

**CHESAPEAKE BAY POLICY COMMITTEE**  
**777 North Capitol Street, N.E.**  
**Washington, D.C. 20002**

**DRAFT MINUTES OF JULY 13, 2005, MEETING**

**ATTENDANCE:**

**Members and alternates:**

Hamid Karimi, District of Columbia Vice Chair  
Penelope Gross, Fairfax County  
Bruce Tulloch, Loudoun County  
Bruce Williams, Takoma Park  
Andy Fellows, College Park  
Uwe Kirste, Prince William County  
Alex Hirtle (for Thomas Dernoga), Prince George's County  
Mercia Arnold (for Vincent Gray), District of Columbia  
Beverly Warfield (for Christopher Akinbobola), Prince George's County  
J.L. Hearn, WSSC  
John Dunn, DC-WASA

**Staff:**

Lee Ruck, General Counsel  
Stuart Freudberg, DEP Director  
Ted Graham, DEP  
Karl Berger, DEP

**1. Introductions and Announcements**

Chair John R. Lovell Jr., called the meeting to order at 9:45 a.m. He noted that COG Board Chair and committee member J Davis sent her regrets for not being able to attend.

**2. Approval of Meeting Summary for May 20, 2005**

The draft summary was approved.

**3. Discussion of Potomac Trash Issues**

Mr. Graham briefed the committee on the actions being taken by the Alice Ferguson Foundation to coordinate the signatories of a treaty to reduce trash in the Potomac River. Four COG members – Fairfax, Montgomery and Prince George's counties and the District of Columbia – are among the six signatories to the treaty, signed in March. These developments were discussed at the COG Board meeting of May 11, 2005, at which the Board passed Resolution R16-05. The resolution directed the committee to explore how COG could help coordinate this initiative and whether it should encourage other members to sign the treaty. Mr. Graham also noted that at least two other COG members, Prince William and Arlington counties, have expressed interest in signing. The foundation is planning a summit meeting at Mt Vernon in March 2006 at which it hopes to announce the actions the signatories will take to reduce trash. COG staff has been involved in planning for this meeting, Mr. Graham said.

Chair Lovell asked the committee to consider two questions in its discussion: Should COG encourage other members to sign the treaty? Should COG play a role in coordinating members' actions under the treaty?

Mr. Karimi said he recently heard a presentation by foundation staff at which the treaty's goal was described as a Potomac River free of trash by 2013. He said COG could play a valuable role in coordinating local government involvement in this initiative.

Reporting on a presentation by foundation staff at a Potomac Roundtable meeting on July 8, Ms. Gross said the foundation had displayed some political naivete in the way it went about garnering signatures. However, she added, the initiative deserves regional support and COG is well suited to playing a key role, especially in regard to educational and policy issues.

Mr. Williams expressed the concern that the initiative would not focus on high-level trash concerns and instead would deal with issues such as road litter. In response, Mr. Fellows said his understanding was that the main focus would be on stream restoration projects within the Potomac basin. He, too, said COG could play a constructive role in the initiative.

Chair Lovell expressed the need for caution in advocating actions. As an example, he noted that whereas a bottle bill might make sense from a policy standpoint, it cannot work unless it is enacted on a regional basis.

**Action Item:** In responding to the Board's request, the committee directed staff to explore how COG and its members could play a role in the initiative and to report back at the next committee meeting.

**Action Item:** The committee endorsed an offer by Ms. Gross to represent COG at an upcoming meeting about trash among federal legislators from the region .

#### 4. Discussion of Bylaws Revision

Mr. Ruck, COG's general counsel, presented a staff draft of potential bylaws changes in response to COG Board Resolution R17-05. The resolution directed the committee to seat as members the representatives of water or wastewater utilities in the region that contribute to COG's Regional Water Fund. It also directed the committee to assume oversight of the work program and budget for the fund. Mr. Ruck noted that the staff draft also included a number of other changes designed to bring the bylaws into conformity with COG Board policy and to fix inappropriate language in the existing version.

As Mr. Ruck directed the committee's attention to the proposed changes on a line-by-line basis, the members' comments focused largely on several issues. One of these was a proposal to change the name of the committee to the Chesapeake Bay and Water Resources Committee and to expand the committee's policy scope to include water resources issues throughout the region, not just those directly related to the Bay restoration effort. The members' comments supported both of these proposed changes.

The members also commented on a proposal to change the number of members required for a quorum and on the proposed change to the procedure for amending the bylaws. Mr. Ruck said he proposed to expand the number of members required for a quorum from seven to 11 because of the increased membership noted earlier. However, Ms. Gross and several other members expressed concern that Mr. Ruck's proposed number was too high and might preclude official action at many meetings. The members agreed that the quorum requirement should stay at seven members, with the further requirement that three of these must be from Maryland jurisdictions, three from Virginia jurisdictions and one from the District of Columbia. In regard to the amendment process, Mr. Ruck noted

that the existing version of the bylaws inappropriately implies that the committee can make changes on its own. Because the committee serves at the direction of the Board, which also establishes its duties, composition and scope, he said, any amendment to the bylaws is subject to the Board's approval. The members agreed to Mr. Ruck's proposed changes to the current process and also with his contention that this revised process must be used to accomplish the currently proposed revision.

**Action Item:** Accordingly, the committee, acting as a committee of the whole in the absence of a quorum, voted to present the proposed bylaws changes, as amended, for consideration by the full committee. To follow, at least in part, the amendment process in the current bylaws, the committee directed that written notice of the intent to amend the bylaws be sent at least 10 days prior to the next committee meeting scheduled for Sept. 16, at which a vote would be taken on whether or not to recommend the bylaws changes to the COG Board at its October meeting.

#### **5. Update on Chesapeake Bay Financing Authority**

Ms. Gross briefed the committee on the recently issued report of the Chesapeake Bay Financing Authority Committee on which she served, which was tasked with making recommendations on how to establish a regional financing authority as called for by the Chesapeake Bay Blue Ribbon Finance Panel. She noted that the committee still supported the establishment of an authority despite the fact that the federal government is not going to provide up to 80 percent of its funding, as originally envisioned, nor, indeed, may provide any funds at all in its initial stages. The committee thought it would be worthwhile to move forward if such an authority were to improve a state's ability to finance restoration work or if it were to provide access to capital that would otherwise not be available for such work. The committee's report, she noted, focused on four main areas: governance, the regulatory or legislative changes needed to implement an authority, examples of funding mechanisms and different means for allocating funds. The committee also recommended that the Chesapeake Executive Council hold a special meeting in September to act on these recommendations.

Mr. Tulloch asked if there was a means by which the committee's recommendations could be presented to the various states and jurisdictions involved. Ms. Gross replied that the EC members, which include the governors and the mayor, will have to respond to the report before any further action is taken.

Mr. Karimi asked whether anyone from the federal level had endorsed the committee's notion that state funds could be matched on a 50-50 basis. In response, Ms. Gross said that the committee was told there is little likelihood of any federal contributions to an authority.

#### **6. Review of Ag Forum and Tour**

Chair Lovell presented a brief summary of the agricultural forum and tour in Frederick County that the committee sponsored in June. He thanked the committee members who attended the event. IN response to an inquiry from COG staff, committee members expressed an interest in continuing to pursue initiatives relating to agriculture.

#### **7. New Business**

None was noted.

#### **8. Adjourn**

The meeting was adjourned at 11:45 a.m.