

**COG BOARD OF DIRECTORS MEETING**

*District of Columbia  
Bladensburg\*  
Bowie  
Charles County  
College Park  
Frederick  
Frederick County  
Gaithersburg  
Greenbelt  
Montgomery County  
Prince George's County  
Rockville  
Takoma Park  
Alexandria  
Arlington County  
Fairfax  
Fairfax County  
Falls Church  
Loudoun County  
Manassas  
Manassas Park  
Prince William County*

**DATE: March 13, 2013  
TIME: 12:00 Noon  
PLACE: COG Board Room**

**PLEASE NOTE: Chairwoman Young will begin the meeting promptly at Noon. Lunch for members and alternates will be available at 11:30 a.m.**

**A G E N D A**

**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE  
(12:00 Noon)**

**Chairwoman Karen Young  
President Pro Tem, Board of Aldermen  
City of Frederick**

**2. ANNOUNCEMENTS  
(12:00 – 12:05 p.m.)**

**Chairwoman Young**  
a) **COG Leadership Retreat – August 2-4**  
b) **Meeting with David Agnew, Deputy Assistant to the President/Director of Intergovernmental Affairs**

**3. EXECUTIVE DIRECTOR'S REPORT  
(12:05 – 12:10 p.m.)**

**4. AMENDMENTS TO AGENDA  
(12:10 – 12:15 p.m.)**

**5. APPROVAL OF MINUTES OF FEBRUARY 13, 2013  
(12:15 – 12:20 p.m.)**

*\*Adjunct Member*

**6. ADOPTION OF CONSENT AGENDA ITEMS  
(12:20 – 12:25 p.m.)**

As of March 7, there are no items to be acted upon.

**7. VERIZON 9-1-1 FINAL REPORT  
(12:25 – 12:45 p.m.)**

**Steve Souder, Director  
Fairfax County Department of Public Safety Communications**

**Glenn Roach, ENP  
Vice President, Winbourne Consulting, LLC**

The Board will be asked to approve Resolution R10-2013—the *Final Report of 9-1-1 Service Gaps During and Following the Derecho Storm on June 29, 2012*.

In the wake of the severe storm, a Derecho, that hit the Mid-Atlantic region on June 29, 2012, much of Northern Virginia and parts of the entire metropolitan Washington area lost commercial electrical power and their vital 9-1-1 emergency communications service. Some of the 9-1-1 outages continued over five days.

At its July 2012 meeting, the Board adopted a resolution and formed a task force to address several related issues, including the cause of the 9-1-1 outages, the existing redundancy and backup capabilities for that service, and communication and messaging to the public and local emergency response officials. The task force's report has also helped inform efforts by the Federal Communications Commission, Virginia State Corporation Commission, and other groups.

**RECOMMENDED ACTION: Adopt Resolution R10-2013.**

**8. EXPANSION OF THE COOPERATIVE PURCHASING PROGRAM  
(12:45 – 1:00 p.m.)**

**Thomas E. Savoie  
Contracts and Purchasing Manager**

COG initiated its Cooperative Purchasing Program in 1971 with the basic objective of reducing costs through economies of scale created through volume buying. By taking advantage of the combined purchasing power of participating jurisdictions volume buying works to the advantage of our member jurisdictions and their taxpayers.

COG's Chief Purchasing Officers Committee currently works with its counterpart at the Baltimore Metropolitan Council to plan and create cooperative contracts for various goods and commodities. The two groups have agreed to officially merge efforts to become the Mid-Atlantic Purchasing Team (MAPT). Mr. Savoie will provide an overview of COG's program and the significant opportunities for cost savings this merger will create.

**RECOMMENDED ACTION: Adopt Resolution R11-2013.**

**9. ACTION ON PROPOSED AMENDMENTS TO BY-LAWS AND RULES OF PROCEDURE  
(1:00 – 1:05 p.m.)**

**Sharon Pandak  
COG General Counsel**

The Board will be asked to consider and adopt Resolution R12-2013, updating and amending the Board's By-laws and Rules of Procedure to conform to the requirements of the D.C. Nonprofit Corporations Act of 2010 and current COG practices. Ms. Pandak gave notice of and reviewed these proposed amendments with the Board at its February 13, 2013 meeting.

Local and state officials on the COG Board of Directors have overall policy, program, and fiduciary responsibility for COG's and its independent policy board's work program and budget. Therefore, it is important for the By-laws and Rules of Procedures to be periodically updated.

**RECOMMENDED ACTION: Approve and adopt Resolution R12-2013 – By-laws and Rules of Procedure, as presented.**

**10. WASHINGTON BUSINESS JOURNAL BRIEFING  
(1:05 – 1:20 p.m.)**

**Alex Orfinger  
Publisher, Washington Business Journal**

Mr. Orfinger will brief the Board on WBJ plans to focus on regionalism this year. He will share WBJ's ideas about what might be covered and what the focus might be on regionalism. He will ask for ideas from COG's Board about potential topics and issues of interest related to regionalism.

**RECOMMENDED ACTION: Receive presentation.**

**11. RESPONSE TO BOARD'S DIRECTIVES FOR FOLLOW UP REGARDING GUN VIOLENCE ISSUE  
(1:20 – 1:45 p.m.)**

**Sharon Pandak  
COG General Counsel**

In response to the Board's directives at its February 13, 2013 meeting, the following alternative draft resolutions relating to gun violence will be presented for review and consideration:

- R13-2013—a draft resolution endorsing the position of the International Association of Chiefs of Police (IACP) regarding addressing gun violence (IACP staff advised that it does not have a list of jurisdictions which have endorsed the IACP position);
- R14-2013—a draft resolution setting forth a process by which pertinent COG Committees examine issues and considerations, and make recommendation(s) to the Board before it considers a resolution regarding gun violence.

Copies of position statements of the IACP, U.S. Conference of Mayors, and Mayors Against Gun Violence requested by the Board are provided. The Board requested the position of the National Association of Counties (NACo); however, NACo has not adopted a position to date.

**RECOMMENDED ACTION: Adopt Resolution R13-2013 or R14-2013.**

**12. LEGISLATIVE UPDATE**

**(1:45 – 1:55 p.m.)**

Board members with active engagement and/or leadership roles in state/national associations will be invited to provide status reports on legislative activity related to COG's 2013 Legislative Priorities.

**13. OTHER BUSINESS**

**(1:55 – 2:00 P.M.)**

**14. ADJOURN – NEXT MEETING APRIL 10, 2013**

**(2:00 p.m.)**

**THE NEXT BOARD MEETING WILL BE HELD ON APRIL 10, 2013**



Reasonable accommodations are provided for persons with disabilities. Please allow 7 business days to process requests. Phone: 202.962.3300 or 202-962.3213 (TDD). Email: [accommodations@mwkog.org](mailto:accommodations@mwkog.org). For details: [www.mwkog.org](http://www.mwkog.org)



## **AGENDA ITEM #2**

### **ANNOUNCEMENTS**

**(NOTE: NO ATTACHMENTS)**

*This page left intentionally blank.*



## **AGENDA ITEM #3**

### **EXECUTIVE DIRECTOR'S REPORT**



# Metropolitan Washington Council of Governments Executive Director's Report • March 2013

**COMMITTEE WORK HEART OF COG OUTREACH MEDIA UPCOMING EVENTS**

## Policy Board & Committee Work

### **TRANSPORTATION PLANNING BOARD**

The TPB approved 12 project submissions for inclusion in the air quality conformity assessment for the 2013 Constrained Long-Range Plan (CLRP). Federal law requires that the TPB test projects in the CLRP to ensure that they collectively contribute to the air quality goals established by the Clean Air Act Amendments of 1990. The TPB also approved two amendments to its work program to facilitate the FTA's Enhanced Mobility and Transportation Alternatives programs, both of which are new programs under MAP-21, the recently established federal transportation legislation.

### **CLIMATE ENERGY & ENVIRONMENT POLICY COMMITTEE**

CEEPCC Chair Roger Berliner sent a letter supporting the Prince George's County plastic bag fee to the Maryland General Assembly.

### **REGION FORWARD COALITION**

The Coalition hosted an initial conversation at COG to discuss regional labor market and workforce development issues, programs, and opportunities as part of its work in implementing *Economy Forward*.

### **HUMAN SERVICES AND PUBLIC SAFETY POLICY COMMITTEE**

The Committee addressed many current issues in health and public safety, such as the rising popularity of the drug K2 spice and the significant drop in crime throughout the region in 2012. The region's current budgeting issues are also expected to affect health and public safety. For instance, the police force is expected to retire a large number of its officers over the next year.



## Heart of COG:

### **WENDY KLANCHER, PRINCIPAL TRANSPORTATION PLANNER**

Through her work with people with disabilities, Wendy Klancher was familiar with a major need in our region: D.C. lacked ramp-equipped, wheelchair accessible taxicabs. This had long been identified as an issue by the Transportation Planning Board's Access for All Committee, a group that Wendy supports.

When a federal grant was awarded to remedy the issue, Wendy had the chance to manage and implement the effort. And she did what the Council of Governments does best—bringing people together who hadn't previously collaborated on the issue, such as city officials, cab companies, advocates, the taxicab commission, and D.C. Office of Disability Rights. The federal grant, as well as matching funds from D.C. and contributions from Yellow and Royal Cab, funded 20 ramp-equipped minivans, operating guidelines, driver training, and marketing materials.

In January 2010, the rollDC pilot program launched, and Wendy and her COG colleague Beth Newman have continued working closely with D.C. leaders and stakeholders to develop and promote the service. Demand has grown steadily—trips have more than tripled between August 2010 and August 2012—and rollDC has been pledged additional funding support.

- *Chuck Bean, Executive Director*

**At COG:**  
15 Years

**Education:**  
M.P. (Masters of Planning)  
University of Minnesota - Humphrey Institute



## MEMBER/STAKEHOLDER OUTREACH

Executive Director Chuck Bean met with members of the Board of Directors and Transportation Planning Board, including Phil Mendelson (D.C.), John Foust (Fairfax County), Reuben Collins II (Charles County), Scott York (Loudoun County), and Walter Tejada (Arlington County). With COG Chairwoman Karen Young and COG’s Nicole Hange, Bean met with David Agnew, the White House’s Deputy Assistant to the President and Director of Intergovernmental Affairs.

Bean also met with Rep. Gerald Connolly (Virginia), Jack Brown (Arlington County Office of Emergency Management), Stewart Schwartz (Coalition for Smarter Growth), representatives from George Mason University and the 2030 Group, and representatives from the Maryland Municipal League in Annapolis.

## SEQUESTRATION

The Council of Governments and the Greater Washington Board of Trade teamed up to send a joint letter to Congress requesting lawmakers find an alternative to the automatic, across-the-board spending cuts in the sequester. [Click here to view the letter](#), as well as other outreach materials and sequester news.

## CELEBRATING 20 YEARS OF PUBLIC INVOLVEMENT

The Transportation Planning Board hosted a 20th anniversary celebration of its Citizen Advisory Committee, or CAC. Over 40 past and present members of the CAC joined together to honor the committee’s commitment to public involvement and citizen input in the TPB’s processes.

## UTILITIES 2.0

Staff from the Council of Governments’ Department of Environmental Programs attended a meeting with the Energy Future Coalition to assist in providing input on a project to develop a Utility 2.0 pilot project design, as requested by Governor O’Malley of Maryland. COG staff and other stakeholders provided input for a draft pilot project proposal to be delivered to the Governor by March 15th.

## REGION FORWARD & MORE IN BLADENSBURG

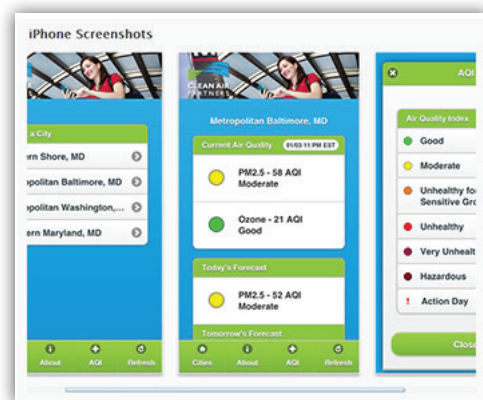
The Council’s Executive Director Chuck Bean and Community Planning & Services Director Paul DesJardin briefed the Bladensburg Town Council on COG initiatives and the new Activity Centers map.

## SITE VISIT – PEPSCO

Executive Director Chuck Bean and staff from the Department of Environmental Programs had a “meet and greet” and tour of a charging station at Pepco headquarters with Pepco President Tom Graham.

## NEW CLEAN AIR APP FOR IPHONE & ANDROID

Clean Air Partners, a partnership between the Council of Governments and the Baltimore Metropolitan Council, has a new Air Quality App now available for iPhone and Android phones and can be downloaded for free in the iTunes store, Google Play and on the [Clean Air Partners website](#). The Clean Air Partners app allows residents living in the Washington and Baltimore regions to get daily air quality forecasts, current air quality information, and alerts when the air is unhealthy to breathe.



## PROMOTING SUSTAINABLE BUILDINGS

The Council of Governments teamed with the General Services Administration (GSA) to host a webinar highlighting the GSA’s “[Sustainable Facilities Tool](#)” which provides expert information on all elements of sustainable buildings, from planning to procurement to management.

**COG/TPB OFFICIALS REACT TO VIRGINIA TRANSPORTATION BILL**

The Virginia General Assembly recently agreed to a deal to reform transportation funding for the state. The bill gives local jurisdictions the chance to raise and allocate new local funds while also increasing the Commonwealth's total support for roads and transit. Elected officials acknowledged that the compromise legislation is not perfect, but they welcomed action that will provide more transportation funding after 27 years of impasse. COG has long been sounding the alarm on the massive underinvestment in transportation infrastructure in metropolitan Washington.

**REGIONAL INVESTMENT IN ENERGY EFFICIENCY**

The Council of Governments partnered with the Alliance Commission on National Energy Efficiency Policy to highlight the environmental *and* economic benefits of considering a regional approach when making energy efficiency investments.

**LONG-RANGE TRANSPORTATION PLAN UPDATES**

At its February meeting, the Transportation Planning Board voted to include twelve projects in metropolitan Washington's long-range transportation plan. The vote was the final opportunity for projects to be included in the CLRP. The TPB's action was covered by several media outlets, including ABC 7 and The Washington Post.

**REGION'S POPULATION TO HIT NEARLY 7 MILLION IN 2040**

New Council of Governments forecasts released in February show metropolitan Washington's population growing by more than 30% over the next few decades, reaching nearly seven million by 2040. How that growth – at 1.6 million additional people, it's like adding the city of Philadelphia to our region – is managed will be critical in determining whether the region grows sustainability or grinds to halt amidst traffic congestion, environmental degradation, and reduced quality of life. In other words, land use and transportation coordination matters more than ever.

**METRO WASHINGTON RANKED “WORST” FOR CONGESTION, BUT...**

...alternative options for commuting are expanding. For the fourth year in a row, the Washington region was named “worst in the country” in the Texas A&M Transportation Institute's annual ranking of metropolitan areas based on how much time they say drivers spend “stuck in traffic” each year during the morning and afternoon commutes. However, the number of options for avoiding this congestion are increasing, ranging from transit and teleworking to carpooling and the proliferation of more real-time traffic information.

**EMPOWERING CITIZENS**

The Transportation Planning Board will be hosting its 11th installment of the Community Leadership Institute on April 25, 30, and May 4. The CLI is an educational program for approximately 20 citizen leaders on how to get involved in transportation decision-making at the regional level.

*For more information about this and other COG meetings and regional events, visit [www.mwcog.org/events](http://www.mwcog.org/events)*



# **AGENDA ITEM #4**

## **AMENDMENTS TO AGENDA**

**(NOTE: NO ATTACHMENTS)**

*This page left intentionally blank.*



## **AGENDA ITEM #5**

### **APPROVAL OF MINUTES OF FEBRUARY 13, 2012**

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

**MINUTES**

**Board of Directors Meeting**  
**COG Board Room**

**February 13, 2013**

**BOARD MEMBERS, ALTERNATES, AND OTHER PARTICIPANTS**

**PRESENT AND NOT PRESENT:**

See attached chart for attendance.

**STAFF:**

Chuck Bean, Executive Director  
Sharon Pandak, General Counsel  
Nicole Hange, Government Relations Coordinator  
Barbara J. Chapman, Executive Board Secretary  
Paul Beriault, Chief Financial Officer  
Paul DesJardin, Director, Community Planning and Services

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

Chairwoman Young called the meeting to order at 12:00 p.m. and led those present in the Pledge of Allegiance.

**2. ANNOUNCEMENTS**

SUPPLEMENTAL DOCUMENTS: Save-the-Date flyer and COG 2013 Board Handbook

**Chairwoman Young**

**Retreat – Save the Date.** Chairwoman Young felt that it's never too early for Board Members to mark their calendars for our annual retreat, which is being held on the weekend of August 2 through 4 at the Hyatt Regency Chesapeake in Cambridge, Maryland. She pledged to do her best to ensure that there is excellent attendance and an engaging program. Watch for a few more friendly reminders in the months ahead.

**2013 Board Member Handbook.** The second annual Board Member Handbook was distributed at the meeting. It includes key documents about the Council of Governments and its governance, such as the Board Roster, Organizational Chart, By-laws, Rules of Procedure, Work Program and Budget, and the 2013 Policy Platform. It is also available on the COG web site if you search for "Board Handbook."

### 3. EXECUTIVE DIRECTOR'S REPORT

SUPPLEMENTAL DOCUMENTS: Outreach/Committee Updates Report, COG Media Report, Letters Sent/Received

**Policy Board and Committee Updates Report.** The **Transportation Policy Board (TPB)** released for public comment three draft reports—the Constrained Long-Range Transportation Plan (CLRP), the FY 2013-2018 Transportation Improvement Program (TIP), and the Scope of Work for Air Quality Conformity Assessment. The 30-day public comment period will end at midnight on February 16. The **Chesapeake Bay & Water Resources Policy Committee (CBWR)** was briefed by the Aqualaw legal firm on ways to maintain flexibility in water quality permitting. The **Climate Energy & Environment Policy Committee (CEEPC)** hosted a panel discussion on electrical grid modernization, with speakers from Energy Future Coalition, the Perfect Power Institute, Pepco, and Washington Gas. Presentations focused on new technologies and grid management approaches that would improve the economic efficiency of the grid.

**Region Forward Coalition** met to discuss initial results of the Activity Centers Strategic Investment Plan and industry and occupational workforce challenges in the region. It also launched a redesigned [regionforward.org](http://regionforward.org) website to better promote COG and the Coalition's advancement of its vision plan.

**Heart of COG.** At the Heart of COG this month, we have Dennis Bailey, Public Safety Planner and seven-year employee of COG. Dennis is the man responsible for COG's Regional Incident Communications and Coordination System (RICCS). When an emergency occurs, RICCS enables regional decision-makers to quickly communicate on a wide range of issues. It has been a valuable tool since September 11, 2001, and Dennis's dedication and service are greatly appreciated.

**Outreach Highlights.** In January, Chuck Bean met with Board members from nine Maryland and Virginia jurisdictions, a good start on the total of 22, and attended a joint meeting of Frederick City and County officials. He also met with County Managers from four jurisdictions, the President and CEO of the Board of Trade, and the General Manager/CEO of the Washington Metropolitan Area Transit Authority. In addition, he visited the D.C. Homeland Security and Emergency Management Agency to see the District's Emergency Operations Center.

Staff worked with the D.C. Area Automobile Dealers Association on two events at the 2013 Auto Show. Chuck Bean joined in a press conference with U.S. Energy Secretary Steven Chu to speak about COG's electric vehicle report. COG also hosted a forum on making the business case for electric vehicles in the Washington area. Staff also participated in the 92nd Annual Meeting of the Transportation Research Board (TRB), attending meetings and workshops on a wide range of transportation issues.

**Media Highlights and Upcoming Events.** Regional leaders in February approved an updated set of Activity Centers to support land use planning, help guide investments in infrastructure and development, and analyze regional growth. These 139 Centers include existing urban centers, traditional towns, transit hubs, and areas expecting future growth. The update was a major initiative by the Region Forward Coalition and covered by ABC 7 and WTOP, among others. And kudos to our new Chairwoman, Karen Young, who was quoted in a Frederick News-Post article discussing the temporary reprieve from sequestration, the next phase of the fiscal cliff, and COG's Economy Forward plan.

**Letters Sent/Received.** Chuck Bean expressed his appreciation to Montgomery County Councilmember Roger Berliner, in his capacity as Chairman of the Climate, Energy and Environment Policy Committee, for the letters sent to various a senators and delegates in Maryland and Virginia on issues of interest to the committee.

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

There were no amendments to the Agenda.

#### **5. APPROVAL OF MINUTES**

The minutes of the February 13, 2013, Board Meeting were approved.

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

SUPPLEMENTAL DOCUMENTS: Resolutions R07-2013 and R08-2013

##### **A. RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT WITH VENDORS FOR COMPLETION OF CONFERENCE ROOM PHASE TWO RENOVATIONS**

The Board adopted Resolution R07-2013, authorizing the Executive Director, or his designee, to enter into a contract not to exceed \$90,000 to complete phase two renovations on the first floor of the COG building.

##### **B. RESOLUTIONS AUTHORIZING THE EXECUTIVE DIRECTOR TO DESIGNATE "AUTHORIZED SIGNERS" FOR THE PURPOSE OF AUTHORIZING CERTAIN TRANSACTIONS FOR THE COG PENSION PLAN AS REQUIRED BY SENTRUST BANK, TRUSTEE FOR THE PLAN**

The Board adopted Resolution R08-2013, authorizing the Executive Director to sign and designate authorized signers of COG for certain purposes, such as authorizing cash transactions, including ACH and wire transfer, providing investment management direction for investment management accounts, appointing investment managers for custodial accounts, signing and taking other actions on behalf of COG with respect to trusts and other agreements entered into by COG, which are approved by or made pursuant to the decisions of the COG Pension Plan Administrative Committee, and such other authority as may be granted in documents specified by SunTrust Bank ("SunTrust"), and its successors and assigns in accordance with the approve of the Pension Plan Administrative Committee.

**ACTION: Upon motion duly made and seconded, Resolutions R07-2013 and R08-2013 were unanimously approved and adopted by the COG Board of Directors.**

#### **7. APPROVAL OF 2013 COG BOARD WORK PLAN**

SUPPLEMENTAL DOCUMENTS: 2013 COG Board Work Plan

Chairwoman Young recognized that everyone here today has common challenges that cross city, county, and state lines, such as transportation, the environment, public safety, and our economy. We know that there is no organization better positioned to address these issues than the Council of Governments. As the Board of Directors of this organization, we want to make sure that the Council meets its full potential.



At the end of the year, she believed we would all look back on 2013 and say that the Council of Governments is an even stronger organization—one with a more engaged membership and with closer ties to our state and federal partners. In addition, we want to build on and advance the key projects that, we believe, will greatly enhance this region’s competitiveness.

Most of all, we want to ensure that all officials, staff, and stakeholders that participate at the Council of Governments are moving in the same direction—toward achieving our Region Forward vision. The work plan before us today focuses on four key elements to help us reach these goals, which are as follows:

*Region Forward 2.0*—our vision. The Board and staff will focus on propelling *Region Forward* to its next phase by aligning everything we do—our communications, programs, and governance through the Region Forward framework.

*Economy Forward Implementation*—a five-point plan to strengthen the region’s economy amid major changes in federal spending. It brings together a range of interrelated areas including transportation, activity centers, and workforce development.

*Member Engagement*—Membership is the lifeblood of any association and particularly for the Council of Governments. Building a strong sense of community and harnessing the collective intelligence of our members is critical to our future success.

*Stronger State and Federal Alliance*—Strengthening COG’s relationship with state and federal legislators continues to be a priority for the COG Board. We cannot achieve our Region Forward vision without an equal commitment from, and strong alliance with, state and federal governments.

The Chair then called on Chuck Bean for his input. He reviewed the importance of each of the key elements of the Work Plan and discussed his ideas and plans for each element in the coming year. The Chair then opened the meeting up to discussion among Board members. Following the discussion, the Chair and Vice Chairs then recommended that the Board approve and adopt the 2013 Board of Directors Work Plan, as presented.

**RECOMMENDED ACTION: Upon motion duly made and seconded, the Board of Directors approved and adopted the 2013 Board of Directors Work Plan.**

## **8. APPROVAL OF THE DRAFT ROUND 8.2 COOPERATIVE FORECASTS**

SUPPLEMENTAL DOCUMENTS: Round 8.2 Cooperative Forecasts and the various Forecast tables

Paul DesJardin, Director of Community Planning and Services, introduced guest speaker Rosalynn Hughey, Deputy Director, District of Columbia Office of Planning, and Chairman of the Planning Directors Technical Advisory Committee.

Since launching the Cooperative Forecasting Program in 1975, the Council of Governments has provided regularly updated population, household, and employment projections for use in regional and local planning activities. The forecasts have been a valuable resource for our member governments as well as regional and federal agencies. The Planning Directors Technical Advisory Committee approved this

update to the forecasts at their January 18, 2013 meeting. The update reflects the 2010 Census and local economic trends. Ms. Hughey discussed the program, stating that forecasts were based on information obtained from our staffs, and in addition, we used the information from documents like *Region Forward* to shape our goals.

Mr. Fellows inquired as to whether or not the Forecasts represent an alternative scenario of growth for the region. Mr. DesJardin stated that the Cooperative Forecasts come directly from local government comprehensive plans and zoning and are our best estimates of our most likely future, given current local land use and planning policies. Mr. DesJardin also stated that the Planning Directors had worked closely with the Transportation Planning staff on several occasions to develop alternative growth forecasts.

Mr. DesJardin added that the Planning Directors Technical Advisory Committee recommended that the draft Round 8 Cooperative Forecasts for use in this year's Air Quality Conformity Analysis of the FY 2013-2018 Transportation Improvement Program (TIP) and the 2013 financially Constrained Long Range Plan (CLRP) be approved by the COG Board.

**RECOMMENDED ACTION: The Board of Directors approved and adopted Resolution R09-2013, including the Forecast tables attached to the resolution.**

#### **9. FY 2013 SECOND QUARTER FISCAL REPORT**

SUPPLEMENTAL DOCUMENTS: FY-2013 Second Quarter Financial Report and Supporting Schedules

The Chair called on Candice Kelly (Commissioner President of Charles County), acting in her capacity as COG's Corporate Secretary-Treasurer, to review the Fiscal Year 2013 Second Quarter Financial Report (October through December 2012). Paul Beriault, Chief Financial Officer, was present to answer questions regarding the report and the attached supporting Schedules.

Secretary-Treasurer Kelly presented the second quarter report, stating that all areas of the report show significant budgetary and fiscal developments that further strengthen COG's financial position and allow for the completion of this year's approved work program as well as meeting strategic goals.

Following the presentation, Frank Principi (Supervisor, Prince William County) asked a question about the cash on hand shown on Schedule 1 – Statement of Net Assets. Mr. Beriault responded that daily cash on hand was up by \$2.5 million to \$6.4 million, as shown on the Statement of Net Assets as of December 31, 2012.

There was additional discussion about the information provided on Schedule 4 – Accounts Receivable Aging. Frank Principi thought it would be helpful to know the ratio for Accounts Receivable turnover and the Number of Days in Accounts Receivable. Mr. Beriault will add this information to future quarterly financial statements on Schedule 4.

**RECOMMENDED ACTION: The presentation was received with the thanks of the Board of Directors.**

## **10. NOTICE TO AMEND BY-LAWS AND RULES OF PROCEDURE**

SUPPLEMENTAL DOCUMENTS: Memorandum to Board of Directors and Bylaws and Rules of Procedure (marked up)

As local and state officials on the Board, Directors have overall policy, program, and fiduciary responsibility for the Council of Governments and its independent policy boards' work program and budget. Therefore, it is important for the By-laws and Rules of Procedure to be periodically updated and for new and returning members to be familiar with these documents. General Counsel, Sharon Pandak, highlighted the proposed amendments to update the Board's By-laws and Rules of Procedure to conform to the requirements of the D.C. Nonprofit Corporations Act of 2010 and current practices.

Following her presentation, Ms. Pandak noted that Directors were given a copy of the proposed changes to the By-laws to read before the Board votes on the amendments. The Board scheduled the vote on the By-laws amendments for our March 13 Board Meeting.

**ACTION: Received presentation with the thanks of the Board of Directors.**

## **11. RESPONSE TO BOARD REQUEST FOR PRIOR RESOLUTIONS ON GUN VIOLENCE**

SUPPLEMENTAL DOCUMENTS: Memorandum from General Counsel Pandak, Resolutions Adopted 6/13/68, 9/9/81 (R22-81), and 2/13/91 (R5-91), and 2007 National Capital Region Gun Law Comparison

At the request of David Snyder (Council Member, City of Falls Church), the Board directed that COG staff provide historical information on prior COG Board positions on gun violence/control. There were three positions taken by the Board regarding various aspects of gun control in 1968, 1981, and 1991. In 2007, the Board directed that a chart comparing the gun laws in the District, Maryland and Virginia be prepared. Copies of these documents were provided to Directors. Mr. Snyder thanked the staff for the archival work and again encouraged the adoption of policy position by the Board of Directors, and specifically recommended support for the position taken by the International Association of Chiefs of Police.

There was a robust discussion among Board members and general agreement that COG should weigh in on the issue of gun violence; however, the best process by which to do so was not clear. Given the many factors influencing gun violence, it was suggested that various groups, including the police chiefs, school superintendents, and mental health professionals, should be engaged. It was further suggested that the Human Services and Public Safety Policy Committee and/or the Police Chiefs Committee would be the best venue for vetting and consensus building and then a recommendation could be made for Board approval at a future date.

Vice Chairman Phil Mendelson recommended that the Board review the IACP position and vote on a proposed resolution in support of that position at its March meeting.

