource for COG in measuring progress in meeting the goals of *Region Forward* initiative collecting a wide variety of information including: age, race, income, commute time, home value and others.

Mr. Goodwin stated that it is important to note that the ACS sample size is smaller than that of the Census 2000 long-form which may significantly skew data for smaller jurisdictions. The ACS will continue to annually collect data but many smaller, and some mid-sized, jurisdictions will only have data collected on a 3 or 5 year schedule.

On an ongoing basis, COG staff will prepare a series of topical reports using ACS data to highlight the COG region. These reports will be provided to the COG Board of Directors and to other committees, be available on COG's website, and may include an on-line mapping tool using ACS data is also being considered for COG's Website. The first of such reports was distributed to the Board using the 5-year data compilation. Given the release of Census 2010 data, which is more current, COG will provide the Board with an updated data report detailing demographics for the region in the coming months.

#### **11. FY 2011 SECOND QUARTER FISCAL REPORT**

COG ended the second quarter in a strong cash position with a cash balance of \$4.8 million and a reserve fund balance of \$10.1 million. COG's revenues exceeded expenses by \$4.1 million. The total forecast annual program revenues decreased by \$225,000 (one percent) from the adopted Work Program Budget. The account receivable balance was at \$9 million; \$1.4 million (15 percent) was over 90 days, staff is working with state and local agencies to receive payment.

#### **13. ADJOURN-THE NEXT MEETING WILL BE MARCH 9, 2011.**

**ATTENDANCE: FEBRUARY 9, 2011  
BOARD OF DIRECTORS/ALTERNATES 2011**

<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. Vincent Gray	N		
	Mr. Allen Lew	N		
<b>Council</b>	Hon. Phil Mendelson	Y		
	Hon. Michael Brown	N		
<b>Maryland</b>				
Bowie	Hon. G. Frederick Robinson	N	Hon. Dennis Brady	N
City of Frederick	Hon. Randall McClement	N	Hon. Karen Young	N
College Park	Hon. Andrews Fellows	N	Hon. Robert Catlin	Y
Frederick County	Hon. David Gray	Y	Hon. Blaine Young	N
Gaithersburg	Hon. Sidney Katz	N	Hon. Cathy Drzyzgula	Y
Greenbelt	Hon. Judith "J" F. Davis	Y	Hon. Emmett Jordan	N
Montgomery County				
<b>Executive</b>	Hon. Isiah Leggett	N	Mr. Tim Firestine	N
<b>Council</b>	Hon. Roger Berliner	Y		
	Hon. Valerie Ervin	N		
Prince George's County				
<b>Executive</b>	Hon. Rushern Baker	N	Mr. P. Michael Errico	N
<b>Council</b>	Hon. Karen Toles	Y		
	Hon. Andrea Harrison (Chair)	Y		
Rockville	Hon. John Britton	N		
Takoma Park	Hon. Bruce Williams	Y	Hon. Terry Seamens	N
Maryland General Assembly	Hon. Galen Clagett	N		
<b>Virginia</b>				
Alexandria	Hon. William Eulle	Y	Hon. Redella Pepper	N
Arlington County	Hon. Walter Tejada	Y	Hon. Jay Fissette	N
City of Fairfax	Hon. Dan Drummond	N	Hon. Jeffrey Greenfield	N
Fairfax County	Hon. Sharon Bulova	Y	Hon. Catherine Hudgins	N
	Hon. Penelope A. Gross	Y	Hon. Patrick Herrity	N
	Hon. John Foust	Y	Hon. Michael Frey	N
Falls Church	Hon. Nader Baroukh	N	Hon. David Snyder	Y
Loudoun County	Hon. Andrea McGimsey	Y	Hon. Scott York	N
Manassas	Hon. Sheryl Bass	Y		
Manassas Park	Hon. Suhas Naddoni	N	Hon. Frank Jones	
Prince William County	Hon. Frank Principi	Y		
	Hon. Wally Covington	Y		
Virginia General Assembly	Hon. James M. Scott	N		