In response to the Board's discussion and directives, Ms. Pandak proposed that two resolutions be prepared relating to gun violence issues for the Board's consideration in March: 1) a resolution endorsing the position of the International Association of Chiefs of Police (IACP) on gun violence, and 2) a resolution setting forth a process for certain COG committees to examine the issues and make recommendations to the Board before the Board considers a specific resolution on gun violence. She agreed to gather the available position statements named at this meeting for the Board's information.

**RECOMMENDED ACTION: None at this time.**

## **12. LEGISLATIVE UPDATE**

The Chair invited Board members with active engagement and/or leadership roles in state and/or national associations to provide status reports on legislative activity related to COG's 2013 Legislative Priorities.

## **13. OTHER BUSINESS**

With the COG Board's approval, Chuck Bean said staff will move forward with sending the sequestration letter prepared jointly by the Board of Trade and COG to members of the region's Congressional delegation.

In the letter, the Greater Washington Board of Trade and the Metropolitan Washington Council of Governments write to urge Congress and our elected representatives to take immediate, thoughtful action to stop the impending sequestration on March 1. The automatic across-the-board cuts, as opposed to thoughtful deficit reduction, would have a debilitating effect on an already fragile economy.

There was no further business to come before the meeting.

## **14. ADJOURNMENT**

Upon motion duly made and seconded, the meeting was adjourned at 1:55 p.m. The next meeting will be held on March 13, 2013.

**THE NEXT BOARD MEETING WILL BE HELD ON WEDNESDAY, MARCH 13, 2013.**



Reasonable accommodations are provided for persons with disabilities. Please allow 7 business days to process requests. Phone: 202.962.3300 or 202-962.3213 (TDD). Email: [accommodations@mwkog.org](mailto:accommodations@mwkog.org). For details: [www.mwkog.org](http://www.mwkog.org)

**BOARD OF DIRECTORS MEETING ATTENDANCE – February 13, 2013**

<u>Jurisdiction</u>	<u>Member</u>	<u>Y/N</u>	<u>Alternate</u>	<u>Y/N</u>
<i>District of Columbia</i>				
<b>Executive</b>	Hon. Vincent Gray	N	Christopher Murphy	N
	Mr. Allen Lew	Y	Warren Graves	Y
<b>Council</b>	Hon. Phil Mendelson <b>(Vice Chair)</b>			
	Hon. Kenyan R. McDuffie	Y		
<i>Maryland</i>				
Bowie	Hon. G. Frederick Robinson	N	Hon. Dennis Brady	Y
Charles County	Hon. Reuben Collins	N		
City of Frederick	Hon. Karen Young <b>(Chair)</b>	Y	Hon. Randy McClement	
Frederick County	Hon. David Gray	Y	Hon. Blaine Young	
College Park	Hon. Andrew Fellows	Y	Hon. Robert Catlin	
Gaithersburg	Hon. Sidney Katz	N	Hon. Cathy Drzyzgula	Y
Greenbelt	Hon. Judith “J” Davis	Y	Hon. Emmett Jordan	
Montgomery County				
<b>Executive Council</b>	Hon. Isiah Leggett	N	Mr. Tim Firestine	N
	Hon. Roger Berliner	Y		
	Hon. Valerie Ervin	Y		
Prince George’s County				
<b>Executive Council</b>	Hon. Rushern Baker	N	Mr. Bradford Seamon	N
	Hon. Karen Toles	Y		
	Hon. Andrea Harrison	Y		
Rockville	Hon. Phyllis Marcuccio	N		
Takoma Park	Hon. Bruce Williams	Y	Hon. Terry Seamens	
Maryland General Assembly	Hon. Galen Clagett	N		
<i>Virginia</i>				
Alexandria	Hon. William Euille <b>Vice Chair)</b>	Y	Hon. Redella Pepper	
Arlington County	Hon. Walter Tejada	Y	Hon. Jay Fiset	
City of Fairfax	Hon. Dan Drummond	N	Hon. Jeffrey Greenfield	
Fairfax County	Hon. Sharon Bulova	Y	Hon. Catherine Hudgins	
	Hon. Penelope A. Gross	Y	Hon. Patrick Herrity	
	Hon. John Foust	Y	Hon. Michael Frey	
Falls Church	Hon. Nader Baroukh	N	Hon. David Snyder	Y
Loudoun County	Hon. Matt Letourneau	N		
Loudoun County	Hon. Scott York	N		
Manassas	Hon. Jonathan Way	Y		
Manassas Park	Hon. Suhas Naddoni	N	Hon. Frank Jones	N
Prince William County	Hon. Frank Principi	Y		
	Hon. Pete Candland	N		
Virginia General Assembly	Hon. James M. Scott	N		

*This page left intentionally blank.*



## **AGENDA ITEM #6**

### **ADOPTION OF CONSENT AGENDA ITEMS**

**(NOTE: NO ATTACHMENTS)**

*This page left intentionally blank.*





## **AGENDA ITEM #7**

### **APPROVAL OF DRAFT VERIZON 9-1-1 FINAL REPORT**

*Final Draft*

**FINAL REPORT of 9-1-1 SERVICE  
GAPS DURING and FOLLOWING  
the DERECHO STORM on JUNE 29,  
2012**

---

Metropolitan Washington Council of Governments  
9-1-1 Telecommunications Network Steering Group

March 13, 2013



# Final Report of 9-1-1 Service Gaps During and Following the Derecho Storm on June 29, 2012

## Contents

EXECUTIVE SUMMARY .....	4
INTRODUCTION .....	9
BACKGROUND .....	11
ANALYSIS .....	12
Cause of Verizon’s 9-1-1 Failure .....	12
Existing Redundancy and Backup Capabilities .....	13
Vulnerability of Newer Technologies that Require Battery or Back-Up Power, Including Home and Business Service .....	14
Opportunities for COG Localities to Influence and Strengthen Regulatory Oversight and Remedies at the State and Federal Levels .....	16
Verizon’s Communication and Messaging to the Public and Local Emergency Response Officials Concerning 9-1-1 Services .....	16
RECOMMENDATIONS .....	17
Next Steps .....	19
Conclusion .....	19
GLOSSARY .....	20
APPENDICIES .....	21
• COG 9-1-1 Telecommunications Network Steering Group Roster .....	21
• 9-1-1 Outage Map .....	25
• 9-1-1 Centers Impacted by the Outage .....	26
• Jurisdictions Involved in Development of Report .....	28
• R36-2012 COG Resolution to Encourage Steps to Address Verizon 9-1-1 Service Gaps During and Following the Derecho Storm on June 29, 2012 .....	29
• R35-2012 COG Resolution Directing After-Action Report on the Derecho Storm .....	31
• Enhance 911 Act of 2004 (Pub. Law 108-494) .....	32
• 9-1-1 Network Diagram .....	46
• COG July 21, 2011 Letter to Verizon .....	48
• Verizon Response to COG July 21, 2011 Letter .....	50

- 9-1-1 Service Component Overview ..... 55
- Vulnerability of New Technologies..... 57
- Impact on Virginia’s 9-1-1 Infrastructure ..... 58
- Verizon, 9-1-1 Service and the June 29, 2012, Derecho (August 13, 2012) ..... 62
- Virginia SCC Staff Report of Final Findings and Recommendations (January 17, 2013) ..... 73
- SCC Order Case No. PUC-2012-0042 (February 22, 2013)..... 125
- FCC PS Docket No. 11-60 ..... 143
- FCC report on Impact of the June 2012 Derecho on Communications Networks and Services Report and Recommendations (January 2013) ..... 151
- Maryland Public Service Commission Case 9298 ..... 207
- Maryland Public Service Commission Order 85385 Interim Report on the June 29, 2012 Derecho Storm Impact on 9-1-1 in Maryland (February 27, 2013) ..... 214
- Maryland Emergency Number Systems Board Inquiry ..... 248
- Verizon, 9-1-1 Service and the June 29, 2012, Derecho – “Moving Forward – Corrective Actions Update” ..... 253
- Verizon press release on October 26, 2012 “Verizon Networks Ready to Serve Consumers, Businesses as Hurricane Sandy Threatens East Coast” and “Tips To Help Prepare for Hurricanes, Snowstorms and Other Severe Weather” ..... 264

## EXECUTIVE SUMMARY

The 9-1-1 Emergency Call System is the vital link to public safety assistance across the country, providing the public access to police, fire and emergency medical services when in need. Residents and visitors in cities, towns and rural communities are confident that accessing 9-1-1 will result in saving lives and property. It is the public's expectation that the responsibility of public safety and local and state government officials is to ensure the fees and charges assessed for 9-1-1 service are used to provide continuous and reliable public safety service. The National Capital Region (NCR), as the nation's capital and a major urban center, must have a reliable 9-1-1 system.

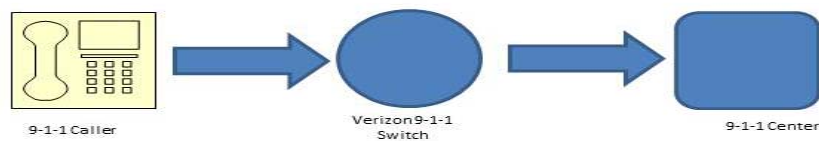


Figure 1: Basic 9-1-1- Call Flow

Late on the evening of Friday, June 29, 2012, a severe storm (Derecho) hit the Mid-Atlantic region with unusually intense straight-line winds. The storm caused widespread commercial electric power and communications outages in Washington D.C., Virginia, Maryland and additional states. At approximately 7:30 AM on Saturday, June 30, 2012, the 9-1-1 centers in Fairfax County, Prince William County, Cities of Manassas and Manassas Park experienced a complete failure of Verizon's 9-1-1 and telephone service. Three additional 9-1-1 centers; Arlington County, City of Alexandria and Loudoun County experienced a partial failure of these services. Verizon's restoration of 9-1-1 service began at approximately noon on Saturday, but some of the issues continued for over five days until July 4<sup>th</sup>, 2012.

### Metropolitan Washington Councils of Governments Response

While the states and federal government regulate telecommunication utilities, 9-1-1 connects people in need with local governments. Thus, the failure of this system as a result of the Derecho became an issue of great concern to the Metropolitan Washington Council of Governments (COG), an association of 22 local governments that represent over 5 million residents. In addition, there have been previous issues with 9-1-1 service, that have been brought to Verizon's attention by COG, as indicated in a letter to Verizon from COG dated July 21, 2011.

On July 11, 2012, at its regular meeting, the COG Board of Directors unanimously adopted R36-2012 Resolution to Encourage Steps to Address Verizon 9-1-1 Service Gaps During and Following the Derecho on June 29, 2012 which included the five items below:

- Cause of Verizon's 9-1-1 failure;
- Existing redundancy and backup capabilities;
- Vulnerability of newer technologies that required battery or back-up power, including home and business service;

- Opportunities for COG localities to influence and strengthen regulatory oversight and remedies at the state and federal levels;
- Verizon’s communication and messaging to the public and local emergency response officials concerning 9-1-1 services.

COG formed a Steering Group of 9-1-1 Center Directors and other interested parties to address the five items in the resolution.

There were five formal proceedings that were initiated and COG and other authorities within the region provided input and comments related to the Derecho and its impact on 9-1-1 services.

1. FCC PS Docket No. 11-60
2. Virginia SCC Case No. PUC-2012-00042 FCC PS Docket No. 11-60
3. Virginia Secure Commonwealth Panel – 9-1-1 Sub Panel
4. Maryland Public Service Commission Case No. 9298
5. Maryland Emergency Number Systems Board (ENSB) Inquiry

## **Findings**

The COG 9-1-1 Steering Group found that the loss of commercial power and the subsequent failure of one of the two backup generators in each of Verizon’s Arlington and Fairfax Central Offices (CO) were the predominant causes of the 9-1-1 service outages. The Steering Group also noted that although both Verizon and the 9-1-1 centers maintain backup power systems, the failure of Verizon’s backup generators resulted in significant impacts on the entire emergency call service system. In addition, the Steering Group found that many of the 9-1-1 centers’ backup services, such as workstations, databases and computer servers, were provided through the Verizon Arlington and Fairfax locations and therefore also were also unable to receive emergency calls after the Derecho event. For access to 9-1-1 service for many businesses and individual cell phones, the Steering Group emphasized the importance of commercial and limited battery power along with the maintenance of cell phone sites. The Steering Group found that regional authorities should use the state and federal proceedings on the Derecho event to encourage the adoption of new rules that would require Verizon and other service providers to adhere to high operational standards. Finally, the Steering Group determined that Verizon should have implemented a much more robust public messaging effort following the storm in order to support and complement local governments’ efforts to inform the public.

## **Recommendations**

On July 19, 2012 the Northern Virginia 9-1-1 Directors (City of Alexandria, Arlington County, Fairfax County, Prince William County and Stafford County), and subsequently all of the 9-1-1 Directors in the COG Region, concurred on five recommendations which were accepted by Verizon and are in various stages of completion.

1. Adoption of the National Incident Management System (NIMS) Model ([www.fema.gov/national-incident-management-system](http://www.fema.gov/national-incident-management-system) )
2. 9-1-1 Interruption Notification
3. Semi-annual 9-1-1 Outage Drill
4. Monthly update of contact list
5. Verizon Representative present in Emergency Operations Center (EOC), during an activation

In addition to the recommendations of COG 9-1-1 Directors, SCC and FCC staffs, there are several other recommendations from COG 9-1-1 Telecommunications Network Steering Group and 9-1-1 Directors that should be considered and are outlined below.

1. Federal and State Regulatory Authorities should strongly encourage Verizon and other 9-1-1 service providers to perform a comprehensive independent audit of **the entire** infrastructure, processes and procedures that support 9-1-1 service and related systems, to ensure the reliability and continuity of 9-1-1 service under any circumstance. Based on the results of these audits, comprehensive plans and strategies should be developed to immediately resolve any findings. The results of these audits and resolution plans should be made available to the 9-1-1 stakeholders.
2. It is highly recommended that Verizon and other 9-1-1 service provider should be proactively engaged with the local 9-1-1 center agencies to provide subject matter expertise and make recommendations to the 9-1-1 centers and their stakeholders to ensure reliability and continuity of 9-1-1 service. This should include, but not be limited to, network redundancy, 9-1-1 center equipment and systems, and best practices, and procedures. In addition, Verizon and other 9-1-1 services providers should encourage and participate in regional discussions between 9-1-1 agencies in relationship to network configurations and routing, to ensure network reliability, resiliency, for network back-up and redundancy. Communications providers need to recognize that their services, which are paid for by the public through 9-1-1 fees, are a critical capability in carrying out this responsibility.
3. It is critical that Verizon continue to review and update their communications and public notification plans with each 9-1-1 center's communicators and/or Public Information Officers (PIO) regarding the dissemination of emergency messages (using both traditional and social media) to the public during 9-1-1 outages. This process should also explore alternative methods to communicate with the public in case of widespread power and telephone outages. Verizon should coordinate with National Capital Region communicators/PIOs during any future outages, to inform the public, and amplify the 9-1-1 center-specific public messages and information.
4. Verizon should keep governmental authorities and the public informed of any service issues, the extent of the outage, and time for resolution, and coordinate appropriate alternatives for service continuity
5. Federal and State Regulatory Authorities should continue to evaluate the steps and actions of Verizon, related to this event, and through audits, to ensure Verizon has adequately resolved all issues and continues to improve their processes and infrastructure to ensure reliability and continuity of 9-1-1 service and that they implement the best practices that have been established within the industry.

6. COG members and localities should continue to work with their State and Federal regulatory authorities and Legislators to ensure, through proper oversight, best practices and procedures by establishing service level agreements to ensure reliability and continuity of 9-1-1 service.

By all indications during this event, the systems and processes in place by the public safety agencies in the COG region operated as designed, and the 9-1-1 centers remained operational and were fully prepared to provide service to the public. However, there are some items which need to be considered by local and state government officials to ensure future reliability and continuity of 9-1-1 services, which are as follows.

1. State and local 9-1-1 authorities should be encouraged to perform a full assessment of their current 9-1-1 systems and operations to ensure reliability and continuity of 9-1-1 service.
2. It is recommended that State and Federal regulatory authorities review current laws and regulations related to 9-1-1 service, to ensure they place emphasis on and favor public safety versus the 9-1-1 service providers or telecommunications providers. The interest of the public and public safety should come first over the interest of commercial providers.
3. State and local 9-1-1 authorities should work with their Legislators to ensure the funding required to support the current 9-1-1 services and future Next Generation 9-1-1 are adequate and available, and that the fees and funds collected from the citizens of their States for 9-1-1 services are dedicated and used solely for the purpose as intended for the implementation, operation and maintenance of 9-1-1 emergency telephone services and other supporting technologies as required by the Enhance911 Act of 2004([Pub. Law 108-494](#)). In addition, the fees collected should be equitably distributed to the 9-1-1 authorities.

### **Next Steps**

1. COG should formalize a committee of 9-1-1 Directors that can address specific issues related to 9-1-1 emergency telecommunications service for the NCR.
2. COG, with the assistance of the 9-1-1 authorities, should take the lead to work cooperatively in the development of a multi-year 9-1-1 strategic plan to include development and implementation of Next Generation 9-1-1.
3. 9-1-1 preparedness activities should be incorporated into regional emergency planning, training and exercises in coordination with local Emergency Managers and the COG Emergency Manager's Committee, who can provide the link to the Exercise and Training Operations Panel (ETOP).
4. COG's Information Technology Committee, through its role in regional homeland security planning should include 9-1-1 telephony services in the set of interoperable communications goals in the National Capital Region Strategic Plan and/or the Critical Infrastructure Protection (CIP)



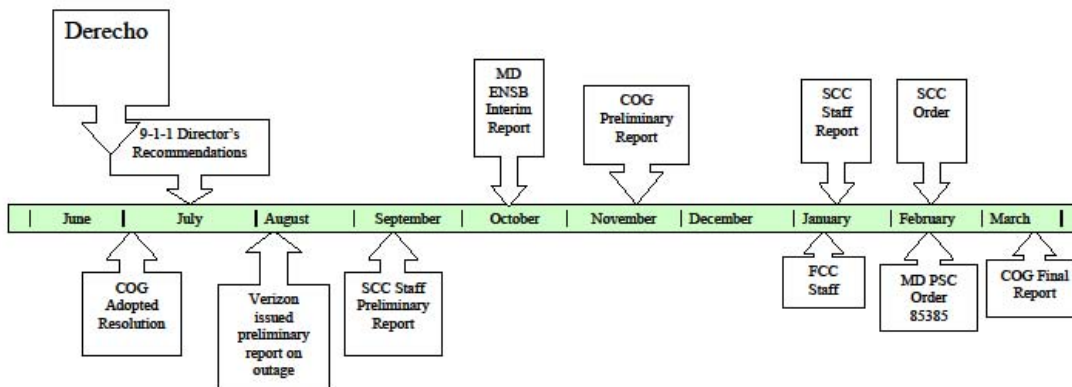
## **Conclusion**

The Derecho's impact on 9-1-1 services and the ensuing public and industry reaction has been one of the most significant events in the history of enhanced 9-1-1 services in the United States. It is conclusive that there were many areas in which Verizon could have performed better relative to their efforts to prevent the widespread outages and their initial response to the issues the Derecho storm created, overall operational resiliency, testing plans, and communications protocols with local 9-1-1 agencies. Questions still remain about the current reliability, age, and condition of the Verizon infrastructure which local governments rely on to provide life-saving 9-1-1 public services.

In the aftermath of the storm, Verizon has taken steps to address the issues of June 29, 2012. However, Verizon has a responsibility to follow-up on the additional recommendations of this and other recommendations made in the FCC hearings. Verizon must continue to evaluate their ongoing operations, processes, and best practices to mitigate the impacts of this type of event should it happen again. There is much Verizon must do to regain the confidence of the public safety community and citizens that their portion of the vital 9-1-1 communications service is highly reliable and sufficiently redundant to withstand all events and remain operational.

There were no identifiable issues for the local 9-1-1 centers during this event and all of their systems operated as designed. However, the public safety community must also be more aggressive in determining where less than optimal gaps exist, what improvements can be made and make plans for continuous improvements to meet service level expectations and solutions to new operational and technology challenges. State and federal government officials need to provide resources to the public safety community, and proper oversight, to allow the technology and human resources that are necessary to support the operations of the current 9-1-1 services as well as Next Generation 9-1-1 services.

## Derecho Timeline 2012



### INTRODUCTION

The 9-1-1 Emergency Call System is the vital link to public safety assistance across the country, providing access to police, fire and emergency medical services. Residents and visitors in every city, town and rural community are confident that accessing 9-1-1 will result in saving lives and property. It is the public’s expectation that 9-1-1 is an ever-present capability, and the responsibility of public safety and local and state government officials is to ensure that the fees and charges assessed for 9-1-1 service are used to provide continuous and reliable public safety service. The National Capital Region (NCR), as the nation’s capital and a major urban center, consisting of twenty-two local governmental entities with over 5 million residents, with a major regional transportation hub must have a reliable 9-1-1 system.

The Metropolitan Washington Council of Governments (COG) is the regional organization that has played a major role in public safety and emergency preparedness for more than 50 years. COG has addressed or assisted in the coordination of action following airline and rail crashes in 1982, the 2001 terrorist attacks of September 11, the Beltway sniper incident in 2002, Hurricane Isabel in 2003, “Snowmageddon” in 2010 and the East Coast earthquake in 2011. Because of the regional planning process initiated after the September 11 terrorist attacks, the region now has access to a Regional

Incident Communication and Coordination System (RICCS), which allows local leaders and emergency officials to coordinate on messages and actions before, during and after a regional emergency.

On June 29, 2012 however, an unusual storm - known as a Derecho, characterized by very strong, straight-line winds – caused widespread power outages and infrastructure damage that led to the failure of the 9-1-1 call system in much of Northern Virginia and adjoining areas. Elected officials across the region were concerned about the loss of 9-1-1 service and the impact of the failure across such a large area. The incident also revealed important areas for improvement in procedures utilized by Verizon related to backup power and 9-1-1 center and public notifications.

At its July 11, 2012 meeting, COG Board of Directors adopted two resolutions.

1. R35-2012 (Appendix 3) was a Resolution Directing After-Action Report on the Derecho Storm on June 29, 2012.
2. R36-2012 (Appendix 2) was a Resolution to Encourage Steps to Address Verizon 9-1-1 Service Gaps During and Following the Derecho on June 29, 2012. This resolution directed relevant committees to assess and identify actions required to address issues including: the cause of the 9-1-1 failures, the state of existing redundancy and backup capabilities, and opportunities for COG localities to influence the strengthening of regulatory oversight at state and federal levels. The Board also directed its committees to find ways to ensure improved messaging from Verizon officials to the public and local emergency response officials concerning the 9-1-1 emergency network service. In response to this resolution, COG formed a Steering Group of 9-1-1 Center Directors and other interested parties to address the five items in the resolution. COG also hired a consultant to assist in the preparation of this after-action report.

COG's 9-1-1 Telecommunications Network Steering Group met with Verizon officials for the first time on July 24, 2012 in Fairfax County's Emergency Operations Center. On this date, the Steering Group received an initial report from Verizon and voiced their immediate concerns. Because the Federal Communications Commission (FCC) had already begun an inquiry into several 9-1-1 failures around the country, an FCC representative was invited and attended the meeting. Officials from the Virginia State Corporation Commission, Maryland State Public Service Commission and Washington, DC, also participated. Officials responsible for each of the local 9-1-1 centers - called Public Safety Answering Points (PSAPs), attended this meeting and had an opportunity to articulate their concerns about the event and Verizon's practices.

On July 26, 2012, Verizon officials identified the failure of backup generators in their facilities in Arlington and Fairfax Counties as the key to losing both the 9-1-1 service itself, as well as the ability to view the status of the service (Telemetry) in many locations around the region. Subsequent to the July meeting, Verizon officials met with the local 9-1-1 center officials as a group on several occasions and with each one of the local 9-1-1 representatives individually. In addition, Verizon met with the FCC on several occasions, briefed various COG Committees, and had several meetings and conversations with COG's consultant.

The following are some of the actions by various agencies in response to this event.

- Verizon completed an initial review and analysis of the 9-1-1 outages and released a preliminary report on August 13, 2012.
- COG issued Preliminary Report of 9-1-1 Service Gaps During and Following the Derecho Storm on June 29, 2012 on November 14, 2012 (<http://www.mwcog.org/uploads/news-documents/AlhZ20121203121759.pdf>)
- The Virginia State Corporation Commission (SCC) released its Staff Report of Final Findings and Recommendations on January 17, 2013 ([http://www.scc.virginia.gov/newsrel/c\\_911out\\_13.pdf](http://www.scc.virginia.gov/newsrel/c_911out_13.pdf))
- The Maryland Public Service Commission established Case No. 9298 and issued Order 85385 ([http://webapp.psc.state.md.us/Intranet/Casenum/CaseAction\\_new.cfm?CaseNumber=9298](http://webapp.psc.state.md.us/Intranet/Casenum/CaseAction_new.cfm?CaseNumber=9298))
- The Maryland Emergency Number Systems Board (ENSB) issued an interim report on October 23, 2012
- The Federal Communications Commission released its report Impact of the June 2012 Derecho on Communications Networks and Services Report and Recommendations on January 10, 2013 (<http://www.fcc.gov/document/derecho-report-and-recommendations>)
- Virginia Secure Commonwealth Panel – 9-1-1 Sub-Panel is preparing a report on the State of 9-1-1 Services in the Commonwealth to be released in the first half of 2013.

It should be noted that there are other reports, studies and inquiries that were conducted by various groups, outside of the impact on 9-1-1 by the storm, related to such items as power and electrical infrastructure and emergency operations and management.

The following information reflects the final report required by COG resolution R36-2012.

## **BACKGROUND**

Late in the evening of Friday June 29, 2012, a severe Derecho storm traveled across the country and hit the Mid-Atlantic region with unusually intense straight-line winds. In its aftermath, the storm left widespread commercial power and communications outages in the Washington D.C., Virginia, Maryland and West Virginia area. Various news agencies reported that in excess of 1 million citizens were without power.

At approximately 10:30 PM on June 29, 2012 several area 9-1-1 centers lost commercial power. As designed, the affected 9-1-1 centers immediately switched to their various power back-up systems, and believed that this would enable them to continue handling emergency calls.

In the early morning hours of June 30, 2012 service interruptions continued to occur and many 9-1-1 centers in the region began experiencing sporadic issues related to 9-1-1 service, including calls without Automatic Location Information (ALI) and a significant decrease in the number of calls. At approximately 7:30 AM on June 30, the 9-1-1 centers in Fairfax County, Prince William County, Manassas and Manassas Park experienced a complete failure of the delivery of 9-1-1 and 10-digit emergency number calls. As of

the date of this report, Verizon has identified a total of 26 9-1-1 centers in Virginia and Maryland (Appendix 4) that experienced 9-1-1 service issues related to this incident. Some of these issues persisted for almost five days, up until the 4<sup>th</sup> of July, 2012.

It should be noted, although not of this magnitude, there have been other service-affecting events that have impacted 9-1-1 service in the past, which have been brought to Verizon's attention. One incident, as recently as October 22, 2012, occurred, when several of the PSAPs in the Northern Virginia area lost 10 digit emergency services lines. Also, see COG June 21, 2011 letter to Verizon and Verizon's response in the Appendices.

## **ANALYSIS**

In COG Resolution R36-2012, there were five areas the Board of Directors instructed the 9-1-1 Telecommunications Response Steering Group to consider.

- A. Cause of Verizon's 9-1-1 failure;
- B. Existing redundancy and backup capabilities;
- C. Vulnerability of newer technologies that required battery or back-up power, including home and business service;
- D. Opportunities for COG localities to influence and strengthen regulatory oversight and remedies at the state and federal levels
- E. Verizon's communication and messaging to the public and local emergency response officials concerning 9-1-1 services

### **Cause of Verizon's 9-1-1 Failure**

On Friday June 29, 2012, at approximately 10:30 PM the Derecho hit the Mid-Atlantic region causing widespread commercial power and communications outages including in the Washington D.C., Virginia and Maryland area. Various news agencies reported that in excess of 1 million citizens were without power. Verizon reported there were more downed poles and the storm generated more commercial trouble tickets than Hurricane Irene, which impacted the east coast in August of 2011. They also indicated that power failures affected more than 100 Verizon locations, and that more than 1,900 network transport systems were damaged and/or failed. The report indicates that in most of these locations the power back-up systems worked as designed, but nine generators out of 136 failed to operate properly, including facilities in Arlington, Virginia where Verizon's network telemetry for the region is located, and Fairfax, Virginia which is the location of one of the regions 9-1-1 tandem switches. At each of these locations one of two back-up generators failed to start.

The loss of commercial power and the failure of the two backup generators may have been the predominant causes of the 9-1-1 service outage, but there were additional contributing factors that led to the failure and are outlined below.

1. The Derecho impact on the electrical infrastructure caused the loss of commercial power to the Verizon facilities located in Arlington and Fairfax, Virginia and elsewhere.
2. Two back-up generators that supported 9-1-1 systems and Verizon telemetry did not start. Verizon failed to either identify or resolve previous maintenance issues with these generators, such as air in the fuel lines or faulty automatic fail-over switches.
3. Verizon technicians dispatched to at least one of the locations (Fairfax) where the generators failed to start did not identify that the generator supporting the 9-1-1 infrastructure was not operating.
4. Both the Arlington and Fairfax facilities were supported by back-up battery supplies, but these batteries drained.
5. Verizon failed to successfully implement any mitigating action to restore these two generators prior to the battery back-ups expiration.
6. Once the battery supplies were exhausted both the telemetry and 9-1-1 systems at the Arlington and Fairfax facilities failed.
7. In addition, damage and failure of other 9-1-1 supporting systems within the Verizon network and infrastructure, such as ALI links, STPs and end offices, severely contributed to the 9-1-1 outage, although these were largely cascading effects of the loss of primary and backup power in Arlington and Fairfax.

### **Existing Redundancy and Backup Capabilities**

There are three areas related to the 9-1-1 infrastructure that should be considered in the evaluation of existing redundancy and backup capabilities which are summarized below.

#### **1. Power:**

Verizon and other telecommunications providers and many of the 9-1-1 centers have designed and implemented backup power systems in most of their critical facilities that include generators and backup battery supplies in case of commercial power failure. In some cases they have worked with the local power companies to implement dual power sources from separate power feeds.

In the case of the Derecho on June 29, 2012, the 9-1-1 centers and telecommunications providers' backup power systems generally operated as designed and continued to provide required power until commercial power was restored. However, the generator issues experienced by Verizon had significant impacts on the availability and operation of 9-1-1 service.

#### **2. Network:**

In the report released on August 13, 2012, Verizon states, "Verizon designs its network to provide 9-1-1 services even during disasters...our 9-1-1 network designs include multiple levels of diversity and redundancy, as well as back-up power in critical facilities, to optimize resiliency during a crisis."

Additionally, the report indicates that 9-1-1 center-specific routing issues compounded the generator-starting problems. Verizon's 9-1-1 design provides multiple diversities or redundancies "inside the network." There are multiple tandem offices providing routing so that, if one fails, the calls to the failed

office are routed through the other(s). Verizon's ALI databases and links to each ALI database are redundant, as are Verizon's signaling systems, which route calls to their destinations. Verizon's analysis of the network impacts following the Derecho identified areas for improvement, especially with ALI diversity, with specific 9-1-1 center configurations.

Verizon has met with each individual local 9-1-1 center Director and continues to work directly with the specific 9-1-1 center to decide on improvements to address the issue of network configurations and call routing, but Verizon should also engage the 9-1-1 Directors on a regional basis, to evaluate these components, which could have an impact on various PSAPs that share common infrastructure or coordinate operations between agencies.

### 3. Local 9-1-1 Centers (PSAPs)

Most of the critical systems and facilities, including servers, workstations, and databases, within the 9-1-1 centers have redundant components that are designed to provide continuous service and mitigate any downtime. In addition, many of the 9-1-1 centers have backup locations where calls can be routed in the case of major outages or the loss of the primary 9-1-1 center. In the case of the Derecho event, many of the backup PSAPs 9-1-1 services were provided through the Verizon Arlington and Fairfax locations, and thus were also unable to receive emergency calls.

## **Vulnerability of Newer Technologies that Require Battery or Back-Up Power, Including Home and Business Service**

Power for traditional and legacy telephone service for most residence and small businesses was supplied via the hard wire connection through the telephone lines and therefore the loss of commercial power often did not result in the loss of dial tone or telephone service. However, the near-ubiquitous presence of cordless phones – particularly by consumers – as well as power-reliant elements in the communications network such as digital loop carrier systems often has negated that benefit.

Certain more recent technologies such as Voice over Internet Protocol (VoIP) or Standard Internet Protocol (SIP) rely on a modem or router located on premise or within a computer. With the use of these technologies, the loss of power causes the loss of telephone service and access to 9-1-1 once the back-up battery provided by some carrier's drains. Some commercial or business telephone systems such as a PBX or VoIP systems might also require power to operate properly.

In addition, mobile telephone service during an emergency situation when multiple calls are being attempted into the public mobile network can cause network congestion and/or call blockage based on a higher than normal call volume, and or/sporadic cell tower signal loss. Also, the loss or failure of the mobile infrastructure, such as cell sites, during a severe storm or some other natural or manmade disaster, can impact the ability to make and receive mobile calls and therefore access to 9-1-1. It should be noted that the wireless network equipment are also reliant on power.

The public should be made aware of the benefits and limitations of their communications technologies and take these into consideration, as part of their advance preparation for severe weather events or in times of emergency. Citizens should know that if they lose commercial power when their battery supply

# How to Communicate Before, During and After a Major Disaster

## Before a Disaster:

How to Prepare Your Home & Mobile Device

- Maintain a list of emergency phone numbers in your cell phone and in or near your home phone.
- Keep charged batteries and car-phone chargers available for back-up power for your cell phone.
- If you have a traditional landline (non-broadband or VOIP) phone, keep at least one non-cordless phone in your home because it will work even if you lose power.
- Prepare a family contact sheet. This should include at least one out-of-town contact that may be better able to reach family members in an emergency.
- Program "In Case of Emergency" (ICE) contacts into your cell phone so emergency personnel can contact those people for you if you are unable to use your phone. Let your ICE contacts know that they are programmed into your phone and inform them of any medical issues or other special needs you may have.
- If you are evacuated and have call-forwarding on your home phone, forward your home phone number to your cell phone number.
- If you do not have a cell phone, keep a prepaid phone card to use if needed during or after a disaster.
- Have a battery-powered radio or television available (with spare batteries).
- Subscribe to text alert services from local or state governments to receive alerts in the event of a disaster. Parents should sign up for their school district emergency alert system.

## During and After a Disaster:

How to Reach Friends, Loved Ones & Emergency Services

- If you have a life-threatening emergency, call 9-1-1. Remember that you cannot currently text 9-1-1. If you are not experiencing an emergency, do not call 9-1-1. If your area offers 3-1-1 service or another information system, call that number for non-emergencies.
- For non-emergency communications, use text messaging, e-mail, or social media instead of making voice calls on your cell phone to avoid tying up voice networks. Data-based services like texts and emails are less likely to experience network congestion. You can also use social media to post your status to let family and friends know you are okay. In addition to Facebook and Twitter, you can use resources such as the American Red Cross's Safe and Well ([redcross.org/safeandwell](http://redcross.org/safeandwell)) program.
- Keep all phone calls brief. If you need to use a phone, try to convey only vital information to emergency personnel and/or family.
- If you are unsuccessful in completing a call using your cell phone, wait ten seconds before redialing to help reduce network congestion.
- Conserve your cell phone battery by reducing the brightness of your screen, placing your phone in airplane mode, and closing apps you are not using that draw power, unless you need to use the phone.
- If you lose power, you can charge your cell phone in your car. Just be sure your car is in a well-ventilated place (remove it from the garage) and do not go to your car until any danger has passed. You can also listen to your car radio for important news alerts.
- Tune into broadcast television and radio for important news alerts. If applicable, be sure that you know how to activate the closed captioning or video description on your television.
- If you do not have a hands-free device in your car, stop driving or pull over to the side of the road before making a call. Do not text on a cell phone, talk, or "tweet" without a hands free device while driving.
- Immediately following a disaster, resist using your mobile device to watch streaming videos, download music or videos, or play video games, all of which can add to network congestion. Limiting use of these services can help potentially life-saving emergency calls get through to 9-1-1.
- Check Ready.gov regularly to find other helpful tips for preparing for disasters and other emergencies.

Source: FCC and FEMA

<http://www.fcc.gov/blog/fcc-and-fema-how-communicate-during-and-after-major-disaster>



customers may want to consider having an alternative method of communication, if they are using VoIP, cellular, or other non-traditional technology. Business should develop contingency plans and ensure all of their employees are aware of the procedures to follow in the event they may need emergency services in the event of a power failure.

Information for the public can be found on the preceding page from an article by the FCC and FEMA: *How to Communicate Before, During and After a Major Disaster* (<http://www.fcc.gov/blog/fcc-and-fema-how-communicate-during-and-after-major-disaster>)

Verizon has developed several documents to educate the public on how to prepare for - and what to do - with respect to communications in case of storms or other emergency events and examples have been included as Appendices to this report.

### **Opportunities for COG Localities to Influence and Strengthen Regulatory Oversight and Remedies at the State and Federal Levels**

The COG localities provided comment and participated in several formal proceedings, outlined below, to influence regulatory oversight and seek remedies as it relates to the impact of the Derecho on 9-1-1 services.

1. Virginia SCC Case No. PUC-2012-00042
2. FCC PS Docket No. 11-60
3. Virginia Secure Commonwealth Panel – 9-1-1 Sub Panel
4. Maryland Public Service Commission Case No. 9298
5. Maryland Emergency Number Systems Board (ENSB) Inquiry

The COG localities should continue to participate in formal proceedings and use contractual relationships with service providers to encourage the implementation and adherence to regulations, requirements, and best practices that require Verizon and other 9-1-1 service providers and telecommunications carriers to adhere to strict service level agreements, standards, and processes to prevent outages and respond to outages and adverse conditions that impact 9-1-1 service and detail penalties in the event of non-compliance.

### **Verizon's Communication and Messaging to the Public and Local Emergency Response Officials Concerning 9-1-1 Services**

Public messaging was needed not only from the local public information officers (PIOs) supporting the 9-1-1 centers, but from the utility itself. As part of the overall system of disseminating information to the public, Verizon needed to be part of the many voices with the common message that the 9-1-1 system was down, and they should have pointed to the local officials' guidance on what the public should do in case of an emergency. Especially during this event, when everyone was challenged by lack of electricity, phones, and connectivity, officials needed a more robust public messaging response on Verizon's part to complement local government efforts. In these reports, Verizon states it is mobilizing a more robust emergency response communications process to ensure media outlets and other channels are provided relevant information on a timely basis.

Verizon's first responsibility in a service interruption is to notify the 9-1-1 center. Then, in its role as a local utility, and in cooperation with local government, Verizon has the responsibility to provide enhanced customer service to inform the public of 9-1-1 interruptions. This should include dissemination of information about the extent of the problem and when it will be resolved. PIOs and 9-1-1 centers should remain the primary source of guidance to the public during an emergency.

## RECOMMENDATIONS

On July 19, 2012 the Northern Virginia 9-1-1 Directors (City of Alexandria, Arlington County, Fairfax County, Prince William County and Stafford County), and subsequently all of the 9-1-1 Directors in the COG Region, concurred on five recommendations which were accepted by Verizon and are in various stages of completion.

1. Adoption of the National Incident Management System (NIMS) Model ([www.fema.gov/national-incident-management-system](http://www.fema.gov/national-incident-management-system))
2. 9-1-1 Interruption Notification
3. Semi-annual 9-1-1 Outage Drill
4. Monthly update of contact list
5. Verizon Representative present in Emergency Operations Center (EOC), during an activation

In addition to the recommendations of COG 9-1-1 Directors, SCC and FCC staffs, there are several other recommendations from COG 9-1-1 Telecommunications Network Steering Group and 9-1-1 Directors that should be considered and are outlined below.

1. Federal and State Regulatory Authorities should strongly encourage Verizon and other 9-1-1 service providers to perform a comprehensive independent audit of **the entire** infrastructure, processes and procedures that support 9-1-1 service and related systems, to ensure the reliability and continuity of 9-1-1 service under any circumstance. Based on the results of these audits, comprehensive plans and strategies should be developed to immediately resolve any findings. The results of these audits and resolution plans should be made available to the 9-1-1 stakeholders.
2. It is highly recommended that Verizon and other 9-1-1 service provider should be proactively engaged with the local 9-1-1 center agencies to provide subject matter expertise and make recommendations to the 9-1-1 centers and their stakeholders to ensure reliability and continuity of 9-1-1 service. This should include, but not be limited to, network redundancy, 9-1-1 center equipment and systems, and best practices, and procedures. In addition, Verizon and other 9-1-1 services providers should encourage and participate in regional discussions between 9-1-1 agencies in relationship to network configurations and routing, to ensure network reliability, resiliency, for network back-up and redundancy. Communications providers need to recognize that their services, which are paid for by the public through 9-1-1 fees, are a critical capability in carrying out this responsibility.

3. It is critical that Verizon continue to review and update their communications and public notification plans with each 9-1-1 center's communicators and/or Public Information Officers (PIO) regarding the dissemination of emergency messages (using both traditional and social media) to the public during 9-1-1 outages. This process should also explore alternative methods to communicate with the public in case of widespread power and telephone outages. Verizon should coordinate with National Capital Region communicators/PIOs during any future outages, to inform the public, and amplify the 9-1-1 center-specific public messages and information.
4. Verizon should keep governmental authorities and the public informed of any service issues, the extent of the outage, and time for resolution, and coordinate appropriate alternatives for service continuity
5. Federal and State Regulatory Authorities should continue to evaluate the steps and actions of Verizon, related to this event, and through audits, to ensure Verizon has adequately resolved all issues and continues to improve their processes and infrastructure to ensure reliability and continuity of 9-1-1 service and that they implement the best practices that have been established within the industry.
6. COG members and localities should continue to work with their State and Federal regulatory authorities and Legislators to ensure, through proper oversight, best practices and procedures by establishing service level agreements to ensure reliability and continuity of 9-1-1 service.

By all indications during this event, the systems and processes in place by the public safety agencies in the COG region operated as designed, and the 9-1-1 centers remained operational and were fully prepared to provide service to the public. However, there are some items which need to be considered by local and state government officials to ensure future reliability and continuity of 9-1-1 services, which are as follows.

1. State and local 9-1-1 authorities should be encouraged to perform a full assessment of their current 9-1-1 systems and operations to ensure reliability and continuity of 9-1-1 service.
2. It is recommended that State and Federal regulatory authorities review current laws and regulations related to 9-1-1 service, to ensure they place emphasis on and favor public safety versus the 9-1-1 service providers or telecommunications providers. The interest of the public and public safety should come first over the interest of commercial providers.
3. State and local 9-1-1 authorities should work with their Legislators to ensure the funding required to support the current 9-1-1 services and future Next Generation 9-1-1 are adequate and available, and that the fees and funds collected from the citizens of their States for 9-1-1 services are dedicated and used solely for the purpose as intended for the implementation, operation and maintenance of 9-1-1 emergency telephone services and other supporting technologies as required by the Enhance911 Act of 2004([Pub. Law 108-494](#)). In addition, the fees collected should be equitably distributed to the 9-1-1 authorities.

## Next Steps

1. COG should formalize a committee of 9-1-1 Directors that can address specific issues related to 9-1-1 emergency telecommunications service for the NCR.
2. COG, with the assistance of the 9-1-1 authorities, should take the lead to work cooperatively in the development of a multi-year 9-1-1 strategic plan to include development and implementation of Next Generation 9-1-1.
3. 9-1-1 preparedness activities should be incorporated into regional emergency planning, training and exercises in coordination with local Emergency Managers and the COG Emergency Manager's Committee, who can provide the link to the Exercise and Training Operations Panel (ETOP).
4. COG's Information Technology Committee, through its role in regional homeland security planning should include 9-1-1 telephony services in the set of interoperable communications goals in the National Capital Region Strategic Plan and/or the Critical Infrastructure Protection (CIP)

## Conclusion

The Derecho's impact on 9-1-1 services and the ensuing public and industry reaction has been one of the most significant events in the history of enhanced 9-1-1 services in the United States. It is conclusive that there were many areas in which Verizon could have performed better relative to their efforts to prevent the widespread outages and their initial response to the issues the Derecho storm created, overall operational resiliency, testing plans, and communications protocols with local 9-1-1 agencies. Questions still remain about the current reliability, age, and condition of the Verizon infrastructure which local governments rely on to provide life-saving 9-1-1 public services.

In the aftermath of the storm, Verizon has taken steps to address the issues of June 29, 2012. However, Verizon has a responsibility to follow-up on the additional recommendations of this and other recommendations made in the FCC hearings. Verizon must continue to evaluate their ongoing operations, processes, and best practices to mitigate the impacts of this type of event should it happen again. There is much Verizon must do to regain the confidence of the public safety community and citizens that their portion of the vital 9-1-1 communications service is highly reliable and sufficiently redundant to withstand all events and remain operational.

There were no identifiable issues for the local 9-1-1 centers during this event and all of their systems operated as designed. However, the public safety community must also be more aggressive in determining where less than optimal gaps exist, what improvements can be made and make plans for continuous improvements to meet service level expectations and solutions to new operational and technology challenges. State and federal government officials need to provide resources to the public safety community, and proper oversight, to allow the technology and human resources that are necessary to support the operations of the current 9-1-1 services as well as Next Generation 9-1-1 services.

## GLOSSARY

1. **Automatic Location Identification (ALI)** - An electronic system that automatically relays a caller's location when that call is placed to a 9-1-1
2. **Automatic Number Identification (ANI)** - is a service that provides the 9-1-1 center with the telephone number of the calling phone
3. **Competitive Local Exchange Carrier (CLEC)** - Any company or person authorized to provide local exchange services in competition with an incumbent telephone company
4. **Derecho** (from Spanish: " meaning "straight") - A line of intense, widespread, and fast-moving windstorms and sometimes thunderstorms that moves across a great distance and is characterized by damaging winds
5. **E9-1-1 Tandem** - The telephone central office that provides the switching of 9-1-1 calls and controls delivery of the voice call with ANI to the 9-1-1 center and provides certain functions such speed calling and call transfer.
6. **Federal Communications Commission (FCC)** - Independent US government agency, directly responsible to Congress, and charged with regulating interstate and international communications by radio, television, wire, satellite and cable.
7. **National Incident Management System (NIMS)** - A system mandated by Homeland Security Presidential Directive 5 that provides a consistent nationwide approach for governments, the private sector, and non-governmental organizations to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity.
8. **NG9-1-1** - An initiative aimed at updating the 9-1-1 service infrastructure to improve public emergency communications services in a wireless mobile society that enables the public to transmit text, images, video and data to the 9-1-1 center
9. **Public Branch Exchange (PBX)** – A private telephone switching system
10. **Public Safety Answering Point (9-1-1 center)** – 9-1-1 Call Center that receives emergency calls from the public.
11. **Reverse 9-1-1®** - A public safety communications system developed by Cassidian Communications used public safety organizations to deliver recorded emergency notifications to a selected set of telephone service subscribers or groups of people in a defined geographic area. There are other emergency notification vendors and products in addition to Reverse 9-1-1®
12. **Session Initiation Protocol (SIP)** - an application protocol that establishes, manages, and terminates a multimedia session.
13. **Telemetry** - A technology that allows remote measurement and reporting of information about a telecommunications providers network and related infrastructure
14. **Virginia State Corporation Commission (SCC)** – The Virginia commission that provides oversight and regulations of the Commonwealth's telecommunications industry
15. **Voice over Internet Protocol (VoIP)** - A communications protocol that allows for telephonic communication via the Internet

## APPENDICES

### COG 9-1-1 Telecommunications Network Steering Group

First Name	Last Name	Position/Title	Jurisdiction/Organization
<b>9-1-1 Tech Network Steering Group</b>			
Doug	Brammer	Manager Gov Affairs	Verizon
Flaherty	Charlynn	Assoc Dir Emergency Communications Center	Prince George's County
Cheryl	Childress	Emergency Communications Center	City of Manassas Park
John	Crawford	Emergency Communications Center	Arlington County
Mike	Daigle	VP Access/Transport Engineering	Verizon
Maureen	Davis	VP Corporate Technology	Verizon
Bill	Ferretti	Deputy Director, 9-1-1 ECC	Montgomery County
Merni	Fitzgerald	Director Public Affairs	Fairfax County
Wanda	Gibson	Chief of Information Technology	Fairfax County
Jennifer	Greene	Director, Office of Unified Communications	District of Columbia
Cary	Hinton	Policy Advisor to Chairman	DC Public Service Commission
William	Hutchinson	Emergency Communications Center	City of Manassas
Chip	Jewell	Dept. of Emergency Communications	Frederick County
Lauren	Kravetz	Deputy Chief of CCR	FCC
Larry	Kubrock	Senior Telecom Specialist	VA State Corporation Commission
Patrick	Lacefield	Director Public Information	Montgomery County
Mick	Lemish	PSAP Director and Interoperability Coord	Loudoun County
Ted	McInteer	Director, Public Safety Communications	Prince William County

David	McKernan	Director of Emergency Management	Fairfax County
Brian	Melby	Director, Police 9-1-1 Communications Center	Montgomery County
Jo-Anne	Munroe	Director, Department of Communications	City of Alexandria
Anthony	Myers	Assistant Executive Director	Maryland Public Service Commission
Mark	Penn	Emergency Management Coordinator	City of Alexandria
Tony	Rose	Chief, Com/9-1-1	Charles County
Sonny	Segal	Chief of Information Technology	Montgomery County
Sue	Snider	UASI State Program Manager/NCR Liaison	Commonwealth of Virginia
Steve	Souder*	Director, Public Safety Com	Fairfax County
Robert	Weaver	VA Police Department	City of Manassas
Robert	Weaver	City of Manassas	VA Police Department

**COG Staff**

Chuck	Bean	Executive Director	MWCOG
Stuart	Freudberg	Director DEP	MWCOG
Dave	McMillion	Director DSPH	MWCOG
Sharon	Pandak	General Counsel	MWCOG
Lisa	Robertson	Assoc. General Counsel	MWCOG
Jeanne	Saddler	Director OPA	MWCOG
Steven	Kania	Manager OPA	MWCOG

\*Steve Souder served as Chairman of the Steering Group

**Information Only**

Carol	Adams	ECC Director	Stafford County
Dale	Blackman	Engineering	Verizon
Steve	Brundage	Director of Com Technologies, IT	Fairfax County
Gordon	Deans	Executive Director MD 911 Board	MD 911 Board
Brenda	Edmundson	Fairfax DPSC	Fairfax County
Lorraine	Fells-Danzer	Fairfax DPSC	Fairfax County
Sally	Fitzpatrick	Fairfax DPSC	Supervisor
Tim	Fowler	Fairfax County Fire and Rescue	Fairfax County
Chris	Frederick	Fairfax DPSC	Fairfax County
Chris	Frederick	Fairfax DPSC	Fairfax County
David	Haga		Verizon
Jeff	Horwitz	ECC Deputy Commander	Arlington County ECC
Dale	Johnson	Alexandria Comm.	City of Alexandria
Dale	Johnson	Alexandria Comm.	Alexandria
Ron	Manzo	FCPD	Fairfax County
Dario	Marquez	President and CEO	MVM
Jamal	Matthews	Firewall Administrator	City of Falls Church
Stephen	Matthews	Sup. Electronic Engineer	DC Office of Unified Communications
William	McGown	Operations Manager	Prince George's County
Steve	McMurren	Fairfax DPSC	Fairfax County
Julie	Miller		Verizon
Ron	Novak	FCPD	Fairfax County



David	Ogburn	State Government Affairs	Verizon
Bridget	Owens	Fairfax DPSC	Fairfax County
Robert	Pedersen	Regional Coordinator	DHS/OEC
Sheila	Ragan	Operations Manager	Prince William County
Glenn	Roach	Vice President	Winbourne Consulting
Tony	Rose	Chief, Fire & EMS Communications	Charles County
Joe	Ruggiero	Verizon	Verizon
Sandy	Salang	Assistant to City Manager	City of Falls Church
Charlie	Schwab	IT Mgr., Montgomery	Police Dept 9-1-1
Rob	Stalzer	DCEX	Fairfax County
Kimberly	Suiters		CBS Radio
Penny	VanDyke		Prince George's County
Laura	Walt	General Counsel's Office	DC Public Service Commission
Erin	Ward	Fairfax County Attorney's Office	Fairfax County
Stephen	Williams	IT Mgr.	DC Office of Unified Communications

**COG Consultant:** Glenn A. Roach

To view the 9-1-1 report with appendices (271 pages total) [click here](#).

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

**APPROVAL OF THE FINAL REPORT OF VERIZON 9-1-1 SERVICE GAPS  
DURING AND FOLLOWING THE DERECHO STORM ON JUNE 29, 2012**

**WHEREAS**, in the wake of the severe storm, a Derecho, that hit the Mid-Atlantic region on June 29, 2012, much of Northern Virginia and parts of the entire metropolitan Washington area lost commercial electrical power and their vital 9-1-1 emergency communications service, with some of the 9-1-1 outages continuing over five days; and

**WHEREAS**, at its July 2012 meeting, the COG Board adopted a resolution and formed a Steering Group to address several related issues, including the cause of the 9-1-1 outages, the existing redundancy and backup capabilities for that service, and communication and messaging to the public and local emergency response officials; and

**WHEREAS**, the Steering Group presented its Final Report of Verizon 9-1-1 Service Gaps During and Following the Derecho Storm on June 29, 2012, to the Board of Directors of COG on March 13, 2013; and

**WHEREAS**, the Steering Group's comprehensive report informed and encouraged review of 9-1-1 service gaps by the Federal Communications Commission, Virginia State Corporation Commission, and other groups; and

**WHEREAS**, the Board of Directors has thoroughly reviewed and discussed the contents of the Final Report and found it to be probative and comprehensive;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE  
METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS THAT**

The Final Verizon Report of 9-1-1 Service Gaps During and Following the Derecho Storm on June 29, 2012, is hereby accepted and approved with the thanks of the Board to the Steering Group for its diligent and thorough work.

The Board urges Verizon and other service providers to 1.) Take seriously the recommendations in the Steering Group report, 2.) Undertake all steps necessary to ensure the reliability and continuity of 9-1-1 service under any and all circumstances, and 3.) Proactively work with local 9-1-1 centers.

*This page left intentionally blank.*



## **AGENDA ITEM #8**

### **APPROVAL OF EXPANSION OF COOPERATIVE PURCHASING PROGRAM**

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

**RESOLUTION APPROVING THE CHIEF PURCHASING OFFICERS COMMITTEE AND THE  
BALTIMORE REGIONAL COOPERATIVE PURCHASING COMMITTEE TO WORK TOGETHER  
JOINTLY AS THE "MID-ATLANTIC PURCHASING TEAM"**

**WHEREAS**, the Chief Purchasing Officers Committee (CPOC) is the cooperative purchasing committee of the Metropolitan Washington Council of Governments with participation from local governments, school boards, community colleges, and state agencies and is interested in securing best value for dollars spent on goods, services, construction, and utilities by local governments in the Washington, D.C., metropolitan area; and

**WHEREAS**, the Baltimore Regional Cooperative Purchasing Committee (BRPC) is the cooperative purchasing committee of the Baltimore Metropolitan Council, with participation from local governments, school boards, community colleges and state agencies and is interested in securing best value for dollars spent on goods, services, construction, and utilities by local governments in the Baltimore, Maryland, metropolitan area; and

**WHEREAS**, CPOC previously entered into an agreement to work together to plan and create cooperative contracts for goods, services, construction, and utilities for which it is in the mutual best interests of both purchasing committees to continue to work together; and

**WHEREAS**, it is also in the best interest of both cooperative committees to more widely distribute the workload of planning and creating cooperative contracts to leverage increased purchasing and contracting volumes, where appropriate; and

**WHEREAS**, past efforts have been known variously as BRPC/CPOC, super-regional and other names, it is in the best interests of both purchasing committees to adopt a consistent identification in the market place for their future joint efforts; and

**WHEREAS**, both purchasing committees wish to provide the benefits of their cooperation to other political and educational entities;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTOR OF  
THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS THAT**

The COG Board hereby approves the joining of the Baltimore Metropolitan Council's Baltimore Regional Cooperative Purchasing Committee (BRPC) and COG's Chief Purchasing Officers Committee (CPOC) to become the Mid-Atlantic Purchasing Team (MAPT), and details of the relationships, including procedures and documentation, shall be developed and approved in the form and manner agreed upon by the newly created Mid-Atlantic Purchasing Team.



## **AGENDA ITEM #9**

### **ACTION ON PROPOSED AMENDMENTS TO BY-LAWS AND RULES OF PROCEDURE**


*One Region Moving Forward*

February 21, 2013

AGENDA – March 13, 2013

District of Columbia  
Bladensburg\*  
Bowie  
Charles County  
College Park  
Frederick  
Frederick County  
Gaithersburg  
Greenbelt  
Montgomery County  
Prince George's County  
Rockville  
Takoma Park  
Alexandria  
Arlington County  
Fairfax  
Fairfax County  
Falls Church  
Loudoun County  
Manassas  
Manassas Park  
Prince William County

**TO: BOARD OF DIRECTORS**

**FROM: SHARON E. PANDAK**   
**General Counsel**

**LISA ROBERTSON**  
**Senior Associate to General Counsel**

**RE: ACTION ON PROPOSED AMENDMENTS TO BY-LAWS AND RULES OF PROCEDURE TO CONFORM TO THE REQUIREMENTS OF THE D.C. NONPROFIT CORPORATIONS ACT OF 2010**

\*Adjunct Member

At the February Board of Directors meeting notice was given of intent to consider amendment of COG's By-laws and Rules of Procedures. The impetus for these amendments is to comply with the **D.C. Nonprofit Corporations Act of 2010 ("NCA")**. This matter is an Action Item for the Board's March 2013 Meeting. A draft resolution and the proposed changes are included. A reprise of the background provided in the Board's February agenda package follows:

**PROPOSED BY-LAWS CHANGES**

The NCA amended and updated D.C.'s laws regulating the formation and operation of nonprofit organizations. On or before January 1, 2014, all nonprofits formed prior to 1962 (such as COG) are required to (i) file a notice with the Mayor, including its Articles of Incorporation and the names and addresses (street and mailing addresses) of current officers and directors, and (ii) operate in compliance with the NCA.

We have identified provisions of the COG By-laws that appear inconsistent with the requirements of the NCA (*see Attachment A*, a mark-up of the current By-laws). A summary description follows, below. **In recommending changes we have endeavored to keep the substance of the current By-Laws in order to expedite conformance. The Board certainly can make substantive changes at a later time(s).**



## DETAILED ANALYSIS OF BYLAWS CHANGES

### **GEOGRAPHIC AREAS SERVED (Sec. 2.00)**

Currently, **Sec. 2.00** mixes references to the geographic limitations on participation in COG with references to the distinctions between “membership” and “adjunct participation”. We recommend that **Sec. 2.00** address only geographic criteria, and that references to the practical distinctions between “membership” and “adjunct participation” (e.g., voting rights and Board membership) be moved to Sec. 3.00.

### **MEMBERSHIP AND OTHER PARTICIPATION (Sec. 3.00)**

We recommend changes to **Sec. 3.00** to clarify the rights of “membership”, consistent with the definition of the term “member” set forth within the NCA. Staff advises that, as revised, **Sec. 3.00** accurately reflects the long-standing distinctions between a “member” and an “adjunct participant,” and that our recommended changes in wording will not result in any substantive change in the organization.

### **GENERAL AND SPECIAL MEMBERSHIP MEETINGS (Sec. 4.00)**

- Within various paragraphs of **Sec. 4.00**, we recommend striking language that contains notice provisions inconsistent with the NCA. The NCA provisions are more flexible and detailed than those in the current By-laws. The revisions will allow the NCA provisions to govern notices, as a matter of law.
- Amend **Sec. 4.03**, to add a provision recognizing that 25% of the membership may call a special meeting, as required by the NCA.
- In **Sec. 4.07**, the By-laws allow for weighted votes. The NCA specifies that, assuming the presence of a quorum, action of the Board of Directors must be by a vote of the majority of directors present, unless a *greater* vote is required by the By-laws. If, in the context of a weighted vote, the actual number of votes cast in favor of an action amounted to less than a majority of members present and voting, that vote would not satisfy the requirements of the 2010 NCA. Admittedly, this is an unlikely occurrence; however, our suggested modification reiterates the requirement of a majority vote requirement for all actions approved—whether or not the voting process is weighted.

### **BOARD OF DIRECTORS (Sec. 5.00) AND ITS MEETINGS (Sec. 6.00)**

- Revise **Sec. 5.01**, to add record-keeping to the Board’s articulated responsibilities. The NCA gives the Board the duty to ensure compliance with record-keeping requirements.
- Revise **Sec. 5.02** to ensure consistency with Sec. 2.03, i.e., that adjunct “participants” are not part of the Board of Directors.

- Amend **Sec. 6.02** to simply require the giving of notice, and deleting any reference to a specific type of notice or when a notice becomes effective (e.g., “*receipted electronic mail*”). The NCA allows for a variety of forms of notice and contains very specific provisions detailing when notice will be deemed to have been given.

#### **WAIVER OF REQUIRED NOTICES (Sec. 7.00)**

- Amend **Sec. 7.01** to incorporate applicable NCA language. Current provisions of Sec. 7.01, relating to the *waiver* of a required notice, do not satisfy the NCA requirements.

#### **OFFICERS (Sec. 8.00)**

- The NCA requires each nonprofit corporation to have a *minimum* of two (2) officers: (i) one responsible for the management of the corporation (who may, but need not, be referred to as “president”); and (ii) another, responsible for the financial affairs of the corporation (who may, but need not, be referred to as “treasurer”). We suggest revisions to **Sec. 8.0**, to assign these responsibilities to the Chair of the Board of Directors (a/k/a “chief executive officer”) and the Secretary-Treasurer, respectively.
- Also, the NCA requires that one officer of the corporation must be assigned responsibility for preparing or supervising the preparation of the Board’s minutes, and for maintaining/ authenticating the corporate records required by NCA. This function may be assigned to any designated officer; it seems appropriate to assign the responsibility to COG’s officer called “Secretary Treasurer”.
- Amend **Sec. 8.07**, and add **new Sec. 8.08**, to reflect NCA requirements as to the assignment of responsibility to designated officers for day-to-day performance of the functions associated with management of the corporation and its financial affairs.

#### **EMPLOYEES (Sec. 9.0)**

- Amend **Sec. 9.01** to add responsibility for management of COG to the Executive Director’s responsibilities. This is consistent with current practice.

### **PROPOSED CHANGES TO THE RULES OF PROCEDURE**

We have also reviewed the Board’s Rules of Procedure, both for consistency with the updated By-laws provisions and for consistency with current COG practices and terminology. Several months ago, your secretary (Barbara Chapman) and I began a project to “clean up” the Rules of Procedure, and I believe this is a good time to bring forward those suggestions.

- **Attachment B** contains our recommendations for revisions to the Rules of Procedure. These changes correct outdated or incorrect terminology, and correct procedures that staff has identified to us as not reflecting current practices or customs.

## **PROCEDURE FOR ADOPTION OF CHANGES**

- **By-laws** – Pursuant to **Sec. 13.02**, the By-laws may be amended at a regular meeting of the Board, with **(i)** notice given at the previous meeting **and (ii)** a three-quarters (3/4) majority of the members present and voting. Therefore, a By-laws amendment cannot be adopted until a month after the meeting at which notice is given.
- **Rules of Procedure** – Pursuant to **Rule 2.19**, a majority vote of the Board is required after seven (7) days written notice of the proposed amendments signed by the proposer.

We will be glad to answer any questions that you may have regarding these proposed amendments.

Attachments: **Attachment A** (By-laws revisions)  
**Attachment B** (Rules and Procedures revisions)  
**Draft Resolution Adopting Amendments**

cc: Chuck Bean, Executive Director  
Nicole Hange, Membership and Government Relations Coordinator  
Barbara Chapman, Secretary to the Board



By-Laws  
of the  
Metropolitan Washington Council of  
Governments

~~As Adopted by the General Membership on November 15, 2007~~

Revised: November 2007

November 2011

XXXX, 2013

<b>SECTION 1.00</b>	<b>STATEMENT OF PRINCIPLES AND POLICIES.....</b>	<b>3</b>
<b>SECTION 2.00</b>	<b>PARTICIPATING GOVERNMENTS.....</b>	<b>4</b>
<b>SECTION 3.00</b>	<b>MEMBERSHIP.....</b>	<b>5</b>
<b>SECTION 4.00</b>	<b>GENERAL MEMBERSHIP MEETINGS.....</b>	<b>5</b>
<b>SECTION 5.00</b>	<b>BOARD OF DIRECTORS.....</b>	<b>7</b>
<b>SECTION 6.00</b>	<b>MEETINGS OF THE BOARD OF DIRECTORS.....</b>	<b>9</b>
<b>SECTION 7.00</b>	<b>NOTICES.....</b>	<b>9</b>
<b>SECTION 8.00</b>	<b>OFFICERS.....</b>	<b>10</b>
<b>SECTION 9.00</b>	<b>EMPLOYEES.....</b>	<b>11</b>
<b>SECTION 10.00</b>	<b>CHECKS.....</b>	<b>11</b>
<b>SECTION 11.00</b>	<b>FINANCES.....</b>	<b>11</b>
<b>SECTION 12.00</b>	<b>SEAL.....</b>	<b>12</b>
<b>SECTION 13.00</b>	<b>AMENDMENTS TO BY-LAWS.....</b>	<b>12</b>

## METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

### Section 1.00 STATEMENT OF PRINCIPLES AND POLICIES

- 1.01** The underlying concept of the Metropolitan Washington Council of Governments (hereafter referred to as Council of Governments or COG) is that the general purpose units of government which are closest to the people should exercise the basic initiative and leadership in government affairs and have the primary responsibility for collaboratively addressing those problems and needs which require analysis and action on an intergovernmental basis.
- 1.02** The physical, economic and social well-being of the Washington Metropolitan Statistical Area, its citizens and business enterprises, now and in the future, is dependent upon orderly development and redevelopment of the entire area. That will be possible only with the successful coordination of local governmental services and policies.
- 1.03** Counties and cities are the principal units of local governments in the Washington Metropolitan Statistical Area. As such, they have the responsibility for anticipating and meeting local government needs which future development, technology, and population growth will produce, including the need for joint and coordinated intergovernmental services.
- 1.04** County and city governing bodies are and should continue to be the primary policymakers in local government. They are directly concerned with all services, policies and regulations affecting the public safety, health and welfare of their communities.
- 1.05** Constructive and workable policies and programs for meeting and solving intergovernmental problems of local governments will be most effectively and expeditiously developed by regular meetings of county and city governing body members in an area with voluntary councils of government dedicated to the identification, analysis, and solution of those problems.
- 1.06** The Council of Governments is an organization through which individual counties and municipalities can coordinate their efforts in this manner. It is not a government nor does it seek to become one.
- 1.07** The Council of Governments, as the joint agency of its participating local governments, is an appropriate mechanism to provide specialized technical assistance to its local governments in order to enhance their capacity to make public policy decisions on issues affecting the region and their communities.

### Section 2.00 ~~PARTICIPATING GOVERNMENTS~~ **GEOGRAPHIC AREA SERVED**

- 2.01** Counties located geographically within the area defined as the Washington Metropolitan Statistical Area in the latest decennial census conducted by the United States Census Bureau, and sharing a common border with one or more

~~other such~~ counties ~~which participate in the Council of Governments~~, shall be eligible ~~for membership to participate~~ in the Council of Governments.

**2.02** Those local governments participating ~~as members~~ in the Council of Governments on July 1, 1986, Virginia independent cities participating ~~as members~~ in the Council of Governments on March 1, 2004, and such other cities and towns that have a population of 25,000 or more according to the latest population estimates compiled by the staff of the Council of Governments, as now or may hereafter exist within a County which participates in the Council of Governments, shall be eligible ~~to participate for membership~~ in the Council of Governments.

**2.03** Counties located geographically within the area defined as the Washington Metropolitan Statistical Area, ~~but which do and not share sharing~~ a common border with one or more counties which participate ~~as members~~ in the Council of Governments shall be ~~eligible eligible~~ to become adjunct participants in the Council of Governments, if they agree to contribute an annual fee established by the Board of Directors. Cities and towns with a population of 5,000 to 25,000 shall be eligible to become adjunct participants in the Council of Governments if they agree to contribute an annual fee established by the Board of Directors. ~~Representatives of adjunct participants shall be entitled to participate and vote on the policy committees of the Council of Governments if they agree to contribute an annual fee established by the Board of Directors. Representatives of adjunct participants shall be entitled to participate and vote on the policy committees of the Council of Governments. Adjunct participants shall receive all of the services generally provided to other participants. They shall not be represented on the Board of Directors, but the members of their governing bodies shall be entitled to vote at the General Membership on the same basis as members of the governing bodies of local governments represented on the Board of Directors.~~ Counties not within the boundaries of the Washington Metropolitan Statistical Area, with a population of 75,000 or more, shall be eligible ~~as to become~~ adjunct participants in the Council of Governments, if over 20 percent of their non-farm workers are employed within the Washington Metropolitan Statistical Area.

**2.04** ~~Participating governments shall be those eligible jurisdictions identified in Section 2.00, Subsections 2.01, 2.02 and 2.03, which voluntarily determine to contribute to the financial support of the activities of the Council of Governments as hereafter provided in Section 11.00.~~

**Section 3.00 MEMBERSHIP AND OTHER PARTICIPATION**

**3.01** ~~General membership Membership~~ in the Council of Governments ~~shall be~~:

**(a)** The members of the governing body of each ~~participating~~ government ~~described defined~~ under ~~Section 2.00, Subsections 2.01, and 2.02 and 2.03.~~ shall be eligible for general membership (for ~~For~~ the purpose of this Subsection 3.01(a) shall be eligible for general membership, the term "governing body" shall include the elected executive, or his or her appointee, of any participating government.

**(b)** The members of the General Assemblies of Maryland and Virginia and the Congress of the United States who represent portions of the geographical

area of the Washington Metropolitan Statistical Area shall be eligible for general membership.

(c) The general membership shall have the right, in accordance with the Council of Government's articles of incorporation, these bylaws, and applicable rules and procedures, to vote for the election of directors and to vote on any type of fundamental transaction; to participate on policy committees and vote on matters considered or transacted by those committees; and to receive services offered by the Council of Governments.

(d) Each member shall be required to pay an annual membership fee, the amount of such fee to be determined by the Board of Directors.

3.02 Adjunct participation in the Council of Governments:

(a) The members of the governing bodies of the governments described under Subsection 2.03, above, if such governments agree to pay an annual participation fee established by the Board of Directors, shall be eligible for adjunct participation in the Council of Governments. For the purpose of this Subsection 3.02(a), the term "governing body" shall include the government's elected or appointed executive, or his or her appointee, of any adjunct participant.

(b) Adjunct participants may participate on the Council of Government's policy committees, and may vote on matters considered or transacted by those committees. Adjunct members are eligible to receive the same services offered by the Council of Governments to its members.

~~(b)~~

**Section 4.00**

**GENERAL MEMBERSHIP MEETINGS**

**4.01** An annual general membership meeting shall be held each year, at which time the members shall elect individuals to serve as the following officers: a president, one or more vice-presidents, and secretary-treasurer, and the general membership shall consider such other business as may be referred to it. Additionally, any member may at the annual general meeting request a review of any action by the Board of Directors taken between general membership meetings.

**4.02** At least ~~three weeks~~ No fewer than 10 days and not more than 60 days prior to the annual general membership meeting, ~~written~~ notice of such meeting, in the form of a record, shall be ~~served upon or mailed given~~ to each member ~~entitled to vote thereat at such address as appears on the books of the corporation.~~<sup>1</sup>

**4.03** Special general membership meetings, for any purpose or purposes, may be called: (i) by the president of the Board of Directors, upon notice, in

<sup>1</sup> D.C. Code §29-401.03 (recommend allowing DC Code provisions to govern notice, how notice is given, etc., and not to include them in COG's bylaws)



~~the form of a record, to the membership; or (ii) at the request, in the form of a record, in writing~~ of fifteen (15) members who represent at least four participating governments, ~~or (iii) if the holders of twenty-five percent (25%) of all the votes entitled to be cast at the proposed special meeting sign, date and deliver to the president of the Board of Directors one or more requests, in the form of a record.~~ Any ~~s~~Such ~~a~~ request shall state the purpose or purposes of the proposed meetings.<sup>2</sup>

**4.04** ~~Written~~ Notice of a special general membership meeting, ~~in the form of a record, and~~ stating the ~~date,~~ time, place and ~~subject of such a the~~ meeting and the specific action or actions proposed to be taken ~~at that time,~~ shall be ~~given served upon or mailed~~ to each member ~~within the time frame referenced in Subsection 4.02, above entitled to vote thereat at least ten (10) days before such meeting.~~ ~~Receipted electronic mail will be deemed sufficient service of notice.~~ ~~The record notice may be delivered by U.S. mail, by commercial delivery service, by electronic mail, or in any other manner that a member has authorized.~~ Such notice shall ~~be effective as provided by the law of the District of Columbia.~~<sup>3</sup> Business transacted at all special general membership meetings shall be confined to the objects and actions proposed to be taken as stated in the notice.

**4.05** The times, dates and locations of the annual general membership meeting and special general membership meetings shall be determined by the Board of Directors.

**4.06** Twenty percent (~~20%~~) of the total number of members, ~~defined in Section 3.01(a)~~ present in person, shall ~~be required to~~ constitute a quorum at all meetings ~~in of~~ the general membership for transaction of business except as otherwise provided by these bylaws, provided that this number includes one or more members representing at least one-half of the ~~participating member~~ governments from Maryland, and one or more members representing at least one-half of the ~~participating member~~ governments from Virginia, and at least one member representing the Mayor or Council of the District of Columbia. ~~Representatives of adjunct participants will not be counted in establishing a quorum.~~<sup>4</sup> If, however, such a quorum shall not be present at any meeting, the members entitled to vote thereat, present in person, shall have the power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum shall be present. At any resumption of the adjourned meeting at which a quorum shall be present, any business may be transacted which might have been transacted at the meeting originally called.

**4.07** When a quorum is present at any general membership meeting, the vote ~~or of~~ a majority of the members present shall decide any question which may be brought before such meeting, unless the question is one upon which by expressed provision of the bylaws, a different vote is required,

<sup>2</sup> D.C. Code §29-405.02

<sup>3</sup> ~~D.C. Code §29-401.03 (methods and effective dates of notices)~~

<sup>4</sup> D.C. Code §29-401.02 (definition of a “member”)

in which case such express provision shall govern and control the deciding of such question:

- (a) At the request of a majority of the members present representing any two ~~participating member~~ governments, any question shall be determined by the majority of the aggregate votes of each ~~participating member~~ government on a weighted basis; provided, however, that any weighted vote must meet or exceed a majority of the quorum. For this purpose, each ~~participating member~~ government shall have one vote for each 25,000 in population, and the next succeeding portion thereof, ~~and in the any~~ jurisdiction that has a population of less than 25,000 shall have one vote.<sup>5</sup>
- (b) In a weighted voting process, eEach ~~participating member~~ government may divide the total amount of the aggregate votes it has among the members of its governing body present and voting.
- (c) On a vote for which weighted voting has not been called, any member of the General Assemblies of Maryland and Virginia or member of the U.S. Congress representing portions of the Washington Metropolitan Area shall be entitled to one vote, and it shall be counted to determine if a majority vote has been attained on the question before the membership.

Section 4.08 For the purposes of these bylaws, the term "record", when used as a noun, means information inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.<sup>6</sup>

## **Section 5.00 BOARD OF DIRECTORS**

**5.01** The Board of Directors shall be the governing board of the Council of Governments, and between meetings of the entire membership, shall be responsible for the general policies and programs of the Council of Governments and for the control of all its funds. The Board of Directors shall also be responsible for preparing agendas for the annual general and special meetings of the general membership of the Council of Governments and for the approval of an annual budget and schedule of assessment for consideration at the annual general membership meeting. It shall have the power to transfer funds within the approved total budget in order to meet unanticipated needs or changed situations. The Board of Directors, through its officers and employees, shall be responsible for ensuring that corporate records are kept as required by law.<sup>7</sup>

**5.02** The Board of Directors shall be selected from the general membership as follows:

- (a) One member selected by each ~~participating local~~ government having a population of no more than 300,000.

<sup>5</sup> D.C. Code §29-406.24 (requiring a vote exceeding a majority of the quorum)

<sup>6</sup> D.C. Code §29-101.02 (Definitions)

<sup>7</sup> D.C. Code §29-413.01

- (b) Two members selected by each ~~participating local~~ government having a population of more than 300,000 but no more than 600,000.
- (c) Three members selected by each ~~participating local~~ government having a population of more than 600,000.
- (d) Four members selected by the District of Columbia, two from the Executive Branch and two from the Legislative Branch, unless the two branches shall decide on a different apportionment. A representative from the Executive Branch of the District of Columbia need not be selected from the general membership.
- (e) One member of the Maryland General Assembly and one member of the Virginia General Assembly, representing portions of the Washington Metropolitan Statistical Area, both of whom shall be selected biennially by separate caucuses of the members of COG from these legislative bodies.

**5.03** In determining the population of each ~~participating local~~ government for the purpose of allocating membership on the Board of Directors, the population figures to be used shall be the annual population estimates prepared by the Metropolitan Washington Council of Governments and approved by its Board of Directors.

**5.04** Any ~~participating local~~ government which has two or more members on the Board of Directors and has an elected executive and an elected legislative body, shall divide its representation between the elected executive and elected legislative body, unless the two branches shall decide on a different apportionment.

**5.05** A majority of the total number of members of the Board of Directors, representing ~~participating~~ governments ~~as defined described~~ in Section 5.02, Subsection (c), shall constitute a quorum for the transaction of business, provided that this number of Board members includes representatives of at least two ~~participating~~ governments from Maryland, two from ~~participating~~ governments from Virginia, and one representative of the government of the District of Columbia.

(a) A member who has been recognized as participating in the meeting electronically counts toward the quorum as if the member was physically present.

(b) If, however, such a quorum shall not be present at any meeting, the members entitled to vote thereat shall have the power to adjourn the meeting from time to time without notice other than announcement at the meeting until a quorum shall be present. At any resumption of the adjourned meeting at which a quorum shall be present, any business may be transacted which might have been transacted at the meeting originally called.

**5.06** When a quorum of the Board is present at any meeting, the vote of a majority of the Board members present shall decide any question brought before the meeting, except when a weighted vote is invoked as follows:

- (a) On a vote on any matter before the Board of Directors, weighted voting may be called for by any two (2) members or more present and representing at least two ~~participating local member~~ governments.
- (b) Any question for which weighted voting has been called shall be determined by the majority of the weighted votes allocated to the members of the ~~participating member~~ governments present and voting. For this purpose, each ~~participating member~~ government shall have one vote for 25,000 population, and the next succeeding portion thereof in the jurisdiction of the ~~participating~~ government, except that any ~~participating member~~ government which has a population of less than 25,000 shall have one vote. For the purpose of weighted voting, the population assigned to each ~~participating local member~~ government shall be the population used for fee assessment purposes under Section 11.03.
- (c) Representatives of any ~~participating local member~~ government having two or more members of the Board of Directors may divide their aggregate between or among them.
- (d) Board members from the Virginia General Assembly and the Maryland General Assembly shall be excluded from any weighted vote. On a vote for which weighted voting has not been called, they shall each be entitled to one vote, and it shall be counted to determine if a majority vote has been attained.

**5.07** In the absence of any member of the Board representing a ~~participating member~~ government, another member of the absent member's governing body may serve as his/her alternative at any meeting of the Board. Such alternate member shall have full voting privileges and shall be counted in the determination of a quorum. An alternate representing an elected executive need not be an elected official.

**5.08** The Board shall annually elect a chair and one or two vice-chairs at the first meeting following the annual meeting of the ~~entire general~~ membership. Where a vacancy occurs in a Board or corporate office, the Board may fill such vacancy by a vote of a majority of its members present and voting.

**5.09** The Board may hold its meetings and keep the books of the corporation in the District of Columbia and at such place as it may from time to time determine.

**5.10** The Board may establish standing and *ad hoc* policy and technical committees as it deems necessary or helpful to the exercise of its responsibilities under these by-laws.

**Section 6.00 MEETINGS OF THE BOARD OF DIRECTORS**

**6.01** The Board of Directors shall meet monthly unless determined otherwise by the Board or its Chair. Written notice of such meetings and a proposed agenda thereat shall be served upon or mailed to each member of the Board at least seven days prior to the meeting.

**6.02** Special meetings of the Board may be called by the Chair on three days' notice, in the form of a record, to each Board member, ~~either by mail, by receipted~~

~~electronic mail, or by telegram.~~ Special meetings shall be called by the Chair in like manner and on like notice ~~on-upon~~ the ~~written~~ request, in the form of a record, of three Board members. The notice of all special meetings of the Board shall include the written statement of the purpose or purposes of the special meeting.

## **Section 7.00**

### **WAIVER OF NOTICES**

#### **7.01**

Whenever any notice is required to be given ~~under the provision of the by-laws to any member~~, a member may waive such notice, before or after the date and time stated in the notice or of the meeting or action. The waiver shall be in the form of a record, shall be signed by the member waiver thereof in writing is signed by the person or persons entitled to such the notice, and shall be delivered to the secretary-treasurer of the corporation for inclusion in the minutes of the meeting or filing within corporate records whether before or after the time stated therein, shall be deemed equivalent to receipt of such notice.<sup>8</sup>

## **Section 8.00**

### **OFFICERS**

#### **8.01**

The officers elected by the general membership of the corporation, as provided in Subsection 4.01, shall be officers of the corporation and shall hold office until their successors are ~~chosen~~ elected and qualify in their stead. ~~Any officer elected by the Board of Directors may be removed at any time by the affirmative vote of a two-thirds majority of the whole Board.~~

#### **8.02**

In addition to the officers referenced in Subsection 8.01, above, the following shall serve as officers of the corporation: The officers of the corporation shall be a president, one or more vice-presidents, a secretary-treasurer, a chair of the Board of Directors and one or two vice-chairs of the Board, selected as provided in Subsection 5.08. Two or more offices may be held by the same person, except the offices of chair of the Board of Directors, ~~and~~ secretary-treasurer. Any officer elected or appointed by the Board of Directors may be removed at any time by the affirmative vote of a two-thirds majority of the whole Board.

#### **8.03**

The president shall preside at the general meetings of the members of the corporation.<sup>9</sup>

#### **8.04**

The vice-presidents, in order of their election, shall in the absence or disability of the president perform the duties and exercise the powers of the president and, in the permanent absence or disability of the president, shall serve as president pro tem. Service as president pro tem will not preclude subsequent succession to president.

#### **8.05**

The chair of the Board of Directors shall be the chief executive officer of the corporation and shall be responsible for management of the corporation; shall preside at all meetings of the Board; shall be an ex-officio member of all committees; and shall see that all orders and resolutions of the Board are carried out. Additionally, he/she shall execute all contracts requiring a seal, under the seal of the corporation, except when the signing and execution thereof shall be

<sup>8</sup> D.C. Code §29-405.06

<sup>9</sup> D.C. Code §29-406.40

expressly delegated by the Board to some other officer or employee or agent of the corporation.

**8.06**

The vice-chairs, in order of their election, shall in absence or disability of the chair, perform the duties and exercise the powers of the chair and, in the permanent absence or disability of the chair, shall serve as chair pro tem. Service as chair pro tem will not preclude subsequent succession to chair. Vice-chairs shall perform such other duties as the Board or the chair shall prescribe.

**8.07**

~~The secretary-treasurer of the corporation may attend all sessions of the Board and all meetings of the general membership shall be responsible for the financial affairs of the corporation. The secretary-treasurer shall also have responsibility for preparing or supervising the preparation of minutes of the board of directors and of the general membership, and for maintaining and authenticating records of the corporation required by law to be kept and maintained, and shall keep, or cause to be kept, minutes of all such proceedings.~~ <sup>10</sup> ~~The secretary-treasurer He/she~~ shall keep in sole custody the seal of the corporation and, when authorized by the Board, affix the same to any instrument requiring it and, when so affixed, it shall be attested by his/her signature, or by the signature of another office or an employee or agent of the corporation duly authorized by the Board to do so.

~~As treasurer of the corporation, the secretary-treasurer he/she shall have custody of the corporate funds and securities and shall keep full and accurate accounts of receipts and disbursements in books belonging to the corporation and shall deposit all monies and other valuable effects in the name and to the credit of the corporation in such depositories as may be designated by the Board. He/she shall disburse the funds of the corporation, taking certified vouchers for such disbursements, and shall render to the president, chairman and Board members, at regular meetings of the Board, or whenever they may require it, an account of all his/her transactions as treasurer and of the financial transactions and overall financial condition of the corporation. The Board of Directors may delegate to an employee or employees of the corporation any or all of the duties and powers of the secretary-treasurer. If required by the Board of Directors, the secretary-treasurer and/or any employee delegated any or all of his/her functions, shall give the corporation a bond in such sum, and with such surety or sureties as shall be satisfactory to the Board, for the faithful performance of the duties of this office.~~

**8.078.08**

~~The Board of Directors shall delegate responsibility for day-to-day management of the corporation to the Executive Director, and shall assign day-to-day responsibility for the financial affairs of the corporation to the employee appointed by the Executive Director as Chief Financial Officer of the corporation. The chair of the Board/chief executive officer, and the secretary-treasurer, shall each retain ultimate responsibility for the corporate responsibilities attendant upon their offices. If required by the board of directors, the secretary-treasurer and/or any employee assisting with the functions of the office of treasurer, shall give the corporation a bond in such sum, and with such surety or sureties, as shall be satisfactory to the board of directors, for the faithful performance of the duties of this office.~~

<sup>10</sup> D.C. Code §29-406.40

**Section 9.00**

**EMPLOYEES**

**9.01**

The Board of Directors shall appoint the chief administrative employee of the corporation who shall be the Executive Director ~~of the corporation and it shall establish a schedule of compensation for all employees of the Council of Governments.~~ The Executive Director shall be responsible for ~~providing~~: (1) ~~providing~~ advice and assistance to the Board and each of its committees; (2) the establishment of personnel policies and practices, ~~and administration of the schedule of employee compensation and benefits established by the Board~~; (3) ~~appointment of an employee to serve as Chief Financial Officer of the corporation, and the selection, appointment, assignment of duties and supervision of the other employees~~ staff of the corporation; (4) ~~procurement and administration of grants and contracts, and~~ coordination of the work of consultants ~~and other independent contractors~~; (5) ~~other aspects and responsibilities attendant upon the day to day management of the corporation~~; and (65) such other duties as the Board may prescribe.

**9.02**

~~The Board of Directors shall establish a schedule of compensation and benefits for all employees of the Council of Governments.~~

**Section 10.00**

**CHECKS**

**10.01**

All checks or demands for money and notes of the corporation shall be signed by such officer or officers, or such other persons or employees of the corporation, as the Board of Directors may from time to time designate.

**Section 11.00**

**FINANCES**

**11.01**

The fiscal year shall begin on the first day of July in each year and shall end on the thirtieth day of June of the following year.

**11.02**

A proposed budget of the corporation shall be submitted to the Board of Directors by the Executive Director at least fourteen days before the Board of Directors meeting that precedes the annual meeting. The budget shall be submitted to the Board of Directors who shall approve or modify it.

**11.03**

Each year upon the adoption of the annual budget by the Board of Directors, assessments of the annual fee for all members and other participating governments shall be fixed. Assessments shall be in amounts sufficient to provide the funds required by the budget. Any member or other participant whose local government's annual assessment has not been paid by the end of the fiscal year for which the assessment was made shall forfeit all rights, privileges and prerogatives of membership and participation, a member of the Council of Governments until such assessment is paid in full.

**11.04**

The annual assessment shall be primarily on a per capita basis as reflected by the latest population estimates of the Council of Governments and verified by the participating governments. Recognizing that cities and towns in the State of Maryland and towns in the Commonwealth of Virginia are a part of counties, the

Board of Director may establish adjustments to a strict per capita assessment formula, which adjustments also shall be reflected in the assignment of weighted votes to such local governments eligible for participation in the Council of Governments under Section 2.03. Unless otherwise provided, this separate fee assessment schedule will be one-half that of governments participating under 2.01 and 2.02.

**11.05** The books of the corporation shall be audited annually by a certified public accountant or accountants, and the audit report for each preceding fiscal year shall be made available to the members and participating governments no later than three months after the close of the audit.

**Section 12.00 SEAL**

**12.01** The corporate seal shall have inscribed thereon the name of the corporation and the year of its organization. Said seal may be used by causing it or a facsimile thereof to be impressed or otherwise reproduced.

**Section 13.00 AMENDMENTS TO THE BY-LAWS**

**13.01** These by-laws may be altered, amended or added to at annual meetings of the general membership, or at special meetings of the general membership called for this purpose; provided, however, Provided that (1) notice of the meeting shall contain a full statement of the proposed amendment or amendments, and (2) the enactment of the amendment shall require two-thirds vote of the members present and having the right to vote at such meeting~~voting having membership under Section 3.01~~.

**13.02** Alternatively, these bylaws may be altered, amended or added to at a regular meeting of the Board of Directors or a special meeting called for this purpose, with notice given at the previous meeting. Amendment by the Board shall require a three-quarters majority of the members present and voting.





Metropolitan Washington Council  
of Governments  
Proposed

Rules of Procedure  
of the  
Board of Directors

Adopted the Board of Directors  
on October 8, 2003

Revised January 1, 2008  
Revised October 14, 2009  
Revised November 9, 2011  
Revised April 11, 2012  
Revised X, 2013

**1.00 ORDER OF BUSINESS**

1.01 Order of Agenda

**2.00 PARLIAMENTARY PROCEDURE - MOTIONS, VOTING, ETC.**

- 2.01 Obtaining the Floor
- 2.02 Limitations on Debate
- 2.03 Personal Privilege
- 2.04 Points of Order
- 2.05 Appeal
- 2.06 Recognition of Non-~~Members~~Directors
- 2.07 Withdrawal of Modification of Motions
- 2.08 Form of Vote
- 2.09 Voting
- 2.10 Demand for Roll Call Vote
- 2.11 Calling the Roll
- 2.12 Records of Votes
- 2.13 Weighted Votes
- 2.14 Proxy Voting Prohibited
- 2.15 Reconsideration
- 2.16 Absence of Chair
- 2.17 Parliamentary Authority
- 2.18 Suspension of Rules
- 2.19 Amendment of Rules

**3.00 AGENDA AND MATERIALS**

- 3.01 Developing the Agenda
- 3.02 Availability to Public
- 3.03 Time of Distribution
- 3.04 Agenda and Related Materials

**4.00 MEETINGS, OFFICIAL RECORDS AND ACCESS TO INFORMATION**

- 4.01 Definitions
  - a) Meeting
  - b) Official Records
  - c) Internal Work Product
  - d) Confidential Data
  - e) Electronic Meeting
- 4.02 Access to Official Records
- 4.03 Records Withheld from Public Disclosure

- 4.04 Segregable Portions of Official Records
- 4.05 Procedure for Handling Official Records
- 4.06 Meetings Open to Public
- 4.07 Executive Sessions or Closed Meetings
- 4.08 Vote on Closed Meetings
- 4.09 Laws/Regulations Governing Closed Meetings
- 4.10 Confidential Data
- 4.11 Destruction of Confidential Data
- 4.12 Certification of Destruction
- 4.13 Procedures for Handling Confidential Data
- 4.14 Security Officer Responsibility
- 4.15 Employee Responsibility
- 4.16 Release of Confidential Data to Public
- 4.17 Written Authorization ~~F~~from Data Contributor
- 4.18 Data Received ~~F~~from Other Sources
- 4.19 Release to Public Agencies
- 4.20 Confidentiality Policy for Consultants
- 4.21 Policy for Data Storage/Processing Firms
- 4.22 Search and Duplication Fees
- 4.23 Fees for Other Services
- 4.24 Advance Deposits
- 4.25 Fees for Search When Unable to Locate Data
- 4.26 Fees Paid in Full Prior to Receiving Data
- 4.27 Form of Remittance
- 4.28 Receipt for Fees Paid
- 4.29 Waiver of Fees by Executive Director of Administration

## **5.00 COMMITTEES**

- 5.01 Selection of Members and Chair
- 5.02 Chair as Ex-Officio Member
- 5.03 Vacancies in Membership or Chairship
- 5.04 Distribution of Responsibility
- 5.05 Participation of ~~Board Member~~Directors
- 5.06 Rules of Committees
- 5.07 Board's Responsibility to Committees

## **6.00 PUBLIC HEARINGS**

- 6.01 Determination to Hold Hearings
- 6.02 Hearing Notice
- 6.03 Location and Time
- 6.04 Availability of Documents to Public
- 6.05 Scheduling of Witnesses
- 6.06 Records

**7.00 NEWS MEDIA PARTICIPATION**

**8.00 CONSENT AGENDA**

8.01 Types of Items

8.02 Format

8.03 Prerogative of ~~Board Members~~Directors

8.04 Removal of Items

**9.00 RULES OF DECORUM**

9.01 Decorum of Members of the Public

**10.00 CONFLICT OF INTEREST GUIDELINES** (approved April 11, 2012)

10.01 Purpose and Intent

10.02 Handling of Conflicts of Interest on Matters Coming Before the Board

10.03 Prohibition of Other Conflicts

10.04 Applicability to COG Officers, Committees and Other COG Entities

10.05 Notice to ~~Members~~Directors

## 1.00 ORDER OF BUSINESS

1.01 After reading and approval of the minutes, the order of business shall be as follows:

- a) Presentation and disposition of petitions, proclamations, certificates of commendation, and other papers
- b) Amendments to the agenda
- c) Consent agenda

~~The order of business may be changed at any time by the vote of a majority of the members present, or by the Chair, unless a majority of the members present object.~~

d) Consideration of remaining business in order set forth in meeting notice and agenda, as amended, if appropriate.

e) The order of business may be changed at any time by the vote of a majority of the Directors present and participating, or by the Chair, unless a majority of the Directors present and participating object.

## 2.00 PARLIAMENTARY PROCEDURE

These procedures apply to meetings of the COG Board of Directors. They also apply, unless modified by majority vote, to all formal meetings of committees created by the Board of Directors and acting under the authority of the Council of Governments.

### 2.01 Obtaining the Floor

A ~~member~~Director wishing to speak, give notice, make a motion, submit a report or for any other purpose, shall address and be recognized by the Chair before addressing the Board. No ~~member~~Director may speak more than once on any subject until every ~~member~~Director desiring to be heard on the subject has been allowed to speak, except that after a motion has been seconded, the maker of the motion shall be offered the floor.:-

### 2.02 Limitations on Debate

Unless otherwise provided for in these Rules, debate may be limited by a motion (1) to limit debate to a time certain or (2) to terminate debate by a motion to move the previous question. Neither motion is debatable. ~~In the former case~~ debate is

limited, the Chair shall fairly apportion the designated time between proponents and opponents of the question.

### 2.03 Personal Privilege and Identification of Conflict of Interest

a) Any memberDirector, as a matter of personal privilege, may speak for a period not longer than five (5) minutes concerning matters which may affect the Board collectively, its rights, its dignity and the integrity of its proceedings, or the rights, reputation and conduct of its individual memberDirectors in their representative capacities only. Personal privilege statements must still follow the basic courtesies and decorum required of public officials and a public meeting.

b) A Director who has a conflict of interest on a matter that requires the Director's disclosure or disqualification, shall state the conflict prior to any discussion of the matter and, if disqualified, shall abstain on the vote. If disqualified, the Director shall not participate in the discussion or any other action on the matter.

### 2.04 Points of Order

Any memberDirector may make a point of order. Points of order are debatable only at the discretion of the Chair. If the Chair permits debate, he/she/the Chair has authority to limit it. Points of order include: (1) alleged violations of parliamentary rules; (2) agenda; and (3) orders of the day.

### 2.05 Appeal

An appeal may be taken from any decision of the Chair. A memberDirector must state his or her/the reasons for appealing a decision, to which the Chair may respond. Appeals must be acted upon immediately. Only the memberDirector appealing a decision, the Chair, and the parliamentarian may address the issue; otherwise the appeal is non-debatable. An affirmative vote of a majority of the memberDirectors present and participating voting is required to sustain the Chair's decision.

### 2.06 Recognition of Non-MemberDirectors

The Chair may recognize members of the public where the participation of such persons would, in the judgment of the Chair, enhance the understanding of the matter under consideration by the Board. Recognition of non-Board memberDirectors during meetings shall be limited to extraordinary circumstances and should not be a matter of general practice.

### 2.07 Withdrawal or Modification of Motions

Any motion may be withdrawn or modified by the mover at any time before it has been amended or voted on.

## **2.08 Form of Vote**

Voting shall be in the form of “YES”, “NO”, and “~~PRESENT~~ABSTAIN”. A vote of “~~PRESENT~~ABSTAIN” shall be deemed the equivalent of an abstention or a non-vote. A Director who has a conflict that disqualifies him ~~the Director~~ from participating on the matter should abstain.

## **2.09 Voting**

Votes on all questions shall be by voice, with the results determined by the Chair. A ~~member~~Director's vote upon any matter shall be recorded upon request. On any question, the Chair or any voting ~~member~~Director may request a show of hands.

## **2.10 Demand for Roll Call Vote**

Any ~~member~~Director, in advance of a vote or promptly thereafter, may demand a roll call vote.

## **2.11 Calling the Roll**

When a roll call vote is demanded, the ~~Clerk of the Board's~~ Secretary-Treasurer, or designee, shall call the roll of the ~~member~~Directors in alphabetical order, commencing with the maker of the motion.;

## **2.12 Record Votes**

When a roll call vote is demanded, the ~~Board's~~ Secretary-Treasurer, or designee, of the Board will shall record the names of those voting “YES,” those voting “NO,” and any abstentions. ~~Member~~Directors will be recorded as absent if they are not in the chambers when a vote is taken. Voting records are official records of the Board.

## **2.13 Weighted Votes**

At the request of a majority of the ~~member~~Directors present representing any two (2) participating governments, any question shall be determined by the majority of the aggregate votes of each participating government on a weighted basis in the same manner as provided in the By-laws, Sec. 5.06.

## **2.14 Proxy Voting Prohibited**

No proxy shall be permitted either for the purpose of voting or for the purpose of obtaining a quorum.

## 2.15 Reconsideration

- a) Any memberDirector recorded as having voted with the prevailing side on a question may move to reconsider the question at any time except as limited by this section. A resolution may only be reconsidered during the meeting at which it was adopted, or at the next regular meeting.
- b) For the purpose of this rule, any memberDirector who was present and voting on a question decided by a voice vote will be considered as having voted with the prevailing side on the question unless the memberDirector had asked to be recorded as voting against the prevailing side or "PRESENT".
- c) A motion to reconsider requires the approval of a majority of the memberDirectors present and voting.
- d) When a motion to reconsider a vote is defeated, it cannot be repeated.
- e) A motion to reconsider is not required to consider amendments to move to Strike, or to accept amendments accepted or rejected on a previous reading of a bill.
- f) Votes to approve or amend these Rules may not be reconsidered pursuant to this section; such votes must be subject to the notice requirements of Rule 2.19.

## 2.16 Absence of Chair

In the absence of the Chair at a meeting, the Vice Chair, senior in election, shall preside. In the absence of the Chair and Vice Chairs at a meeting, the Board memberDirectors present shall elect a Chair Pro Tempore. ~~The A~~ Vice Chair, or Chair Pro Tempore, while acting as Chair, shall have all the authority and voting rights of the Chair thereof. If, after a meeting has commenced, it is necessary for the Chair and the Vice Chair to be absent from time to time, the Chair or other Presiding Officer, pursuant to this section, may designate a MemberDirector to preside temporarily at the meeting.

## 2.17 Parliamentary Authority

Matters not covered by these Rules will be governed by *Robert's Rules of Order*. It is the duty of the Chair to interpret the Rules. Matters not covered by *Robert's Rules of Order* ~~wi~~shall be determined by the Chair subject to the right of any memberDirector to appeal the ruling of the Chair. The Chair of the COG Board, or any derivative committee, or any memberDirector thereof may seek assistance from the General Counsel, as Parliamentarian, in interpreting these Rules or *Robert's Rules of Order*.



## 2.18 Suspension of Rules

Except for rules regarding notice, quorum, or amendment of these Rules, and any requirement of the Bylaws, any Rule governing procedures of the Board may be suspended during the consideration of a specified matter by motion to suspend the Rules approved by 2/3 of the ~~member~~ Directors present and participating voting.

## 2.19 Amendment of Rules

- a) These Rules may be amended by a vote of a majority of the Board of Directors.
- b) An amendment must be proposed in writing, signed by the proposer, and circulated to all ~~member~~ Directors, at least seven (7) days prior to the Board's consideration of the amendment.

## 3.00 AGENDA AND MATERIALS

### 3.01 Developing the Agenda

The Executive Director, at least 10 ~~(ten)~~ days before the meeting, shall prepare a list of proposed agenda items for the consideration of the Chair and the Vice Chairs. The agenda of every regular Board meeting ~~is~~ shall be approved by the Chair.

### 3.02 Availability to Public

Agendas of upcoming Board meetings shall be made available for public review in the COG offices and on the COG website no later than Monday, the week of the Board meeting.

### 3.03 Time of Distribution

Agenda materials shall be mailed or delivered by hand or electronically to the ~~Board member~~ Directors no later than seven (7) days before a regular Board meeting. All additional materials are to be distributed to the Board prior to the meeting. The Board may defer any item for which all relevant information has not been prepared in the above-referenced manner.

### 3.04 Agenda and Related Materials

All written materials related to agenda items, which are received at the COG office by 5:00 P.M. on the day preceding a regular Board meeting, will be distributed to ~~Board member~~ Directors prior to the meeting. All correspondence received by the Board that is public shall be and made part of the record of the

meeting. For distribution to ~~Board member~~ Directors, ~~the Board requests that~~ <sup>35</sup> ~~(thirty)~~ copies of the correspondence, as well as an electronic copy, shall be provided to the Board's Secretary-Treasurer, or designee.

### 3.05 Policy Reports

TPB, MWAQC, and the Policy Committees ~~will~~ are encouraged to make periodic reports to the COG Board. ~~TPB and MWAQC shall make such reports~~ at least semi-annually and policy committees shall do so at least annually. These presentations and reports will describe the work performed by the committee, its future workplans, and how its efforts impact and are integrated with other efforts of the region and the Board.

## 4.00 MEETINGS AND ACCESS TO INFORMATION

### 4.01 Definitions

- a) "Meeting" means the assemblage, as a body or entity, of the constituent Membership, with or without minutes being taken, whether or not votes are cast, of the ~~Board of Directors, General Membership, Board of Directors, and~~ of any designated policy; or *ad hoc* committee of ~~COG the Metropolitan Washington Council of Governments.~~ "Executive meeting session" or "closed meeting" is a meeting from which the public is excluded. "Open meeting" or "public meeting" is a meeting at which the public may be present.
- b) "Official Records" means the minutes or summaries of any open and public meeting, the documents submitted for inclusion with the minutes, the record of all actions taken at such meeting, the reports of studies paid for with COG or public funds, except unpublished information and information deemed internal work product or confidential data, and records of actions taken by an officer, a committee of the board, or a designated body on behalf of COG.
- c) "Internal Work Product" means the documents, memoranda, data, maps, figures, projections, inter-departmental communications or other sources of information required for intelligent and informed internal discussions and which have been developed by and intended to be used by COG's staff, consultants or technical committees.
- d) "Confidential Data" means information or data in COG's possession which can identify a particular person, private organization, or business or which could reveal a trade secret, process, operation, or style of work of a contractor, in which the contractor has a proprietary interest. It includes data about an employee that is maintained and controlled by COG, including, but not limited to, education, financial transactions, medical history and that contains a name or identifying number or symbol.

#### 4.02 How meetings may be held; electronic meetings

a) Meetings at which less than a quorum of the Directors will be physically assembled may be held by telephone conference call, videoconference, or online combination, upon direction of the Chair, with consent of the Executive Committee, upon at least three (3)-day's notice given memberDirectors by either email or telephone, which notice shall include the specific steps necessary to access the meeting. Such direction shall only be given upon a determination that a face-to-face meeting is effectively precluded by emergency conditions and, further, that action by the Board is legally, financially, or politically required. Insofar as possible, all matters requiring a vote shall be proposed in writing and furnished to memberDirectors at least three (3) days prior to the meeting<sup>22</sup>

fb) A Board MemberDirector may attend a Board of Directors meeting through electronic communication means from a remote location, only as follows:- The MemberDirector shall give at least three (3)-days' notice to the Executive Director by either email or telephone, and indicate the remote location, acceptable to the COG staff and which does not have distracting noise, from which the MemberDirector will participate. Upon receipt of such notice, the Executive Director shall advise the Board of Directors by email or telephone, or the Chair shall announce electronic participation at the beginning of the Board meeting.

[1] Such participation by any individual the MemberDirector shall be limited each calendar year to two (2) meetings or 25 percent (25%) of the meetings of the Board, whichever is fewer;. The limitation shall apply to both the Board memberDirector and that Board memberDirector's alternate(s).

[2] Electronic participation is contingent upon the ability of COG staff to make arrangements for the voice of the remote participant MemberDirector to be heard by all persons at the central meeting location.

[3] The following procedures shall apply when a MemberDirector is attending electronically:

- The mMemberDirector shall verbally identify at the beginning of the meeting that the MemberDirector is present electronically; and announce if the MemberDirector is departing from the meeting, unless the meeting has adjourned.
- The MemberDirector attending electronically shall verbally ask for recognition from the Chair if the MemberDirector desires to speak.
- Votes taken during any meeting, when a MemberDirector is attending electronically, shall be recorded by name in roll-call fashion and

included in the minutes. The ~~Member~~Director attending electronically shall indicate ~~the Director's~~his/her vote verbally when requested by the Chair or ~~Clerk~~Board Secretary.

- The ~~Member~~Director attending electronically shall not have a right to attend any executive ~~session or closed meeting~~session during the meeting but may be included if arrangements can be readily made and the confidentiality of the meeting ensured.
- All other Rules ~~of Procedure~~ shall apply.

[4] The Chair may determine that no electronic attendance is permitted at certain meetings of the Board of Directors, or limit the number of electronic attendees to no more than four (4) Directors based on a first notification basis. The Chair has the discretion to waive the three (3) days advance notice.

#### **4.023 Access to Official Records**

Except as provided in ~~Section~~Rule 4.056, it is COG policy that all official records, as defined in Rule 4.01(b), above, shall be open to inspection and copying by any person during the regular business hours of the custodian of such records. Reasonable fees may be charged for the search for such records and use of copying facilities (see ~~Rule~~See: 4.22).

#### **4.034 Records Withheld from Public Disclosure**

The following official records may be withheld from public disclosure:

- a) Records specifically exempted from disclosure by law;
- b) Confidential data as defined in ~~See~~Rule: 4.01, release of which would result in a clearly unwarranted invasion of personal or business privacy, except that access shall not be denied to the person who is the subject thereof;
- c) Records of commercial or financial information contained from a person under an agreement of confidentiality;
- d) Records of internal communications (internal work product) which would not be available by law to a party other than a party in litigation with COG;
- e) Reports and memoranda of consultants or independent contractors, except to the extent they would be required to be disclosed if prepared by COG.

#### **4.045 Segregable Portions of Official Records**

Any reasonably segregable portion of any official ~~Board of Directors~~ records shall be provided to any person requesting such records after deletion of the portions which are exempt under this ~~section~~ Rule.

#### **4.056 Procedure For Handling Official Records**

The following procedure shall guide the day-to-day handling of requests for official records. Revisions in or deviations from these procedures may be made by a Department or Office Director for a given situation, subject to the approval of the Executive Director.

- a) Requests from the general public for official records shall be filed, in writing, with the COG Office of Public Affairs ~~of COG (“OPA”)~~, and ~~the shall~~ OPA ~~Office of Public Affairs~~ shall forward requests to the appropriate department or office for response if the ~~information is records are~~ not available in the OPA ~~Office of Public Affairs~~.
- b) The appropriate COG employees shall locate the official records requested as promptly as possible and forward to OPA. If the ~~records information~~ sought ~~is are~~ exempt, ~~is str~~ not in existence, ~~is are~~ located outside of COG, or ~~is are~~ not available, the person making the request shall be notified of this fact, in writing, by the OPA, on the recommendation of the COG Department or Office responsible for such ~~records information~~, as promptly as possible.
- c) If the ~~official records are~~ ~~information is located~~, the ~~information records~~ sought shall then be given or mailed to the person making the request. Copying facilities shall be available, at a reasonable cost, if it is necessary for the requester to duplicate the requested ~~records information~~ at the COG offices.
- d) If ~~the information any official record~~ sought and located is deemed internal work product or confidential and nondisclosable and is designated as such by the Department or Office Director, the request for disclosure shall be denied. The reasons for the denial of the request shall be stated in writing. When a request is denied, it shall become incumbent upon the Department or Office Director to explore alternative or substitute forms for the distribution or access to the essential facts contained in the designated ~~record information~~.
- e) The person making the request may appeal the determination that the official record ~~material~~ sought is internal work product or confidential by submitting a written request for the designated ~~information official record~~ to the Executive Director.
- f) The Executive Director shall ~~have the decision whether to on the~~ release of confidential or internal work products which have not been submitted, discussed, or considered by a COG committee. The person making the request shall be notified of the decision, in writing, as promptly as possible.

- g) If the internal work product has been submitted to, discussed, or considered by a committee, the committee members at the next regular meeting may, by a majority vote, eliminate the designation of the official record information as internal work product and the information record shall then be available for public disclosure through the aforementioned process. A reference to the existence of the internal work product in the minutes of a committee meeting shall not suffice to satisfy the requirement that the committee has submitted, discussed, or considered the record information sought, or not made any determination on whether or not it is an internal work product.
- h) Requests to listen to or re-record the tape a recording of any meeting recorded at COG shall follow the above procedures. Tapes Recordings may not be removed from the COG offices. Time will be provided for listening to or copying the recordings the tapes at COG.
- i) Any inconsistency between these procedures and the procedures any requirements of outlined in a controlling federal, or state or local statute or regulation for a given situation, including, without limitation, the requirements of DC ST §§29-413.01 through 29-413.07, shall be resolved in favor of the applicable statute or regulation latter.

#### **4.067 Meetings Open to Public**

- a) Except as provided in SectionRule 4.078, all meetings of the COG Board or its policy committees shall be public meetings. Information as to the time, location, and agenda of each meeting shall be furnished upon request. Where a federal law or regulation applicable to a transaction in which COG is involved calls for a public hearing or meeting, notice of such hearing or meeting shall be published as required by the specific federal law or regulation. Additionally, notice of the meeting shall be placed on the COG website. A mailing list may be kept to provide notice to those persons who have requested that their names or organizations be placed upon such a list.
- b) In the case of an electronic meeting held pursuant to RuleSection 4.012-e), every reasonable attempt will be made to permit public electronic viewing or listening in the COG Board Room. If such public attendance is made impossible by the emergency causing the electronic meeting, electronic copies will be made available to the public as soon as possible.
- b)c) Meetings of technical committees are presumed not to be public meetings. However, by decision of its Chair, or by majority vote of the committee members, any meeting or part thereof may be opened to the public.

#### **4.078 Executive Sessions or Closed Meetings**

Executive sessions or closed meetings of the COG Board or its policy committees may be held only for the following purposes:

- a) Discussion or consideration of personnel matters such as: employment, assignment, appointment, promotion, demotion, disciplinary action, or salaries of employees within COG.
- b) Discussion or consideration of the condition, acquisition, or disposition of property in which COG has or may have an interest.
- c) Consultation with legal counsel and briefings by staff members, consultants, or attorneys pertaining to pending litigation or other legal matters.
- d) Work sessions of the Board of Directors or its policy committees

~~Meetings of technical committees are presumed not to be public meetings. However, by decision of its Chair or by majority vote of its members, any meeting or part thereof may be opened to the public.~~

#### **4.089** Vote on Executive Sessions or Closed Meetings

No meeting of the COG Board or its policy committees shall become an executive session or closed meeting unless there shall have been publicly recorded an affirmative vote to that effect by the body holding such a meeting. The record of the vote should identify which of the purposes in See Rule 4.078 was the basis for closing the meeting.

#### **4.109** Laws/Regulations Governing Executive Sessions or Closed Meetings

Where federal, ~~or~~ state or local laws or regulations are found applicable to the manner in which a particular matter or meeting shall be conducted, they shall take precedence over the aforementioned policy.

#### **4.101** Confidential Data

It is the policy of COG to obtain confidential data only when necessary to fulfill its information-gathering and data collection responsibilities and to minimize risk of disclosure to the greatest extent possible. Whenever feasible and the requirements of a project allow, the names of respondents and survey participants shall not be accepted, recorded or retained. It shall be the usual procedure that data will not be released with categories of less than 3 (three) observations or one observation representing 80 percent or more of the category total. However, with some data, this is an unnecessary precaution and the Executive Director of Administration may authorize release of data with a lesser number. Nothing in this section shall prevent the Executive Director of Administration from setting a higher minimum when necessary.

#### 4.112 Destruction of Confidential Data

Unless the data-contributing agency, organization or individual requests that the data be returned, and except as may otherwise be required by law, all confidential data will be destroyed as it is no longer needed, according to schedules and procedures established by the a designated Project Security Officer (RuleSee- 4.145).

#### 4.132 Certification of Destruction

Every agency, organization, or individual contributing data is entitled, upon request, to a written certification that the confidential information that they supplied was destroyed after use.

#### 4.134 Procedures for Handling Confidential Data

The following procedures guide the day-to-day handling of confidential data at COG. Revisions or deviations in these procedures may be made by the Executive Director ~~upon the recommendation of a Security Officer, Project Manager or Department Head.~~

#### 4.145 Security Officer Responsibility

For ~~each~~any project at COG which involves confidential data, the Executive Director ~~shall~~may designate a Security Officer who will be responsible for establishing project-appropriate measures designed to protect the obtaining compliance with the policies and procedures of COG on confidentiality of data collected or disseminated in connection with, or as a result of, that project. ~~The Executive Director or his designated representative will perform unannounced audits to check compliance with the policies and procedures and will render reports of the same to the Project Director, Project Security Officer and Executive Director.~~

The duties of the Security Officer shall be to:

- a) Identify and define the specific information and data that will be treated as confidential ~~Inventory data as received and update the inventory of all confidential data indicating new data received and data which has been destroyed or otherwise disposed of. A copy of the inventory shall be transmitted quarterly to the Executive Director;~~
- b) Designate members of the staff who are to have access to the data, have them execute a confidentiality agreement, and transmit a list with the names of such employees along with the completed agreements, to the Executive Director;



- c) Develop procedures and maintain a secured area and such equipment as is needed to protect the confidentiality of information and data~~process and maintain all confidential data stored. Only the Security Officer and Executive Director shall have keys to such areas or equipment. Only employees who have signed the Confidentiality Agreement (see Sec. Rule 4.156) and who are authorized by the Security Officer or Manager of Data Processing shall have access to a secured area and confidential data;~~
- d) Where appropriate for a specific project, establish and m~~Maintain a log (names, data, purpose) documenting the dates and times at which authorized persons have used or accessed confidential information or data~~~~for all material removed from the secured area by authorized personnel and require that such materials be placed in a secured area during lunch hour or at any other time the person is away from his/her~~the person's work area;
- e) ~~Have all forms, records, tapes and other materials which are classified as confidential, so identified and marked accordingly to the extent feasible;~~
- f) Identify or e~~Establish, and oversee, schedules and~~ procedures for the destruction of confidential information and data when it is no longer needed for COG purposes, in accordance with applicable federal, state and local laws, regulations and ordinances; and
- g) Issue, upon request, written certifications ~~certificates guaranteeing attesting~~ that confidential information has been destroyed in accordance with applicable schedules and procedures.

**4.156 Employee Responsibility**

Employees shall be held ~~are~~ responsible for the proper handling of COG confidential data in their use or possession. This includes taking personal responsibility for seeing that the data is not left unattended or where unauthorized persons may have access to it. Employees and applicants for employment, who have or will have access to, work with, or in any way be responsible for confidential data are required to sign a confidentiality agreement. This will constitute a condition of employment and failure to comply with the terms of the agreement will be grounds for dismissal.

**4.167 Release of Confidential Data to Public**

Confidential data shall not be released to the public except as provided in See: Rule 4.101. To the extent that outside consulting and data processing firms must handle confidential data for COG, they will be required to conform strictly with the operational procedures set out for them in Rules Sections 4.134 and 4.145.

#### **4.178 Written Authorization from Data Contributor**

Data which would otherwise be confidential and not released may be made public only with written authorization from the data contributor(s) that: a) they have the authority to and do authorize COG to make the information public; and b) they will, to the fullest extent allowed by law, indemnify COG and release COG and its employees and officials from any damages which might result from use of such data if such permission was unauthorized.

#### **4.189 Data Received from Other Sources**

Confidential data received from public agencies or private organizations shall not be released to other agencies by COG without express written authorization from the data-contributing agencies or organizations.

#### **4.1920 Release to Public Agencies**

Confidential data and analyses which are, or have become, the sole property of COG may be released to other public agencies by the Executive Director upon proper showing of need for the data, provided that the outside public agency agrees to follow all the procedures COG follows in using and any subsequent disclosure of such data and agrees, to the fullest extent allowed by law, to indemnify COG and release it from any damages which might result from the use and disclosure of such data.

#### **4.201 Confidentiality Policy for Consultants**

Where appropriate, consultants and consulting firms working for COG will be required to sign an agreement not to disclose any confidential information. They will be required to use such data at the COG offices. If that is not possible, and the removal of confidential data from the COG offices is necessary, the individual or firm will be required to submit (prior to retention) a separate statement of the procedures that will be followed to assure the confidentiality of the data while in transit, when being used, and during hours of non-use. If the Project Director is not satisfied with the procedures proposed by the consultant, confidential information shall not be released and a contract will not be executed.

#### **4.212 Policy for Data Storage/Processing Firms**

The policy for companies providing keypunching, tape storage, and other data processing services for COG is similar to that for consultants. A basic agreement will be required and also a separate statement detailing their procedures for handling confidential data after its removal from COG offices. The Project Director and Executive Director must be satisfied with the procedures before a purchase order or contract is executed.

#### **4.223 Search and Duplication Fees**

The Executive Director shall establish specific fees applicable to services rendered to carry out this policy and these fees will be explained prior to rendering any service.

#### **4.234 Fees For Other Services**

When no specific fee has been established for a service, for example, when the search involves computer time or special travel, transportation, or communications costs, the Department/Office Head shall recommend to the Executive Director the costs of the service and include such costs in the fees chargeable under this section.

#### **4.245 Advance Deposits**

Where it is anticipated that the fees chargeable under this section will amount to more than \$25, and the person making the request has not indicated in advance willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In appropriate cases an advance deposit may be required. A request will not be deemed to have been received until the person making the request has agreed to pay any necessary fees and has made an advance deposit if one is required.

#### **4.256 Fee for Search When Unable to Locate Data**

Search costs are due and payable even if the record which was requested cannot be located after all reasonable efforts have been made to locate such information.

#### **4.267 Fees Paid in Full Prior to Receiving Data**

Fees must be paid in full prior to issuance of requested copies.

#### **4.278 Form of Remittance**

Remittances shall be in one of the following formats: either of a personal check or bank draft drawn on a bank in the United States, ACH, wire transfer, or credit card transaction, a postal money order, or cash. Remittance made by check shall be made payable to the order of the “Metropolitan Washington Council of Governments” or “MWCOG” and mailed or otherwise delivered to the attention of the Accounts Receivable Department, MWCOG, 777 North Capitol Street, NW, Suite 300, Washington, DC, 20002. ~~the Office of Public Affairs. COG will assume no responsibility for cash which is lost in the mail.~~ To remit payments by credit card or electronic means, arrangements shall be made with the MWCOG

Finance Department, 777 North Capitol Street, NW, Suite 300, Washington, DC, 20002.

**4.289 Receipt for Fees Paid**

A receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

**4.29 Waiver of Fees by Executive Director**

The Executive Director may waive all or part of any fee provided for in this section when the Director deems it to be in either COG's interest or in the general public's interest.

**5.00 COMMITTEES**

**5.01 Selection of Committee Chairs**

At or near the beginning of the term of the Chair of the Board of Directors, she or he shall nominate the Chair and Vice-Chairs of each committee of the Board and policy committee. The Board shall act on the Chair's nominations before they take effect.

**5.02 Chair as Ex-Officio Member**

The Chair shall be an ex-officio, voting member of all committees, and may be counted for purposes of a quorum, but shall not increase the quorum requirement for the committee.

**5.03 Vacancies in Committee Chairs**

Vacancies in the chair of a committee shall be filled by appointment by the Chair of the Board, unless otherwise provided by the committee's bylaws.

**5.04 Distribution of Responsibility**

The Chair and Board shall endeavor to distribute committee responsibility as evenly as possible among the members, and in no event shall an individual member chair more than one standing committee.

**5.05 Participation of Board ~~Member~~Directors**

Any ~~member of the Board~~Director may attend the meeting of any committee and may participate in committee discussions, but only committee members may make motions and cast votes.

## 5.06 Rules of Committees<sup>[s1]</sup>

a) Each committee, except TPB and MWAQC, shall follow these Rules or shall adopt other written rules, not inconsistent with these Rules or ~~other~~ applicable laws, governing its procedures. The committee rules, effective upon filing with the ~~Clerk of the Board's Secretary-Treasurer~~, shall incorporate the following principles:

- 1) The scheduling of regular meeting days for conducting business;
- 2) A procedure for rescheduling or canceling a regular meeting;
- 3) A procedure for holding additional meetings to be called by the chair;
- 4) A procedure for holding special meetings, which shall be called at the \_\_\_ request of the committee chair or of a majority of the members of the \_\_\_ committee;
- 5) Procedures governing the chairing of a committee meeting in the \_\_\_ absence of the chair;
- 6) Procedures for keeping a complete record of all committee action, \_\_\_ which shall include any roll-call votes;
- 7) Procedures for making available for inspection by the public at \_\_\_ reasonable times in the office either of the committee or of the ~~Clerk to the Board's Secretary-Treasurer~~, a description of each amendment, motion, \_\_\_ ~~O~~order, or other proposition on which a vote was taken;
- 8) A procedure for giving notice of hearings consistent with ~~section~~Rule \_\_\_ 6.02;
- 9) Procedures setting a fixed number of members to constitute a quorum;
- 10) A requirement that if, at the time of approval of any measure by a \_\_\_ committee, any member of the committee gives notice of intention to \_\_\_ file supplemental, minority, or additional views, that member shall be \_\_\_ entitled to not less than ~~5-(five)-(5)~~ (5) calendar days (not including \_\_\_ Saturdays, Sundays, and legal holidays) in which to file such views; \_\_\_ all views so filed shall be included in the report of the committee on \_\_\_ the measure;
- 11) Any provision of these Rules that by its terms specifically applies to a \_\_\_ committee shall be binding on each committee;

\_\_\_ When these rules are used as committee rules, and unless the context  
\_\_\_ dictates a different meaning, the term "Board" means "Committee";  
\_\_\_ the term "member" or "member of the Board" means "member of the  
\_\_\_ committee" and the term "Chair" means "Chair of the Committee";

12) Committees may adopt additional rules. Committee rules adopted  
\_\_\_ under this section shall be consistent with these Rules and other  
\_\_\_ applicable law, and shall be filed with the Board's Secretary-  
Treasurer-to the  
\_\_\_ Council.

b) TPB and MWAQC are encouraged to adopt rules which are as similar as  
practicable to these Rules, and to file written copies of their ~~rules~~-adopted  
rules with the ~~Clerk to the Board's Secretary-Treasurer.~~

### 5.07 Board's Responsibility to Committees

- a) The Board is responsible for matters pertaining to the annual budget, schedule of assessments, the adoption of all major policies and plans, and initiation of action on matters not specifically assigned to other committees.
- b) The Board Chair ~~of the Board~~ is a member of all committees of the Board. The Chair may not withhold a measure duly reported and timely filed by a committee from the agenda of the Board, unless the Board votes to table the measure to a time certain.
- c) The following committees shall be deemed standing committees of the Board of Directors:

#### 1) Executive Committee

The Executive Committee shall consist of the Chair and the two Vice-Chairs. It shall: (1) assist the Chair in agenda planning; and (2) act on behalf of the Board on time-sensitive business or policy issues. In the latter case, the Executive Committee will report any action taken hereunder to the Board at its next regular meeting; the Board may then ratify the action or take any other action it deems appropriate.

#### 2) Finance Committee

The Finance Committee shall consist of the Chair, the Vice-Chairs, the Secretary/Treasurer, and the chairs of TPB and MWAQC. It shall: (1) review on an annual basis, the proposed work plan and budget of COG and its committees, and make recommendations thereon to the Board; (2) advise the Board on methods to determine local government contributions to COG and

long-term funding strategies for COG; and (3) advise the staff and Board, as necessary, on issues related to COG's finances.

### 3) Employee Compensation and Benefits Review Committee

The Chair shall annually appoint ~~Directors~~ members of to serve on the Employee Compensation and Benefits Review Committee (ECBR). The ECBR shall periodically cause a review and analysis of salaries and benefits in the "COG marketplace" to ascertain appropriate levels of employee compensation and benefits to maintain COG's competitiveness in recruitment for new employees and the retention of existing employees. The ECBR shall make recommendations to the Board concerning its findings ~~thereunder~~. The COG marketplace includes (1) COG's participating jurisdictions; (2) similar major regional councils and metropolitan planning organizations throughout the country; and (3) comparable nonprofit associations in the Washington Metropolitan ~~Statistical Area~~ area. The ECBR shall also create and implement annual procedures for the Board's review and evaluation of the Executive Director and shall annually make findings and recommendations thereon to the Board.

### 4) Audit Committee

The Audit Committee shall consist of three ~~(3) Board members~~ Directors who are not currently an officer of COG, an officer of the Board, or the Chair of a policy Committee, TPB or MWAQC, nor have been such within three (3) years. The functions of the Audit Committee include: (1) overseeing periodic competitive processes for the selection of an outside auditor and recommendation of a selection to the Board; (2) receipt and review of the annual auditor's report; and (3) recommendations, if any, to the Board based upon such review.

- (d) The Board shall create such permanent and *ad hoc* policy and technical committees as it shall from time to time deem appropriate, and shall concurrently with the ~~if~~ creation of the committee, provide a mission statement and bylaws governing the activities of the committee created. Participating governments and adjunct participating governments may nominate elected officials to policy committees and elected officials or professional staff to technical committees. With the approval of the Committee chair, or as provided in its bylaws, professional staff may serve on policy committees.

## **6.00 PUBLIC HEARINGS**

Public hearings provide individuals and organizations with a formal opportunity to be heard on a matter prior to decision-making. ~~They~~ Public hearings will be held prior to adoption of formal policies or plans on which policies or plans and hearings; are required by federal or state law. The following procedures shall be

followed by the ~~Metropolitan Washington Council of Governments~~ Board of Directors and its policy committees when holding public hearings. These procedures do not apply to informal public meetings held to elicit the viewpoints of individuals and organizations in the process of formulating policies and programs.

#### **6.01 Determination to Hold Hearings**

Except when otherwise required by law or regulation, the decision to conduct a hearing shall be made by the Board ~~of Directors~~. In making such determination, the amount of public interest shown in and pertinent information to be gained from a hearing shall be taken into consideration.

#### **6.02 Hearing Notice**

A notice of each hearing shall be published at least 14 ~~(fourteen)~~ days prior to the hearing in a newspaper of general circulation in the area affected by the hearing, or such other time period as may be required by applicable law. The notice ~~should be of display type and~~ must state the date, time, place, subject of the hearing, any constraints on statements, telephone number and location at which to sign up to testify and to pick up available background material. Notice of the hearing ~~will~~shall be placed on the COG website. In addition, notice will be mailed to all individuals and organizations on the mailing list of the Board or committees conducting the hearing.

#### **6.03 Location and Time**

In determining the number, locations and times for hearings, consideration shall be given to easing travel hardship and to facilitating attendance and testimony by a cross section of interested or affected persons and organizations. The location for each hearing shall be in ~~at least one place in~~ the District of Columbia, Northern Virginia and suburban Maryland, as determined appropriate to the subject matter of the hearing. Accessibility of hearing sites by public transportation shall be considered.

#### **6.04 Availability of Documents to Public**

Reports, documents, and data to be discussed at the hearing shall be available to the public for not less than 10 ~~(ten)~~ days prior to the hearing unless otherwise directed by the Board at the time the hearing is scheduled or by the Executive Committee in the absence of a Board meeting.

#### **6.05 Scheduling of Speakers Witnesses**

Individuals may telephone, visit the COG office, or request in writing to be placed on the ~~witness~~ list of speakers for a scheduled public hearing. ~~Witnesses~~ Speakers



shall be scheduled in advance when necessary to ensure maximum participation and appropriate allotment of time for testimony. The general time limit on presentation shall be five (5) minutes for individuals and ~~10~~ minutes for organizations. Governmental representatives who are to testify shall be placed at the beginning of the ~~witness-speakers'~~ list.

A person who wishes to ~~testify-speak at a public hearing~~ may sign up for himself/herself only and not for others, and only one representative per organization ~~may speakean testify~~.

A request to change the sequence of speakers when the appropriate person's name is called may or may not be granted by the Chair.

Written ~~comments testimony~~ may be submitted in lieu of oral presentations and it shall be made part of the official record. The record may be held open for receipt of ~~testimony-comments~~ at the discretion of the Board or policy committee conducting the hearing.

## **6.06 Records**

A record of the public hearing in form of written transcript or electronic recording shall be available to the public at cost.

## **7.00 NEWS MEDIA PARTICIPATION**

Reasonable seating facilities shall be provided for representatives of news media at all ~~sessions and~~ public meetings of the Board or policy committee, and such representatives are encouraged to attend. Any meeting ~~or legislative session~~ may be briefly recessed for the purpose of picture taking or ceremonial activities. Time ~~shall may~~ be provided ~~after~~ the conclusion of ~~a each Council session~~ Board or policy committee meeting for questions by media representatives.

## **8.00 CONSENT AGENDA**

### **Types of Items**

The Consent Agenda shall contain items that require Board authorization but are not expected to require discussion. Such items shall include, but not be limited to the following: consultant and third party contracts in furtherance of previously authorized programs by the Board; grant applications and contracts authorized in the COG Council's budget; routine written reports from policy committees and written status reports; and committee appointments made by the Chair.

### **8.02 Format**

Items on the Consent Agenda shall be listed together under the title Consent Agenda on the monthly Board meeting agenda. All motions listed on the Consent Agenda will be approved as a result of a single motion to approve the Consent Agenda.

### 8.03 Prerogative of ~~Board Member~~Directors

Any ~~Board member~~Director attending the ~~at Board~~ meeting shall be entitled to have one or more items removed from the Consent Agenda by a request made to the Chair prior to the Board<sup>2</sup>s taking action on the Consent Agenda. In such event, items removed from the Consent Agenda shall be considered after the ~~last agenda item, but before any new items added to the agenda by amendments to the agenda, unless the Board determines by a majority vote to take up such items removed from the Consent Agenda in some other order~~ vote on the Consent Agenda unless the Chair determines in the Chair's discretion otherwise.

### 8.04 Removal of Items

Items removed from the Consent Agenda at the request of a ~~Board member~~Director shall be dealt with individually and shall follow the regular practice and procedures for discussion and action by the Board.

## 9.00 RULES OF DECORUM

### 9.01 Decorum of ~~Members of the Public~~

Directors and mMembers of the public shall conduct themselves in an orderly manner and not disrupt the Board meeting.

The Chair shall maintain order in the ~~Council~~Board Chamber. If the Chair determines that the removal of any person ~~other than a member~~ is necessary to maintain order, and after warning the person, the ~~Chair~~ may order the removal of any disorderly person.

## 10.00 CONFLICT OF INTEREST GUIDELINES (approved April 11, 2012)

### 10.01 Purpose and Intent

COG is a nonprofit, tax exempt organization. The COG members view the operations of COG as a public trust, which is subject to scrutiny by and accountable to such governmental authorities, as well as to the IRS. Maintenance of its tax exempt status is important both for public support and for its continued financial stability.

Consequently, there is a fiduciary duty among COG, its Board of Directors (~~"Board"~~), officers, management and employees. All have the responsibility of

administering the affairs of COG honestly and prudently, and of exercising their best care, skill and judgment for the sole benefit of COG and its members. Therefore, memberDirectors, officers, management and employees shall exercise good faith in all transactions involved in their COG duties. They shall not use their positions with COG, or confidential or proprietary knowledge gained therefrom, for their personal benefit.

## **10.02 Handling Conflicts of Interest on Matters Coming Before the Board**

a) It is the duty of each Board memberDirector to disclose any conflict of interest (“conflict”) that he or she has with an issue, matter or transaction (“transactions”) coming before the Board, both in writing and verbally, at the meeting of the Board. After identifying the transaction with respect to which a conflict exists, the memberDirector shall withdraw from any further involvement in that transaction.

b) For purposes of COG transactions, a conflict of interest exists for a memberDirector when that memberDirector would have a conflict or personal interest under the conflict of interests laws or policies of the entity which he or she represents on the Board, as if the same transaction were before that jurisdiction.

c) A memberDirector, who is uncertain as to whether he or she may have a conflict, should ask the General Counsel for an opinion. If requested, the General Counsel shall issue a written opinion stating the basis for the opinion, and the opinion shall be presumed to be correct. The General Counsel shall advise the Board Chair-of the Board, the President and the Executive Director of each opinion issued. The opinion may be relied upon by the memberDirector unless challenged by another memberDirector at the time of the transaction, in which case the final decision as to whether a conflict exists shall be made by the other Board memberDirectors. Copies of all opinions shall be retained by the Executive Director, and made available to the Board upon request.

d) The minutes of the meeting shall reflect that the disclosure was made and whether the person making the disclosure thereafter withdrew from further involvement in the transaction.

## **10.03 Prohibition of Other Conflicts**

In addition to the foregoing, a memberDirector shall not:

a) Use for his or her own economic benefit, or that of another party, information acquired by reason of his or her position as a memberDirector, which is proprietary or confidential or otherwise not generally known to the public.

b) Accept any service, money or thing of value from any person or organization that would tend to impair his or her impartiality and independence of judgment in the performance of his or her duties as a ~~member~~Director.

**10.04 Applicability to COG Officers, Committees and Other COG Entities**

The responsibilities set forth in this section shall also apply to COG officers, ~~members~~ of COG Committees and other COG Entities, and the same procedures followed.

COG Human Resources policy will include consistent provisions with respect to staff.

**10.05 Notice to ~~Members~~Directors**

New ~~member~~Directors and committee members shall be given a copy of this policy by the Executive Director and specifically asked to read it.

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

**RESOLUTION AMENDING BY-LAWS AND RULES OF PROCEDURE**

**WHEREAS**, based upon the recommendation of its General Counsel, the Metropolitan Washington Council of Governments (COG) desires to amend its By-laws and Rules of Procedure, respectively, to conform with the District of Columbia Nonprofit Corporations Act of 2010, and to update the By-laws and Rules of Procedure to conform with current COG practices; and

**WHEREAS**, notice was given of the proposed amendments at the regular February 13, 2013, meeting of the Board of Directors;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS THAT** the attached amendments to the By-laws and Rules of Procedure are hereby adopted.

---

*This page left intentionally blank.*



## **AGENDA ITEM #10**

### **WASHINGTON BUSINESS JOURNAL BRIEFING**

From the Washington Business Journal

## Commercial Real Estate

# The center of it all: Officials propose doubling the number of activity centers across the Washington region

Premium content from Washington Business Journal by Daniel J. Sernovitz, Staff Reporter

Date: Friday, September 21, 2012, 6:00am EDT



[Daniel J. Sernovitz](#) Staff Reporter- *Washington Business Journal*

The number of “activity centers” in the Washington area is likely to more than double as regional leaders key in on specific areas where they will focus development and population growth over the next three decades.

During the next two months, the region’s elected officials will be asked to adopt the **Metropolitan Washington Council of Governments’** revised list of 136 activity centers, running from La Plata in Charles County to Frederick across COG’s 22 member jurisdictions in Maryland, Virginia and the District.

The last time the list was amended, in 2007, the number of centers was 59.

Activity centers are the communities that will receive most of the planning and development resources going forward because they are expected to capture a fairly significant portion of the region’s growth through 2040.

There are 52 proposed centers in Maryland, 48 in D.C. and 59 in Virginia. Every Metro station is represented, as are the proposed Purple Line stations and several far-flung locations — Fort Detrick, Brunswick and La Plata, for example.

“This is grounded in local government planning and zoning, places where in each jurisdiction they have planned for and intend to have growth occur,” said [Paul DesJardin](#), COG’s director of Community Planning and Services. “It’s the places they have been planning for all along.”



[Harriet Tregoning](#), D.C.'s planning director, said the list, while subject to change, is one that local governments and developers should take seriously.

There is a growing consensus regionwide, "about what makes quality places and livable neighborhoods," and these places, in various states of evolution, represent the area's vision for connected, urban places, she said.

"They should be evaluating these places, and they should be looking where the public sector and private sector will be coming together in joint investment," Tregoning said.

The revised list of centers is "more inclusive" than the previous three incarnations, DesJardin said.

It captures smaller, more diverse areas rather than large, employment-concentrated sectors. Activity centers are, or will be, mixed-use, transit-oriented and pedestrian friendly. They will have street grids. They will be communities.

The 2007 list, for example, tapped "Tysons Corner" as a catchall for that part of Fairfax County, while the 2012 rundown includes Tysons West, Tysons Central 7, Tysons Central 123, Tysons East and McLean.

The "Downtown Washington" center remains, but the D.C. list has ballooned to include the West End, Farragut Square, Convention Center, Dupont and a host of neighborhoods outside of downtown that were never included before, like the U/14th Street corridor, the Rhode Island Avenue Metro station, the former **Walter Reed Army Medical Center**, the St. Elizabeths campus and Minnesota Avenue.

To be named an activity center, a location must be designated for growth in the local land use plan, and the persons-per-acre density must be within the top half of densities in that jurisdiction by 2040.

The place also must meet two of these four attributes: at least 55 intersections per square mile; high-capacity performance transit or a planned transit station; a locally adopted land use plan that encourages mixed-use development; and combined housing and transportation costs of no more than 45 percent of the regional median income.

"There's an interest in these places being a bit more of the focus, because they meet this mix of criteria," DesJardin said.

Kensington and Olney did not make the revised list, which was the subject of some concern during a Sept. 11 Montgomery County Council briefing on activity centers.

That council conversation revealed a variety of views, said council President [Roger Berliner](#). If the goal of the activity centers is to help direct resources to specific areas, "there's a desire for us to be over-inclusive," he said. But if the list signals an intention to urbanize or bring new levels of development to communities that don't want it, "then the people are nervous about it."

At the end of the day, Berliner said, the list is a regulatory document that will not affect Montgomery County's land use decisions. However, if the list influences the flow of local, state and federal money, he said, then "that gets our attention."

COG's Region Forward economic development vision, which was adopted by the COG board on Sept. 13, recommends focusing most of metropolitan Washington's growth in activity centers in the years ahead.

According to COG, activity centers in 2010 captured only 46 percent of new commercial construction and 31 percent of household growth, even though the specific center locations were picked based on the documented planning policies of individual localities.

Participants in the Region Forward initiative, according to COG, agreed that "strong centers with the right mix of housing, jobs and transit" were among the key ways to overcome economic challenges as a metropolitan area, along with improved coordination with the federal government, a better prepared workforce, a more effective transportation network and a new regional image.

All 22 COG governing board jurisdictions will be asked to adopt the centers list over the next several months, prior to a vote by the COG and Transportation Planning boards.

---

### **Advantages of being an "activity center"**

- First in line for competitive grants and capital improvement dollars.
- Benefit of local government support for development, though perhaps not project-specific support.
- High-value target of development interest. Centers will "guide key investment decisions."

Daniel J. Sernovitz covers commercial real estate.



## **AGENDA ITEM #11**


### **RESPONSE TO BOARD'S DIRECTIVES REGARDING GUN VIOLENCE ISSUE**

March 1, 2013

AGENDA – March 13, 2013

District of Columbia  
Bladensburg\*  
Bowie  
Charles County  
College Park  
Frederick  
Frederick County  
Gaithersburg  
Greenbelt  
Montgomery County  
Prince George's County  
Rockville  
Takoma Park  
Alexandria  
Arlington County  
Fairfax  
Fairfax County  
Falls Church  
Loudoun County  
Manassas  
Manassas Park  
Prince William County

**TO: BOARD OF DIRECTORS**

**FROM: SHARON E. PANDAK**   
**General Counsel**

**RE: RESPONSE TO BOARD'S DIRECTIVES FOR FOLLOW UP REGARDING GUN VIOLENCE ISSUE**

In response to the Board's February 13, 2013 directives ("Directives"), the following documents are provided for Board review and consideration:

1. **Alternative** resolutions relating to gun violence, for consideration:
  - a. ***Alternative 1: R13-2013*** - a draft resolution endorsing the position of the International Association of Chiefs of Police (IACP) on gun violence (**Attachment A**). The IACP has advised that it does not have a list of jurisdictions which have endorsed its position.
  - b. ***Alternative 2: R14-2013*** - a draft resolution setting forth a process for pertinent COG Committees to examine issues and considerations, and make recommendation(s) to the Board, before the Board considers a specific resolution on gun violence (**Attachment B**).
2. **Position statements** of the IACP, U.S. Conference of Mayors, and Mayors Against Gun Violence (**Attachment C**). The Board requested the position of the National Association of Counties; NACO has not adopted a position.<sup>1</sup>

---

<sup>1</sup> For the Board's convenience, attached again are the COG Board positions from 1968, 1981, 1991 and the 2007 comparison of gun laws in the District of Columbia, Maryland and Virginia. (**Attachment D**)

Because of the discussion of school issues at the Board meeting, I have also attached position statements from the American Association of School Administrators (AASA) and the National PTA positions (3 statements on gun safety violence prevention, firearms, and firearm safety awareness). (**Attachment E**)

## **BACKGROUND INFORMATION—THE ALTERNATIVE RESOLUTIONS<sup>2</sup>**

Board Members are cognizant of the many proposals being made by localities, organizations and people across the country to address gun violence. The Board's February 13, 2013 Directives set forth two alternative ways in which the Board could address the issue, if the Board still desires to do so.

### ***Alternative 1. Draft R13-2013 (Attachment A)***

At the request of Board Member David Snyder, Councilman for the City of Falls Church, the Board directed that a draft resolution endorsing the IACP position statement be prepared for consideration. The Board did not have a copy of the IACP statement at its February meeting.

The Board will note that the IACP statement is quite detailed, and reflects the studied perspective of law enforcement. The IACP statement offers 10 proposals regarding: armor piercing ammunition, assault weapons ban, body armor, concealed weapons, firearms enforcement, firearms offender registry, firearm purchase waiting period, gun show loophole, illegal firearms trafficking/firearms tracing, and juvenile crime firearms disability.

Board Member Jonathan Way, Councilman for the City of Manassas, requested a list of the jurisdictions which have endorsed the IACP's position statement. IACP staff has advised us that they do not maintain such a list, because proposals come to the IACP Board from local Chiefs of Police rather than originating from the IACP itself. Helpfully, the IACP also provided a copy of the position statement adopted by the National Law Enforcement Partnership to Prevent Gun Violence, of which the IACP is a member. A copy of this additional statement is attached. **(Attachment F)**

The attached draft resolution adopts the IACP statement in its entirety. Should the Board desire to adopt only specific portions of the IACP's position, the draft resolution would need to be revised accordingly.

### ***Alternative 2. Draft R14-2013 (Attachment B)***

On February 13, 2013 the Board discussed, in the alternative, whether it should receive input or recommendations from COG's own committee structure, prior to taking a 2013 position regarding gun violence. Therefore, the Board also directed that a draft resolution be prepared setting forth a process by which pertinent COG Committees could be directed to examine issues and make recommendation(s) to the Board, before the Board considers a resolution containing a position regarding gun violence.

The process by which COG legislative policy positions are developed for Board consideration is not a rigid one. However, it routinely consists of relevant Policy or Technical Committees discussing and preparing draft position statements for Board consideration. Because

---

<sup>2</sup> While the Board could adopt both resolutions, the Board will need to make some changes to make their message clear. The Board could also decide not to do anything or to make a simple statement that it is concerned about gun violence. To avoid confusion we have only sent the requested draft resolutions.

of the complexity of the gun violence issue, the Board may want to follow a similar process as a means of verifying a strong regional consensus about legislative proposals.

*Alternative 2* sets forth a process by which the Human Services and Public Safety Policy Committee (HSPSPC) would be directed to make a report and recommendation to the Board, based on (i) its review of policy statements issued by national organizations, (ii) regional concerns and information, and (iii) recommendations from Technical Committees including, but not limited to, the Chiefs of Police Committee and the Fire Chiefs Committee. This process would permit, for example, review of the IACP position statement and a recommendation whether that should be simply endorsed in whole or in part based on considerations of this region, or whether additional aspects, such as mental health issues, should be considered.

*Alternative 2* sets forth the Board's expectations of the HSPSPC with respect to the contents of its report and recommendations. The Board may want to add additional expectations. The draft resolution does not contain a specific deadline; the Board should also consider whether it wishes to establish a deadline.

The HSPSPC and Chiefs of Police Committee have been apprised of the Board's February directives. Initial comments of the Chiefs Committee indicated that not all law enforcement concur with all of the IACP positions.

Once the Board has made a final decision as to whether and how it wishes to proceed, COG Staff and I are available to assist as necessary.

Attachments: as stated

cc: Chuck Bean, Executive Director  
Nicole Hange, Membership and Government Relations Coordinator  
Dave McMillion, Director, Department of Public Safety and Health

# **ATTACHMENT A**

**DRAFT**

Resolution R13-2013

March 13, 2013

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

**RESOLUTION ADOPTING THE POSITION OF  
THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE (IACP)  
REGARDING THE PREVENTION OF GUN VIOLENCE**

**WHEREAS**, the COG Board of Directors is troubled by gun violence in our communities;  
and

**WHEREAS**, the COG Board believes that the necessary resources should be devoted to determining and addressing the causes of such violence, and that laws and policies should be established in consideration and furtherance of those goals; and

**WHEREAS**, the International Association of Chiefs of Police (IACP) is an organization comprised of law enforcement officials, a group which is charged with protecting and serving our communities and which deals firsthand with the effects of gun violence in our communities,  
and

**WHEREAS**, the COG Board believes the IACP possesses the knowledge and experience necessary to recommend effective violence prevention policy; and

**WHEREAS**, the IACP has adopted the attached Position Paper on Firearm Violence which is a part of its Legislative Agenda for the 113<sup>th</sup> Congress; and

**WHEREAS**, the COG Board desires to endorse the IACP Position Paper on Firearm Violence, in furtherance of the goal of reduction of gun violence in our communities;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF  
THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS THAT:**

The Metropolitan Washington Council of Governments adopts the attached IACP Position Paper on Firearm Violence as its official position regarding the prevention of gun violence.





## **International Association of Chiefs of Police Position Paper on Firearm Violence**

The International Association of Chiefs of Police (IACP), an organization of law enforcement executives from around the globe, has long held positions intended to reduce and prevent firearms violence. As police chiefs, it is our duty to protect and serve our communities and display the leadership needed to ensure public safety.

The persistent and pernicious problem of gun violence impacts communities across the United States on a daily basis. Ranging from random shootings and suicides to retaliatory assaults and targeted mass killings, violence committed with firearms universally challenges law enforcement and taxes resources. This insidious problem requires law enforcement to lead a new, coordinated, and dedicated response involving citizens, elected leaders, lawmakers, and the entire criminal justice system

In the years since the terrorist attacks of 2001, over 300,000 American lives have been lost to gun violence.

**We are clearly facing a crisis.**

In response, the IACP has long advocated for the adoption of common sense policies that will assist in reducing gun violence. These proposals are drawn from the policy positions adopted by the 21,000 members of the IACP over the past several years.

### **Armor Piercing Ammunition**

The IACP supports legislation and policies that will prohibit the sale or transfer of armor piercing ammunition. In addition, the IACP believes that the process utilized to determine whether a round of ammunition is armor piercing should include performance based testing conducted by the Bureau of Alcohol, Tobacco and Firearms.

### **Assault Weapons Ban**

First passed in 1994, the assault weapons ban required domestic gun manufacturers to stop production of semiautomatic assault weapons and ammunition magazines holding more than ten rounds except for military or police use. While the ban was in place, it was remarkably effective in

reducing the number of crimes involving assault weapons. In the period of the ban, (1994-2004) the proportion of assault weapons traced to crimes fell by a dramatic 66 percent.

Assault weapons are routinely the weapons of choice for gang members and drug dealers. They are regularly encountered in drug busts and are all too often used against police officers..

The IACP has been a strong supporter of the assault weapons ban since 1992, and our membership has approved several reauthorizations of support in the years since. The membership took this action because we, as law enforcement executives, understand that semiautomatic assault weapons pose a grave risk to our officers and the communities they are sworn to protect.

### **Body Armor**

The IACP supports legislation to prohibit the mail order sale of bulletproof vests and body armor to all individuals except sworn or certified law enforcement officers. In recent years, the safety of law enforcement officers has often been compromised due to the possession of body armor and bulletproof vests by the criminals they were attempting to apprehend. The IACP believes that the sale, transfer, or acquisition of these items should be conducted in person in order to make it more difficult for criminals to acquire and use these items while committing crimes of violence.

### **Concealed Weapons**

The IACP continues to oppose any federal legislative proposals that would either pre-empt and/or mandate the liberalization of individual states' CCW laws pertaining to the carrying of concealed weapons in other states without meeting that state's requirements. This applies to private citizens as well as active, former, and/or federal, tribal, state and local law enforcement personnel. IACP believes it is essential that state governments maintain the ability to legislate concealed carry laws that best fit the needs of their communities.

### **Firearms Enforcement**

The IACP urges Congress to increase resources to better allow state, local and tribal law enforcement agencies and the Department of Justice to enable greater prosecution of individuals for Brady Act violations. In addition, the IACP supports firearms enforcement programs that involve local, state and federal agencies, such as Project Safe Neighborhoods and Project Exile, which have shown significant reductions in firearms-related violent crime.

### **Firearms Offender Registry**

The reduction of firearms-related violent crime has been and continues to be a major goal of IACP. Studies have shown that firearm offenders have a higher recidivist rate for committing other firearms-related violent crime with firearms than the rate for sexual offenders. Therefore, the IACP supports creating a federal registry, similar to the sexual offender registry, for offenders who have been previously convicted of a felony firearm violation or a misdemeanor that involved violent or threatening acts with firearms. At little cost, this registry would have great benefit toward preventing and investigating a myriad of violent crimes, as well as establishing a computerized list of dangerous offenders that could be utilized as a notification system to alert officers of potential danger.

### **Firearm Purchase Waiting Period**

The IACP has gone on record supporting a waiting period for the purchase of a handgun. In the past, waiting periods have not only served as time for a thorough background investigation, but also as an informal cooling off period for handgun purchasers. However, the time needed to perform most background checks has become obsolete due to transition to the National Instant Check Background System (NICS). Nevertheless, the IACP believes there must still be a cooling off period in place before an individual can purchase a handgun. Therefore, the IACP supports legislation to create a mandatory five-day waiting period prior to the completion of a handgun purchase.

### **Gun Show Loophole**

The federal Gun Control Act of 1968 stipulates that individuals “engaged in the business” of selling firearms must possess a Federal Firearms License (FFL). Holders of FFLs are required to conduct background checks and maintain a record of all their firearm sales. Certain gun sales and transfers between private individuals, however, are exempt from this requirement.

Those who would fail a background check can access firearms through these sources. Unlike an FFL, the seller is not required to conduct a background check to determine whether the purchaser is prohibited from purchasing and possessing a gun. Federal, state, local and tribal laws should be enacted to close these loopholes. If all gun sales proceed through an FFL, a single, consistent system for conducting gun sales, including background checks, will be established.

The laws we have in place to ensure gun purchasers go through FFLs are undermined by oversights in the law that allow individuals prohibited from owning firearms to obtain weapons at events such as gun shows without undergoing a background check. The IACP calls on Congress to act swiftly to close these loopholes and preserve the effectiveness of the laws in place.

### **Illegal Firearms Trafficking/Firearms Tracing**

The IACP opposes any legislation that would limit or reduce the ability of our nation's law enforcement agencies to combat the sale of illegal guns. The IACP believes that the ability to trace illegal firearms effectively plays a critical role in law enforcement's ability to protect communities from the scourge of firearms violence.

The IACP is opposed to the "Tiahrt Amendment" restricts the ATF's ability to share vital gun trace information with its state and local counterparts, which severely limits the ability of those agencies to conduct critical investigations designed to identify and apprehend corrupt firearms dealers and the traffickers they supply.

The IACP strongly believes that these provisions, and others like them, put our citizens and our officers at risk. Therefore, the IACP strongly supports efforts to repeal the Tiahrt amendment and any piece of legislation containing provisions that would weaken law enforcement's ability to trace illegal firearms.

### **Juvenile Crime Firearms Disability**

The IACP believes that juveniles must be held accountable for their acts of violence. Therefore, the IACP supports the passage of legislation, sometimes referred to as Juvenile Brady, which would permanently prohibit gun ownership by an individual, if that individual, while a juvenile, commits a crime that would have triggered a gun disability if their crime had been committed as an adult.

# **ATTACHMENT B**

**DRAFT**

Resolution R14-2013

March 13, 2013

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

**RESOLUTION**

**SETTING FORTH A PROCESS FOR EXAMINATION OF ISSUES AND CONSIDERATIONS  
BY COG COMMITTEES PRIOR TO CONSIDERING A 2013 POSITION  
REGARDING THE PREVENTION OF GUN VIOLENCE**

**WHEREAS**, the COG Board of Directors is troubled by gun violence and its effect in our communities; and

**WHEREAS**, the COG Board is aware that many localities, organizations and people across the country have provided proposals and other input as to how such violence should be addressed, and that in 1968, 1981 and 1991, the COG Board took positions regarding gun policies and in 2007 the COG Board did not take a position but had a comparison of District of Columbia, Maryland and Virginia gun laws prepared; and

**WHEREAS**, the COG Board wants to understand issues and considerations from a regional perspective and seek input from relevant COG Committees, whose membership includes elected officials and technical staff members from throughout the region who are uniquely qualified to provide guidance due to their first hand experience with gun violence in our communities; and

**WHEREAS**, such an effort would enable the Board to ascertain whether there is a regional consensus regarding a 2013 position on addressing gun violence;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF  
THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS THAT:**

The Board of Directors sets forth the following process for pertinent COG Committees to examine issues and considerations and make recommendations to the Board before the Board determines whether to consider a 2013 resolution regarding gun violence.

1. The Human Services and Public Safety Policy Committee (HSPSPC) shall examine issues and considerations and make a recommendation(s) to the Board of Directors as to

whether it would be beneficial to the region for Board to take a position regarding any laws or policies that should be established to address gun violence;

2. Prior to making any recommendation, the HSPSPC shall:
  - a. Solicit and consider the recommendations of COG Technical Committees, to include, but not be limited to, the Chiefs of Police Committee and the Fire Chiefs Committee; the Technical Committee recommendations shall be set forth in or appended to any HSPSPC recommendation to the Board;
  - b. Review the position statements of the International Association of Chiefs of Police (IACP) and National Law Enforcement Partnership to Prevent Gun Violence; the U.S. Conference of Mayors; the Mayors Against Gun Violence; American Association of School Administrators (AASA); National PTA; and any positions taken by the National Association of Regional Commissions (NARC), National Association of Counties (NACo) and National League of Cities (NLC) positions;

3. COG staff shall provide a copy of the foregoing referenced position statements to the HSPSPC for its review and consideration;

4. Because of this focused process, the Board does not allocate additional funding or staff for this effort.

5. The Board requests that the HSPSPC make its report to the Board by

\_\_\_\_\_.

# **ATTACHMENT C**





## **International Association of Chiefs of Police Position Paper on Firearm Violence**

The International Association of Chiefs of Police (IACP), an organization of law enforcement executives from around the globe, has long held positions intended to reduce and prevent firearms violence. As police chiefs, it is our duty to protect and serve our communities and display the leadership needed to ensure public safety.

The persistent and pernicious problem of gun violence impacts communities across the United States on a daily basis. Ranging from random shootings and suicides to retaliatory assaults and targeted mass killings, violence committed with firearms universally challenges law enforcement and taxes resources. This insidious problem requires law enforcement to lead a new, coordinated, and dedicated response involving citizens, elected leaders, lawmakers, and the entire criminal justice system

In the years since the terrorist attacks of 2001, over 300,000 American lives have been lost to gun violence.

**We are clearly facing a crisis.**

In response, the IACP has long advocated for the adoption of common sense policies that will assist in reducing gun violence. These proposals are drawn from the policy positions adopted by the 21,000 members of the IACP over the past several years.

### **Armor Piercing Ammunition**

The IACP supports legislation and policies that will prohibit the sale or transfer of armor piercing ammunition. In addition, the IACP believes that the process utilized to determine whether a round of ammunition is armor piercing should include performance based testing conducted by the Bureau of Alcohol, Tobacco and Firearms.

### **Assault Weapons Ban**

First passed in 1994, the assault weapons ban required domestic gun manufacturers to stop production of semiautomatic assault weapons and ammunition magazines holding more than ten rounds except for military or police use. While the ban was in place, it was remarkably effective in

reducing the number of crimes involving assault weapons. In the period of the ban, (1994-2004) the proportion of assault weapons traced to crimes fell by a dramatic 66 percent.

Assault weapons are routinely the weapons of choice for gang members and drug dealers. They are regularly encountered in drug busts and are all too often used against police officers..

The IACP has been a strong supporter of the assault weapons ban since 1992, and our membership has approved several reauthorizations of support in the years since. The membership took this action because we, as law enforcement executives, understand that semiautomatic assault weapons pose a grave risk to our officers and the communities they are sworn to protect.

### **Body Armor**

The IACP supports legislation to prohibit the mail order sale of bulletproof vests and body armor to all individuals except sworn or certified law enforcement officers. In recent years, the safety of law enforcement officers has often been compromised due to the possession of body armor and bulletproof vests by the criminals they were attempting to apprehend. The IACP believes that the sale, transfer, or acquisition of these items should be conducted in person in order to make it more difficult for criminals to acquire and use these items while committing crimes of violence.

### **Concealed Weapons**

The IACP continues to oppose any federal legislative proposals that would either pre-empt and/or mandate the liberalization of individual states' CCW laws pertaining to the carrying of concealed weapons in other states without meeting that state's requirements. This applies to private citizens as well as active, former, and/or federal, tribal, state and local law enforcement personnel. IACP believes it is essential that state governments maintain the ability to legislate concealed carry laws that best fit the needs of their communities.

### **Firearms Enforcement**

The IACP urges Congress to increase resources to better allow state, local and tribal law enforcement agencies and the Department of Justice to enable greater prosecution of individuals for Brady Act violations. In addition, the IACP supports firearms enforcement programs that involve local, state and federal agencies, such as Project Safe Neighborhoods and Project Exile, which have shown significant reductions in firearms-related violent crime.

### **Firearms Offender Registry**

The reduction of firearms-related violent crime has been and continues to be a major goal of IACP. Studies have shown that firearm offenders have a higher recidivist rate for committing other firearms-related violent crime with firearms than the rate for sexual offenders. Therefore, the IACP supports creating a federal registry, similar to the sexual offender registry, for offenders who have been previously convicted of a felony firearm violation or a misdemeanor that involved violent or threatening acts with firearms. At little cost, this registry would have great benefit toward preventing and investigating a myriad of violent crimes, as well as establishing a computerized list of dangerous offenders that could be utilized as a notification system to alert officers of potential danger.

### **Firearm Purchase Waiting Period**

The IACP has gone on record supporting a waiting period for the purchase of a handgun. In the past, waiting periods have not only served as time for a thorough background investigation, but also as an informal cooling off period for handgun purchasers. However, the time needed to perform most background checks has become obsolete due to transition to the National Instant Check Background System (NICS). Nevertheless, the IACP believes there must still be a cooling off period in place before an individual can purchase a handgun. Therefore, the IACP supports legislation to create a mandatory five-day waiting period prior to the completion of a handgun purchase.

### **Gun Show Loophole**

The federal Gun Control Act of 1968 stipulates that individuals “engaged in the business” of selling firearms must possess a Federal Firearms License (FFL). Holders of FFLs are required to conduct background checks and maintain a record of all their firearm sales. Certain gun sales and transfers between private individuals, however, are exempt from this requirement.

Those who would fail a background check can access firearms through these sources. Unlike an FFL, the seller is not required to conduct a background check to determine whether the purchaser is prohibited from purchasing and possessing a gun. Federal, state, local and tribal laws should be enacted to close these loopholes. If all gun sales proceed through an FFL, a single, consistent system for conducting gun sales, including background checks, will be established.

The laws we have in place to ensure gun purchasers go through FFLs are undermined by oversights in the law that allow individuals prohibited from owning firearms to obtain weapons at events such as gun shows without undergoing a background check. The IACP calls on Congress to act swiftly to close these loopholes and preserve the effectiveness of the laws in place.

### **Illegal Firearms Trafficking/Firearms Tracing**

The IACP opposes any legislation that would limit or reduce the ability of our nation's law enforcement agencies to combat the sale of illegal guns. The IACP believes that the ability to trace illegal firearms effectively plays a critical role in law enforcement's ability to protect communities from the scourge of firearms violence.

The IACP is opposed to the "Tiahrt Amendment" restricts the ATF's ability to share vital gun trace information with its state and local counterparts, which severely limits the ability of those agencies to conduct critical investigations designed to identify and apprehend corrupt firearms dealers and the traffickers they supply.

The IACP strongly believes that these provisions, and others like them, put our citizens and our officers at risk. Therefore, the IACP strongly supports efforts to repeal the Tiahrt amendment and any piece of legislation containing provisions that would weaken law enforcement's ability to trace illegal firearms.

### **Juvenile Crime Firearms Disability**

The IACP believes that juveniles must be held accountable for their acts of violence. Therefore, the IACP supports the passage of legislation, sometimes referred to as Juvenile Brady, which would permanently prohibit gun ownership by an individual, if that individual, while a juvenile, commits a crime that would have triggered a gun disability if their crime had been committed as an adult.



# THE UNITED STATES CONFERENCE OF MAYORS

1620 EYE STREET, NORTHWEST  
WASHINGTON, D.C. 20006  
TELEPHONE (202) 293-7330  
FAX (202) 293-2352  
TDD (202) 293-9445  
URL: [www.usmayors.org/uscm](http://www.usmayors.org/uscm)

**Adopted January 2013**

## **THE PRESIDENT'S PLAN TO PROTECT OUR CHILDREN AND OUR COMMUNITIES BY REDUCING GUN VIOLENCE**

1. **WHEREAS**, The U.S. Conference of Mayors has had strong policy in support of reducing gun violence since 1968; and
2. **WHEREAS**, the President's Plan to Protect our Children and our Communities by Reducing Gun Violence contains many of the provisions of those policies and is entirely consistent with them; and
3. **WHEREAS**, more than 200 mayors have co-signed an open letter to the President and the Congress calling for several key elements of the plan,
4. **NOW, THEREFORE, BE IT RESOLVED**, that The U.S. Conference of Mayors supports The President's Plan to Protect our Children and our Communities by Reducing Gun Violence and pledges to work with Congress and the Administration to see it enacted and implemented.



# The United States Conference of Mayors

1620 Eye Street, N.W. • Washington, D.C. 20006  
Phone (202) 293-7330 • Fax (202) 293-2352  
E-mail: [info@usmayors.org](mailto:info@usmayors.org) URL: [usmayors.org](http://usmayors.org)

FOR IMMEDIATE RELEASE  
Monday, January 28, 2013

Contact:  
Elena Temple- Webb  
202-286-1100 ([etemple@usmayors.org](mailto:etemple@usmayors.org))  
Lina Garcia  
202-341-6113 ([lgarcia@usmayors.org](mailto:lgarcia@usmayors.org))  
Karen Hinton  
703-798-3109 ([Karen@hintoncommunications.com](mailto:Karen@hintoncommunications.com))

## THE U.S. CONFERENCE OF MAYORS ENDORSES PRESIDENT OBAMA'S GUN SAFETY PROPOSALS

### Mayors Say Administration's Plan Responds Directly to Their Call

Washington, D.C. – The U.S. Conference of Mayors (USCM) today announced its endorsement of President Obama's proposals and other measures to address violence in America.

"President Obama and Vice President Biden have offered a comprehensive set of concrete proposals that will help us to reduce the gun violence which occurs every day in our cities and prevent mass shootings like the one that occurred just six weeks ago in Newtown, Connecticut. If the horrific experience of Newtown could produce a positive outcome, it would be a national commitment to reduce the culture of violence, stop the easy access to guns by those who should not legally possess them, and increase access to badly needed mental health services," said USCM President and Philadelphia Mayor Michael Nutter.

Just three days after the Newtown tragedy, Conference leaders and mayors from across the country sent an open letter to President Obama and Congress urging the President to exercise his powers through Executive Order and Congress to introduce and pass legislation to make reasonable changes in the nation's gun laws and regulations (<http://www.usmayors.org/pressreleases/uploads/2013/0128-document-lettertocongress.pdf>). Specifically, the mayors called for universal background checks, a ban on both assault weapons and high capacity magazines, and strengthening the penalties for straw purchases of guns. More than 200 mayors have now co-signed the letter.

"Clearly the President heard to our call," commented Mayor Nutter. "We applaud him for issuing executive actions to reduce gun violence. And we applaud him for calling for critically needed legislation and urge Congress 'to do the right thing' and institute universal background checks and a ban on assault weapons and high capacity magazines, and strengthen penalties for gun trafficking."

"As mayors of varying size cities, many of us do all we can to reduce gun violence, but our efforts are too often thwarted by trafficking from other areas and states," Nutter continued. "The President's plan, which would also crack down on those who buy guns for the express purpose of turning around and selling them to criminals, will be an enormous help to us."

Since 1968, the Conference of Mayors has had strong policy in support of reducing of gun violence. The organization has worked closely over the years with police chiefs in the development of those policies and in the enactment of critical legislation, including the Brady Act, which established the national background check system, and the 1994 crime bill, which established the COPS program and a ten-year federal ban on assault weapons and high-capacity magazines.

In addition to President Obama's plan to reduce gun violence, the Conference endorsed the "Sandy Hook Principles" (<http://www.usmayors.org/pressreleases/uploads/2013/0128-document-sandyhookprinciples.pdf>), which are intended to encourage positive corporate behavior by gun and ammunition manufacturers, distributors and retailers by establishing a baseline standard for responsible conduct and business practices. The Conference also called for the establishment of a "National Commission on Domestic Terrorism, Violence and Crime in America" NCDTVC (Commission): <http://www.usmayors.org/pressreleases/uploads/2013/0128-document-NCDTVC.pdf> to examine the issues of violent crime and its prevention, and make recommendations that would detail what government at all levels can do to reduce the domestic terrorism, violence and crime which plague cities every day and prevent mass shootings which have occurred with increasing frequency over the last few years. The Sandy Hook Principles and the National Commission Proposal are available at [usmayors.org](http://usmayors.org).



## STATEMENT OF PRINCIPLES

Whereas: 30,000 Americans across the country are killed every year as a result of gun violence, destroying families and communities in big cities and small towns; and

Whereas: As Mayors, we are duty-bound to do everything in our power to protect our residents, especially our children, from harm and there is no greater threat to public safety than the threat of illegal guns;

Now, therefore, we resolve to work together to find innovative new ways to advance the following principles:

- Punish – to the maximum extent of the law – criminals who possess, use, and traffic in illegal guns.
- Target and hold accountable irresponsible gun dealers who break the law by knowingly selling guns to straw purchasers.
- Oppose all federal efforts to restrict cities’ right to access, use, and share trace data that is so essential to effective enforcement, or to interfere with the ability of the Bureau of Alcohol, Tobacco, and Firearms to combat illegal gun trafficking.
- Keep lethal, military-style weapons and high capacity ammunition magazines off our streets.
- Work to develop and use technologies that aid in the detection and tracing of illegal guns.
- Support all local, state, and federal legislation that targets illegal guns; coordinate legislative, enforcement, and litigation strategies; and share information and best practices.
- Invite other cities to join us in this new national effort.

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Mayor’s Name – please print)*

\_\_\_\_\_  
*(Mayor’s Office Address)*

\_\_\_\_\_  
*(City, State, Zip)*

\_\_\_\_\_  
*(Mayor’s Telephone)*

\_\_\_\_\_  
*(Mayor’s Email Address)*

\_\_\_\_\_  
*(Staff Contact Name)*

\_\_\_\_\_  
*(Staff Member’s Telephone)*

\_\_\_\_\_  
*(Staff Position)*

\_\_\_\_\_  
*(Staff Email)*

\_\_\_\_\_  
*(Mayoral Term -- MM/YYYY to MM/YYYY)*

\_\_\_\_\_  
*(Elected as – e.g. Rep., Dem., non-partisan, independent)*

To join Mayors Against Illegal Guns, please fill in the information above and return this form to the coalition via fax at 212-312-0760. Alternatively, you can email a PDF of the signed statement to [statement@mayorsagainstillegalguns.org](mailto:statement@mayorsagainstillegalguns.org).

# **ATTACHMENT D**



METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS  
1225 Connecticut Avenue, N.W.  
Washington, D.C. 20036

RESOLUTION OF THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS  
URGING MEMBER JURISDICTIONS AND THE FEDERAL GOVERNMENT TO ENACT  
STRONGER GUN CONTROL LEGISLATION

WHEREAS, the Metropolitan Washington Council of Governments finds that crimes committed with guns have created a grave hazard for all of our citizens and have been used in an increased number of crimes amounting to more than 6,500 murders, 43,500 gun assaults and 60,000 gun robberies a year; 2,600 accidental deaths, 10,000 suicides; and

WHEREAS, four (4) of our Presidents and members of Congress have been struck down by gun crimes in the last century; and

WHEREAS, our Country's rate of gun crimes, unheard of in other countries, significantly amounting to 175 times the gun murder rate in Japan and 200 times the gun murder rate in Great Britain and 70 times the gun murder rate of our neighbors to the North in Canada; and

WHEREAS, the rate of gun crimes has endangered our citizens and leaders daily at our local and National level,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS:

THAT the Council calls upon the Congress of the United States to enact stronger gun control laws, which will keep firearms from criminals, drug addicts and mental incompetents, and

THAT the Council recommends that its member governments enact stronger gun control laws consistent therewith and endorses in principle the model ordinances proposed this date by the COG staff for the registration of guns and the licensing of users.

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS  
1875 Eye Street, N.W.  
Washington, D. C. 20006

RESOLUTION ESTABLISHING POLICY AND PRINCIPLES  
ON HANDGUN LEGISLATION

WHEREAS, in April 1981, the Public Safety Policy Committee (PSPC) recommended to the Board of Directors a resolution which would adopt a set of policy principles for the regulation and curtailment of the use of handguns; and

WHEREAS, the resolution and related materials were forwarded to the local governments in COG for their review and comment; and

WHEREAS, most of the local governments in COG have examined the PSPC's recommendations and found there were limitations on their legislative authority to develop ordinances which would fulfill the policy recommendations contained in the resolution; and

WHEREAS, there is a sentiment among the local governments in the region that the problem of the use of handguns in the commission of violent crimes continues to be a fundamental problem which should be addressed; and

WHEREAS, subsequent to the PSPC's recommendations, the U.S. Attorney General's Task Force on Violent Crime, through its Co-Chairmen, Governor James R. Thompson of Illinois and former Attorney General Griffin B. Bell, issued its Final Report on August 17, 1981, which addressed, among other things, the problem presented by the use of handguns in violent crimes; and

WHEREAS, the Task Force reported that in 1978, FBI statistics indicated 307,000 offenses of murder, robbery and aggravated assault involved firearms and that over 10 million, or 50 percent of all violent victimizations occurring from 1973 to 1978, also included the use of firearms; and

WHEREAS, the Task Force found that the "plethora of contradictory state gun laws has made their enforcement ineffective, indicating the need for a Federal strategy that would provide consistency and uniformity across state boundaries;" and

WHEREAS, the Task Force, in response to this dilemma recommended several policies to the Attorney General of the United States which would implement a clear, coherent and consistent enforcement policy; and

WHEREAS, after reviewing the PSPC's recommendations, and based upon the legal limitations reflected in the responses from the participating local governments in COG on such proposals; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS:

1. THAT the Board hereby endorses and urges the Administration and Congress to propose and enact national legislation and adopt policies on handguns recommended by the Attorney General's Task Force on Violent Crime as follows:

A. Support or propose legislation to require a mandatory prison sentence for the use of a firearm in the commission of a felony.

B. Support or propose legislation to amend the Gun Control Act of 1968 to strengthen its ability to meet two of its major purposes: allowing the tracing of firearms used during the commission of an offense and prohibiting dangerous individuals from acquiring firearms. Specifically, the Act should be amended to provide the following:

(i) that, on a prospective basis, individuals be required to report the theft or loss of a handgun to their local law enforcement agency,

(ii) that a waiting period be required for the purchase of a handgun to allow for a mandatory records check to ensure that the purchaser is not in one of the categories of persons who are proscribed by existing Federal law from possessing a handgun.

C. Title I of the Gun Control Act of 1968 prohibits the importation of certain categories of handguns. However, the Act does not prohibit the importation of unassembled parts of these guns, thereby permitting the circumvention of the intended purpose of this title of the Act. The Act, therefore, should be amended to prohibit the importation of unassembled parts of handguns which would be prohibited if assembled.

D. The Attorney General should direct the United States Attorneys to develop agreements with state and local prosecutors for increased Federal prosecutions of convicted felons apprehended in the possession of a firearm. This proposal would make possible Federal prosecutions of felons apprehended in the possession of a firearm under the 1968 Gun Control Act and the Dangerous Special Offender provisions of the Organized Crime Control Act of 1970.

E. Support or propose legislation to authorize the Bureau of Alcohol, Tobacco and Firearms to classify semi-automatic weapons that are easily converted into fully automatic weapons as Title II weapons under the Gun Control Act of 1968.

2. THAT the Governors, State Attorney Generals and State Legislatures of Maryland and Virginia lend their support of this effort at the Federal level and, pending Federal implementation, pursue efforts within their respective States as follows:

A. Specify certain limited classes of firearms to be designated as unlawful in all cases, e.g., sawed-off shotguns, machine guns, bazookas.

B. Require registration of all firearms not outlawed under provision (A) above. Registration shall be limited to persons who meet certain statutory criteria.

C. Require licensed firearm dealers to keep detailed records of inventory and all transfers from inventory.

D. Require licensing of all dealers in firearms according to certain statutory criteria.

E. Require all firearms to be unloaded and disassembled or bound by a trigger lock when not used for lawful business or recreation purposes

F. Authorize the judicial levying of criminal penalties for crimes of violence committed with a firearm in addition to those for the offense itself, or second or subsequent violations of this new law.

3. THAT a copy of this resolution shall be transmitted to President Reagan, the U.S. Attorney General, the White House's Liaison Official to the Washington Metropolitan Area, Members of the Congressional Delegation from the Washington Metropolitan Area, appropriate House and Senate Committees and to the Governors, State Attorney Generals and Legislative leaders of Maryland and Virginia.

Metropolitan Washington Council of Governments  
777 N. Capitol Street  
Washington, D.C. 20002

RESOLUTION ENDORSING A REGIONAL POLICY STATEMENT ON  
GUN CONTROL AND RECOMMENDED LEGISLATIVE INITIATIVES

WHEREAS, the Metropolitan Washington Council of Governments (Council) has a long-standing record regarding the promotion of policies and laws for the regulation and curtailment of illegal use of firearms; and

WHEREAS, in June 1968, the Council's Board of Directors (Board) unanimously agreed to support stronger ordinances on the licensing and registration of firearms; and

WHEREAS, regional, multi-state consistency of firearm laws will aid law enforcement officials in preventing the movement of firearms from areas with weak laws into states with strong gun control laws; and

WHEREAS, in August 1981, the U.S. Attorney General's Task Force on Violent Crime found that "the pattern of contradictory state gun laws has made their enforcement ineffective, indicating the need for a Federal strategy that would provide consistency and uniformity across state boundaries"; and

WHEREAS, the Task Force, in response to this finding, recommended several policies to the Attorney General of the United States which would implement a clear, coherent and consistent federal enforcement policy; and

WHEREAS, the Council adopted a resolution in September 1981, calling for federal enactment of Task Force recommendations; and

WHEREAS, the plague of murder by gunfire has not abated, and firearms were involved in approximately three-quarters of the more than 700 homicides recorded in the Washington metropolitan region in 1990; and

WHEREAS, in December 1990, the Board directed the Public Safety Policy Committee to examine the issue of gun control and federal, state and local legislative initiatives to restrict firearms; and

WHEREAS, the Committee provided the Board with a comprehensive outline of recently enacted and proposed legislative initiatives for discussion in January 1991; and

WHEREAS, the Board further directed the Committee to develop a resolution containing a regional policy statement on gun control and recommended legislative initiatives for consideration in February 1991; and

WHEREAS, the Committee has assessed the existing policies of the Council on promotion of federal, state and local government gun control legislation and has reaffirmed such policies, and updated them for consideration by the Board; and

WHEREAS, the Police Chiefs Committee and the Public Safety Policy Committee have endorsed this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS, THAT:

1. The Administration and Congress are hereby urged to support and enact national legislation on handguns and assault weapons as follows:
  - a. Propose and support legislation to require a mandatory prison sentence for the use of a firearm in the commission of a felony.
  - b. Amend title 18, United States Code, to require a waiting period before the purchase of a handgun.
  - c. Amend Title 18, United States Code, to prohibit the importation, domestic manufacture, possession, transfer and certain exports of new semi-automatic assault weapons, designated as not "sporting" weapons under 18 U.S.C. Section 925(d) (3), and the possession and transfer of large capacity ammunition feeding devices.
  - d. Amend title 18, United States Code, to prohibit the importation of unassembled parts of weapons which would be prohibited if assembled. The Code prohibits the importation of certain categories of handguns and assault weapons. However, the Code does not prohibit the importation of unassembled parts of these guns, thereby permitting the circumvention of the intended purpose of this title of the Code.
2. The Governors, State Attorneys General and State Legislatures of Maryland and Virginia should lend their support to efforts at the federal level, and pursue efforts within their respective states as follows:
  - a. Prohibit the domestic manufacture, possession and transfer of new semi-automatic assault weapons, designated as not "sporting" weapons.
  - b. Require registration, pre-purchase permit or a license for the purchase of firearms not outlawed under provision of 2.a., above.
  - c. Require licensed firearm dealers to keep detailed records of inventory and all transfers from inventory.
  - d. Require licensing of all dealers in firearms according to certain statutory criteria.
  - e. Propose legislation to require a mandatory prison sentence for the use of a firearm in the commission of a felony.
3. The District of Columbia Government is commended for enacting and enforcing the nation's most enlightened and progressive gun control laws.
4. A copy of this resolution shall be transmitted to President Bush, the U.S. Attorney General, members of the Congressional Delegation from the Washington metropolitan area, appropriate House and Senate Committees, and to the Governors, State Attorneys General and Legislative leaders of Maryland and Virginia, and the Mayor and City Council of the District of Columbia.

**NOTE: THE FOLLOWING COMPARISON WAS PREPARED PURSUANT TO COG BOARD DIRECTION IN 2007 –  
IT HAS NOT BEEN UPDATED**

<b>NATIONAL CAPITAL REGION GUN LAW COMPARISON</b>			
Law	District of Columbia	Maryland	Virginia
Limited Per/Month Purchase on Handguns		Yes	Yes
Attorney General Regulation		Partial	No
Ballistic fingerprinting of Handguns prior to sale		Partial	No
Child Access Prevention-accountability of gun owner		Yes	Yes
Manufacturer Accountability		Partial	No
Limitation on assault weapons and magazines		Yes	No
State Background Checks in addition to Federal Check		Partial	Yes
Limitation of Concealed Handguns		Yes	No
Mandatory Child Safety Locks	Yes	Partial	No
Mandatory Background Checks at Gun Shows		Partial	No
Juvenile Possession Restrictions	Yes	Partial	Partial
License/permit Required to Purchase Handguns		Yes	No
Police Maintenance of Gun Sale Records		Partial	Partial
Consumer Safety Standards		Yes	No
Limitations on Saturday Night Specials “junk guns”		Yes	No
Background Checks on Private Gun Sales	Yes	Partial	No
Illegal to sell to Minors		Partial	No
Local preemption-ability for Localities to Enact Stronger Laws than the State’s	Yes-DC has broad authority	Partial	No
Mandatory Gun Registration with Law Enforcement		Partial	No
Safety Training Requirement for Ownership		Yes	No
Concealed Weapons Limitations	Yes	Yes (Public Buildings)	Yes (schools)

Waiting Period on Gun Sales		Yes	No
Ability of Congress to Repeal Gun Laws	Yes		



# **ATTACHMENT E**



## **AASA Position Paper on School Safety**

### ***A Response to the Tragedy at Sandy Hook Elementary***

The recent shootings at the elementary school in Newtown, CT, have refocused Americans on the question of how to best protect children in our schools. Parents send their children off to school in the morning, trusting that they will return home at the end of the school day. Yet recent events demonstrate that more attention and more resources to improving school safety must be considered thoughtfully and sustained over time. AASA believes all children have the right to live and learn in a safe and nurturing environment. Research demonstrates that learning is enhanced when children feel safe and have their physical and emotional needs met in a healthy school environment. This includes access to healthy foods, opportunities for physical activity, clean air to breathe, and access to preventive care and health services, including mental health. These are issues that we must face as a community and work together to solve. Schools play a critical role in helping students feel safe and supported, and in providing students more intensive services and supports as necessary.

A comprehensive approach is necessary to prevent future school violence. This document outlines the values we believe school districts must do to ensure their students are safe at all times. But school districts cannot solve this problem alone. Congress must take action to direct resources to districts to enhance school safety and pass commonsense gun safety legislation.

Schools remain the safest place for children, and today's schools are considerably safer than they were 20 years ago. Over the last decade, the number of schools reporting an incident of violent crime fell by more than 20 percent. Further, an April 2012 poll found that 84% of parents believe their child is safe in school. Yet despite successful efforts by school districts to reduce gun violence, each year 3,000 children and teens are killed by guns and 15,000 are injured outside of schools. Overall, America's children are 16 times more likely to be murdered through gun violence than children in any other of the world's top 25 industrialized countries. Thus, a solution to preventing the killing of innocent youth cannot be the sole responsibility of the school community.

#### **AASA recommends that every school district have the following safety programs and procedures:**

- Every district should have policies in place requiring individual school and building safety plans, as well as district wide safety plans. These plans should serve as a guide to address the various safety needs in the school such as lockdown procedures, evacuations, drills and safety protocols, and personnel assignments.
- Every district should conduct regular audits to evaluate and analyze the effectiveness of their school safety and security plans. First-responders, local law enforcement and the entire school community should be engaged in this process.
- Every district should communicate with parents and community members about the school-level emergency preparedness protocols to the greatest extent possible.
- Every district should provide regular training for all school employees on the district's school emergency management systems and protocols.
- Every district should work to create partnerships between schools, local law enforcement and appropriate community agencies (such as mental health) to prevent and reduce school violence.

**AASA recommends Congress take the following steps to enhance school safety:**

- Reinstatement of funding for the Safe and Drug Free Schools program. Schools and states annually pay billions of dollars to address the results of substance abuse, school violence and unaddressed mental health needs through local and state funding. Reinstatement of the Safe and Drug Free Schools program represents an important federal investment in successful prevention and intervention efforts.
- Re-establish funding for the Readiness and Emergency Management for Schools grants designed to help schools prevent and manage emergencies.
- Restore funding for programs such as the Secure our Schools grant program and the COPS in Schools program, which provided grants for security equipment, security assessments and school resource officers.
- Increase funding for mental health counselors and services in schools. Access to these services is a crucial component of any effort to prevent/respond to a school emergency.
- Ensure existing federal policy gives local school districts the flexibility to use resources to fund student services personnel (including counselors, psychologists and therapists). Wrap-around services are central to addressing the needs of the total child, and flexibility in existing federal policy will better enable local school districts to use limited federal dollars in a way to maximize student support.
- Provide funds for districts to upgrade their facilities if internal safety audits require improvements.

**AASA recommends Congress pass commonsense gun safety legislation that will:**

- Increase enforcement of existing gun laws
- Reinstatement of the ban on the sale, import, transfer and ownership of assault weapons
- Ban large-ammunition magazines
- Require thorough background checks for all gun purchasers
- End the “gun-show” loophole
- Prevent individuals convicted of violent crimes from being able to purchase guns
- Prevent individuals with mental health issues from purchasing or owning a gun (18 U.S.C. 922 (g))
- Punish irresponsible gun owners

We cannot make our schools armed fortresses. Whether to bring police officers into schools should be decided on a school-by-school basis. We oppose efforts to bring more guns into our schools by teachers and administrators. American schools are large buildings designed with many doors for other safety reasons, and it is unreasonable to assume that a school resource officer will always be able stop a determined shooter with an assault weapon and a large ammunition magazine. Unless we eliminate the easy access to weapons and increase the limited access to mental health care, the conditions that produced this horrific murder of educators and children will be unaddressed.

If we hope to prevent future tragedies at schools, we must comprehensively address both school safety and gun safety. Increased mental health services, community supports for youth, and new attitudes about violence in our entertainment must all be part of this approach. We must be willing to spend the time and resources necessary to make sustainable changes. AASA hopes that school leaders find ways of enhancing their current school safety procedures as outlined above, but we know federal funding is critical to ensuring schools remain the safest place for children to be. The time to address school safety is now.

## **POSITION STATEMENT—GUN SAFETY AND VIOLENCE PREVENTION**

Given National PTA's history of advocacy for the safety of children and youth, National PTA supports federal efforts to protect children and youth from gun violence. National PTA also advocates restricting access to guns from persons who may endanger public safety.

School safety is a critical priority for all parents, educators, students, and community members that cannot be taken for granted. We must make every attempt to reduce violence, especially incidents that involve firearms. National PTA recognizes the importance of parent involvement in the decision-making process in the development and implementation of school policies, including crisis response plans.

National PTA's "Components of an Effective School" recognizes the importance of a safe learning environment and describes an effective school's climate as one with settings that are "safe and encourage the highest level of student learning and achievement." In order to achieve an effective climate, schools must "have a gun-free environment."

Examples of ways to improve youth safety and to restrict guns to only responsible owners include advocating for the following:

- gun safety locks and other safety devices to prevent young children from accidentally discharging a gun
- alternative educational settings for youth who have brought a firearm to school, along with appropriate evaluation and counseling
- restrict Internet gun sales, including kits that can be used to make/modify guns
- enforce federal and state minimum age requirements for handgun purchases
- raise the minimum age to 21 to be allowed to buy a handgun from nonlicensed dealers
- allow at least three business days to conduct background checks
- require non-licensed dealers to conduct background checks and fill out proper paperwork so that guns can be traced
- increase penalties for the transfer of handguns or semiautomatic assault weapons to juveniles for use in a crime
- revoke the license of dealers who knowingly sell to minors
- establish education programs to teach students, parents, and community members about gun safety and violence prevention
- prevent juveniles who commit violent crimes from buying guns as adults

These and other measures are some of the ways National PTA believes that gun violence can be decreased in order to make our schools, as well as our communities, safer. National PTA believes we must enact legislation that will reduce gun violence and help protect all children and youth.



---

Adopted: by the 1999 Board of Directors Section II

For more information, please contact Elizabeth Rorick, Deputy Executive Director of Government Affairs and Communications, at [erorick@pta.org](mailto:erorick@pta.org).

## **POSITION STATEMENT—FIREARMS**

Given the history and tradition of strong support for the safety and protection of children and youth, the National PTA supports federal restrictions on firearms that would:

- require, prior to purchasing a firearm, a waiting period and background check to screen out illegal firearm purchasers such as convicted felons and drug-related offenders;
- outlaw military-style semi-automatic assault weapons; and
- require knowledge of appropriate firearms use and safety practices.

Military-style semi-automatic assault weapons would include those firearms which:

- were originally designed for military or law enforcement purposes; and for fully automatic purposes;
- are designed to be fired in full or semi-automatic mode in combat;
- are designed to accommodate a large capacity combat magazine.

These weapons include:

INTRATEC TEC-9, Street Sweeper and Striker 12, Colt AR-15 and CAR-15, MAC 10 and MAC 11 in addition to five firearms that are in the government's ban, including Norinco, Mitchell, and Poly Technologies Automat Kalashnikov S (all models), Action Arms Israeli Military Industries UZI and Galil, Fabrique Nationale FN/FAL; FN/LAR, and FNC, Steyr AUG.

Adopted: by the 1990 Board of Directors Section II  
Reviewed: by the 1993 and 1998 Convention Resolutions Committee

For more information, please contact Elizabeth Rorick, Deputy Executive Director of Government Affairs and Communications, at [erorick@pta.org](mailto:erorick@pta.org).

**RESOLUTION—FIREARM SAFETY AND AWARENESS**

- Whereas, In a statement of PTA Principles, National PTA believes that all children and youth should have an education that develops safe habits and attitudes, and should live in an environment free of avoidable physical hazards; and
- Whereas, 1992 statistics indicate that the number of motor vehicle-related deaths in the United States decreased while the number of firearm-related deaths increased, and gunshot wounds were now the leading cause of deaths among teen-age boys in America; and
- Whereas, Gun education programs are widely available and heavily promoted; or the American Academy of Pediatrics Committee on Injury and Poison Prevention cautions educators to choose educational programs and approaches carefully, avoiding those that might inadvertently encourage or promote children's access to firearms; and
- Whereas, In the Lewis Harris Poll for the Harvard School of Public Health (1993) more than one in five (22%) of the students claimed that they carried a weapon to school during the last school year, with 4% saying that the weapon was a handgun; and
- Whereas, One of the objectives of Goal #6 of the National PTA's "PTA National Education Goals" states, "By the year 2000, parents, businesses and community organizations will work together to ensure that schools are a safe haven for all children;" therefore be it
- Resolved, That the National PTA urge its constituent bodies, and the Department of Defense Education Activity, to participate in firearm safety and awareness programs carefully chosen to avoid those that might inadvertently encourage or promote children's access to firearms; and be it further
- Resolved, That the National PTA encourage its constituent bodies, and the Department of Defense Education Activity to educate parents, children, youth and communities about the importance of firearm safety and awareness; and be it further
- Resolved, That the National PTA urge its constituent bodies, and the Department of Defense Education Activity to promote public education campaigns to alert parents and community members about the harm and injury which handgun violence is inflicting on children and youth; and be it further
- Adopted: by the 1996 Convention Delegates Section II  
Reviewed: by the 1999 Convention Resolutions Committee

For more information, contact Elizabeth Rorick, Deputy Executive Director of Government Affairs and Communications at [erorick@pta.org](mailto:erorick@pta.org).

# **ATTACHMENT F**



# NATIONAL LAW ENFORCEMENT PARTNERSHIP TO PREVENT GUN VIOLENCE

[Home](#) [About Us](#) [Statement of Principles](#) [Policy Agenda](#) [Releases & Statements](#) [Contact Us](#)

## Statement of Principles

The following principles reflect the shared commitment of the below listed U.S. law enforcement leadership organizations to address the pervasive nature of gun violence and its horrific impact on communities across America.

- The level of gun violence in the United States, specifically firearm-related injuries and deaths including homicides, suicides, and accidental shootings, is unacceptable and demands immediate attention.
- As law enforcement organizations, we believe the level and lethality of gun violence directed at police officers requires an organized and aggressive response from policy makers at the federal, state, and local levels.
- Elected officials must commit to closing gaps in the current regulatory system, including those that enable felons, minors, persons with mental illness, and other prohibited persons to access firearms, and those that allow the trafficking of illegal guns.
- Law enforcement plays a central and critical role in preventing gun violence and solving crime. Effective strategies for the strict enforcement of laws concerning the illegal possession, trafficking, and criminal use of firearms are vital, and need to be supported by data, research, technology, training, and best practices.
- Because the public's health and safety depends on the efforts of law enforcement, agencies must have resources sufficient to prioritize the protection of officers and communities against illegal guns and firearm violence.
- The crisis of gun violence in our country necessitates a sustained, coordinated, and collaborative effort involving citizens, elected officials, law enforcement, and the entire criminal justice system.

[Commission on Accreditation for Law Enforcement Agencies, Inc. \(CALEA\)](#)

[Hispanic American Police Command Officers Association \(HAPCOA\)](#)

[International Association of Campus Law Enforcement Administrators \(IACLEA\)](#)

[International Association of Chiefs of Police \(IACP\)](#)

[Major Cities Chiefs Association \(MCC\)](#)

[National Association of Women Law Enforcement Executives \(NAWLEE\)](#)

[National Organization of Black Law Enforcement Executives \(NOBLE\)](#)

[Police Executive Research Forum \(PERF\)](#)

[Police Foundation \(PF\)](#)

*This page left intentionally blank.*



## **AGENDA ITEM #12**

### **LEGISLATIVE UPDATE**

**Congress of the United States**  
**Washington, DC 20515**

February 15, 2013

The Honorable Barack Obama  
President of the United States  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

The Honorable John Boehner  
Speaker  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Harry Reid  
Majority Leader  
United States Senate  
Washington, D.C. 20510

Dear Mr. President, Mr. Speaker, and Mr. Leader:

As a bipartisan delegation of Virginia lawmakers representing wide-ranging interests and viewpoints, we write to show unified support for immediate action to avert the devastating impacts of sequestration. The Commonwealth of Virginia, with its long history of contribution to our national defense and to the federal government, will bear a disproportionate amount of the pain imposed by these arbitrary cuts should they come to pass.

These reductions, while harmful to the entire U.S. economy, will be particularly devastating to Virginia. According to a study published by George Mason University, nearly ten percent of the 2.1 million jobs that would be lost as a result of sequestration will come from Virginia. Of these 207,571 Virginia jobs, 136,191 will be lost as a result of cuts to defense, 71,380 job losses will result from reductions in non-defense spending. Further, sequestration would result in a loss of \$20.8 billion in gross state product. The consequences of a failure to avert sequestration will ripple through all parts of our state economy and could lead to a hollow military force and a government unable to adequately respond to the needs of its citizens.

We stand ready to work hand-in-hand to negotiate an agreement to avert these cuts that threaten grave consequences for the Commonwealth, our federal government, and our national security.

Sincerely,





\_\_\_\_\_  
Senator Mark R. Warner

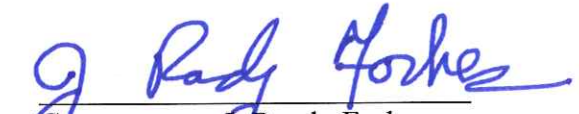



\_\_\_\_\_  
Senator Tim Kaine


  
Congressman Frank R. Wolf

  
Congressman James P. Moran

  
Congressman Robert C. "Bobby" Scott

  
Congressman J. Randy Forbes

  
Congressman Robert J. Wittman

  
Congressman Gerald E. Connolly

  
Congressman Scott Rigell



February 21, 2013

The Honorable Ben Cardin  
Senator  
United States Senate  
SH-509 Hart Senate Office Building  
Washington, DC 20510-2002

Re: Sequestration Must Be Avoided

Dear Senator Cardin:

Sequestration will have a destructive impact on localities in the National Capital Region and stymie an economy which is beginning to revive.

The Greater Washington Board of Trade and the Metropolitan Washington Council of Governments have previously expressed our concerns to you. Together, we write again to urge Congress and you as our elected representative to take immediate, thoughtful action to stop the impending sequestration on March 1. The automatic across-the-board cuts, as opposed to thoughtful deficit reduction, will have a debilitating effect on an already fragile economy.

Sequestration will have enormous ripple effects throughout the entire Region, much more so than any other metropolitan area in the country. According to George Mason University experts, 400,000 job losses are expected to occur in the National Capital Region alone. These startling figures do not include the second tier of support workers who will also be hit hard and, plainly, are likely to lose their jobs.

Compounding the major implications that these cuts will have for business in the Greater Washington region, the lack of clear information about these reductions causes unnecessary concern. To date, the federal government has given very little guidance, and those directives which have been given often conflict with prior instructions. This uncertainty about funding is debilitating to businesses and local governments, which are trying to budget strategically and plan for the future.

Sequestration affects the local ability to raise funds for facility costs which is critical to jump-starting the economy. National rating agencies are advising our localities that the cloud of sequestration is already negatively impacting their bond ratings. The arrival of sequestration will further adversely affect these bond ratings. Simply put, construction of public improvements through bond issues will become much more expensive, if possible at all. As a result, much needed public works will not proceed, and local private contractors who would have constructed the facilities will lose the contracts. So sequestration means tax dollars will buy fewer necessary facilities, infrastructure will continue to deteriorate, businesses will not have work, and their employees will be more likely to lose their jobs.

Another prime example of how sequestration cuts will ripple is evident in the Metro transit system. Sequestration will have a profound adverse impact on Metro's dedicated capital funds, resulting in a direct loss of up to \$12 million in Federal Fiscal Year 2013. Moreover, analysts

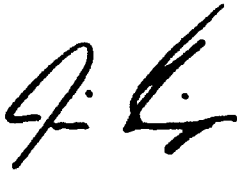
predict that millions of Metro's capital "formula dollars" could also be reduced significantly. Such a loss further complicates the agency's critical rebuilding efforts. Compounding these losses, Metro estimates that sequestration will result in a reduction of millions of dollars annually in fare box revenue due to furloughs in the federal workforce and a reduction in ridership of federal employees. Simply stated, people who lose their jobs will not need transit to go to work. These sequestration-related reductions result in a significant decrease in Metro's capital funds and operating revenues – funding that the Metro system cannot afford to lose.

The foregoing are but two examples of the negative impacts of sequestration.

Greater Washington's business and government leaders recognize that the national economic challenge is great, requiring the federal government to get its fiscal house in order. However, we strongly encourage you to adopt a bi-partisan balanced solution to deficit reduction that promotes rather than undermines our economic growth.

We would be glad to talk with you in person or assist with testimony before Congress regarding the severe impacts of sequestration. Please contact us.

Sincerely,



James C. Dinegar, CAE  
President & CEO  
Greater Washington Board of Trade



Karen Young  
Chair, Board of Directors  
Metropolitan Washington Council of  
Governments

METROPOLITAN WASHINGTON  COUNCIL OF GOVERNMENTS

*One Region Moving Forward*

March 7, 2012

*District of Columbia  
Bladensburg\*  
Bowie  
Charles County  
College Park  
Frederick  
Frederick County  
Gaithersburg  
Greenbelt  
Montgomery County  
Prince George's County  
Rockville  
Takoma Park  
Alexandria  
Arlington County  
Fairfax  
Fairfax County  
Falls Church  
Loudoun County  
Manassas  
Manassas Park  
Prince William County*

Honorable Dereck E. Davis  
Chair, House Economic Matters Committee  
House Office Building, Room 231  
6 Bladen St.  
Annapolis, MD 21401

Dear Delegate Davis,

On behalf of the Metropolitan Washington Council of Governments (COG) Climate, Energy, and Environment Policy Committee, representing our membership in Charles, Frederick, Montgomery, and Prince George's Counties, **I urge you to support HB 1177**, which establishes a process by which local governments may acquire street lighting equipment from the local electrical utility at a fair market value.

This bill promotes fair negotiations with utilities, giving Maryland's local governments control over the cost, quality, and efficiency of their street lighting fixtures.

Stalemates in negotiation have prevented any local governments from purchasing street lighting since given that authority in 2007. This bill establishes a clear process for determining fair market value, setting an even playing field for local governments and utilities and allowing these transaction to go forward.

Furthermore, HB 1177 helps Maryland municipalities improve energy efficiency in their operations. Switching to more efficient street lighting can cut electricity consumption up to 50 percent. Those reductions, combined with reduced maintenance costs, translate into real savings for Maryland taxpayers.

We urge you to **support HB 1177**, helping Maryland municipalities achieve their ambitious efficiency goals and gain greater control over their street lighting choices.

Thank you for your consideration.

Sincerely,



Hon. Roger Berliner  
Chair, Climate Energy and Environment Policy Committee  
Metropolitan Washington Council of Governments

777 North Capitol Street, NE, Suite 300, Washington, D.C. 20002  
202.962.3200 (Phone) 202.962.3201 (Fax) 202.962.3213 (TDD)  
[www.mwcog.org](http://www.mwcog.org)



February 12, 2013

*District of Columbia  
Bladensburg\*  
Bowie  
Charles County  
College Park  
Frederick  
Frederick County  
Gaithersburg  
Greenbelt  
Montgomery County  
Prince George's County  
Rockville  
Takoma Park  
Alexandria  
Arlington County  
Fairfax  
Fairfax County  
Falls Church  
Loudoun County  
Manassas  
Manassas Park  
Prince William County*

Hon. Thomas V. Mike Miller, Jr.  
President of the Senate  
State House, H-107  
Annapolis, MD 21401

**RE: Support the Maryland Offshore Wind Energy Act of 2013**

Dear Mr. President,

On behalf of the Metropolitan Washington Council of Governments (COG) Climate Energy and Environment Policy Committee, representing our membership in Charles, Frederick, Montgomery, and Prince George's Counties, I am pleased to **offer our support for SB 275**, the Maryland Offshore Wind Energy Act of 2013.

COG is dedicated to promoting renewable energy, combating climate change, and creating the green jobs that a sustainable economy will require. We applaud the State of Maryland for adopting an aggressive Renewable Portfolio Standard of 20% renewable energy by 2020. As a means of achieving this goal, we support the development of offshore wind energy.

**Developing Maryland's offshore wind resources is critical to providing a clean, secure, and home-grown energy supply for the state.** Maryland imports 30% of its electricity every year, incurring significant transmission costs and congestion charges for ratepayers. Nearly half of the electricity consumed comes from coal. Maryland's offshore wind resource, however, is large enough to power two-thirds of the state while providing economic, public health, and environmental benefits.

Offshore wind is among Maryland's most abundant, clean, and price-stable energy sources. **We urge the Senate to pass SB275 to bring offshore wind energy to Maryland.** Thank you for your consideration.

Sincerely,



Roger Berliner  
Chair, Climate Energy and Environment Policy Committee  
Metropolitan Washington Council of Governments

777 North Capitol Street, NE, Suite 300, Washington, D.C. 20002  
202.962.3200 (Phone) 202.962.3201 (Fax) 202.962.3213 (TDD)

METROPOLITAN WASHINGTON  COUNCIL OF GOVERNMENTS

*One Region Moving Forward*

March 5, 2013

*District of Columbia  
Bladensburg\*  
Bowie  
Charles County  
College Park  
Frederick  
Frederick County  
Gaithersburg  
Greenbelt  
Montgomery County  
Prince George's County  
Rockville  
Takoma Park  
Alexandria  
Arlington County  
Fairfax  
Fairfax County  
Falls Church  
Loudoun County  
Manassas  
Manassas Park  
Prince William County*

Hon. Thomas McLain Middleton  
Chair, Senate Finance Committee  
3 East Miller Senate Office Building  
11 Bladen St., Annapolis, MD 21401

Dear Senator Middleton,

On behalf of the Metropolitan Washington Council of Governments (COG) Climate, Energy, and Environment Policy Committee, representing our membership in Charles, Frederick, Montgomery, and Prince George's Counties, **I urge you to support SB 627, enabling a new mechanism to finance residential energy efficiency upgrades.**

COG actively supports increasing building energy efficiency as a means of reducing greenhouse gas emissions, stabilizing residents' energy bills, and promoting local economic growth. To achieve this, new financing mechanisms must be deployed that provide terms that work for homeowners and businesses.

This bill provides an innovative solution to residential home energy finance by enabling private companies to provide long-term loans that run with the land. This allows homeowners to transfer the obligation if they move and sell the home. Longer terms and transferability upon sale are widely recognized as key factors in the success of a home energy efficiency financing program.

This mechanism does not rely on state funds to provide capital, and does not require any entity to offer home energy loans. It simply opens an opportunity for new clean energy businesses in Maryland.

I hope you will **support SB 627** to enable this innovative financing mechanism and give homeowners new options for investing in money-saving energy efficiency improvements. Thank you for your consideration.

Sincerely,



Hon. Roger Berliner  
Chair, Climate Energy and Environment Policy Committee  
Metropolitan Washington Council of Governments

777 North Capitol Street, NE, Suite 300, Washington, D.C. 20002  
202.962.3200 (Phone) 202.962.3201 (Fax) 202.962.3213 (TDD)

[www.mwcog.org](http://www.mwcog.org)

METROPOLITAN WASHINGTON  COUNCIL OF GOVERNMENTS

*One Region Moving Forward*

March 5, 2013

*District of Columbia  
Bladensburg\*  
Bowie  
Charles County  
College Park  
Frederick  
Frederick County  
Gaithersburg  
Greenbelt  
Montgomery County  
Prince George's County  
Rockville  
Takoma Park  
Alexandria  
Arlington County  
Fairfax  
Fairfax County  
Falls Church  
Loudoun County  
Manassas  
Manassas Park  
Prince William County*

Hon. Thomas McLain Middleton  
Chair, Senate Finance Committee  
3 East Miller Senate Office Building  
11 Bladen St., Annapolis, MD 21401

Dear Senator Middleton,

On behalf of the Metropolitan Washington Council of Governments (COG) Climate, Energy, and Environment Policy Committee, representing our membership in Charles, Frederick, Montgomery, and Prince George's Counties, **I urge you to support SB 699, creating a community energy pilot program.**

Establishing community net metering would greatly expand Marylanders' access to local renewable energy. The bill would allow any energy customer to invest in renewable resources within their utility service territory, regardless of their ability to install a system on their own home or business. In particular, this bill benefits renters, which make up a third of the state's households.

By removing barriers to renewable energy generation, the bill invites a number of economic and environmental benefits. Giving all residents the opportunity to invest in renewable energy will grow the local green economy, reduce air pollution, and help meet the state Renewable Portfolio Standard. Additionally, by promoting distributed energy resources, the community energy pilot will help address Maryland's pressing electrical reliability and capacity issues.

We urge you to **support SB 699**, taking advantage of this opportunity to support Maryland's clean energy future. Thank you for your consideration.

Thank you for your consideration.

Sincerely,



Hon. Roger Berliner  
Chair, Climate Energy and Environment Policy Committee  
Metropolitan Washington Council of Governments

777 North Capitol Street, NE, Suite 300, Washington, D.C. 20002  
202.962.3200 (Phone) 202.962.3201 (Fax) 202.962.3213 (TDD)

[www.mwcog.org](http://www.mwcog.org)



## **AGENDA ITEM #13**

### **OTHER BUSINESS**

**(NOTE: NO ATTACHMENTS)**



# **AGENDA ITEM #14**

## **ADJOURNMENT**

**NEXT MEETING: APRIL 10, 2013**