

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

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO APPLY FOR FUNDING
FROM EPA'S NATIONAL CLEAN DIESEL FUNDING ASSISTANCE PROGRAM TO
REDUCE EMISSIONS FROM DIESEL EQUIPMENT IN THE METROPOLITAN
WASHINGTON REGION**

WHEREAS, the Metropolitan Washington region does not meet the federal health standards for ozone, which adversely affects the health of populations at increased risk, including 1 million children 18 years of age and younger; and

WHEREAS, COG and the Metropolitan Washington Air Quality Committee (MWAQC) support local nonregulatory measures in the region to reduce harmful emissions to improve air quality; and

WHEREAS, the purpose of EPA's National Clean Diesel Funding Assistance Program is to reduce diesel emissions, maximize job preservation and promote economic recovery through a variety of diesel emission reduction strategies; and

WHEREAS, COG is currently partnering with equipment owners/operators to reduce emissions from diesel fleets in the Washington metropolitan region; and

WHEREAS, COG would like to partner Amtrak whose has proposed a "Reducing Emissions from Rail Terminal Operations at Union Station in Downtown Washington, DC" project; and

WHEREAS, the project will significantly reduce annual NOx and fine particle emissions in the region, improving the health of residents and providing needed reductions for the region to meet the ozone and fine particle standard.

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

The Executive Director, or his designee, is authorized to apply for and expend up to \$2,200,000 in grant funding from EPA Region III to provide diesel reduction technologies to Amtrak in support of its "Reducing Emissions from Rail Terminal Operations at Union Station." No COG matching funds are required.

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**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A
MEMORANDUM OF UNDERSTANDING WITH THE PRINCE GEORGE'S COUNTY
DEPARTMENT OF ENVIRONMENTAL RESOURCES TO PROVIDE ANACOSTIA RESTORATION
PLAN, TRASH TMDL MONITORING AND MS4-RELATED SUPPORT SERVICES**

WHEREAS, the employment of innovative stormwater management and other restoration practices and the development of companion inventories and state-of-the-art databases are critical elements in supporting, tracking and accelerating the overall Anacostia restoration effort; and

WHEREAS, the Metropolitan Washington Council of Governments (COG) is both a nationally recognized watershed restoration leader and has provided coordination, management, technical and administrative support for the Anacostia restoration effort since 1987; and

WHEREAS, COG has a continuing interest in the restoration, management and protection of the Anacostia River and its tributaries; and

WHEREAS, COG is a recognized leader in working in partnership with various government organizations, environmental and community groups to further the Anacostia restoration effort; and

WHEREAS, COG is a recognized leader in watershed monitoring, restoration opportunity project identification, concept design and evaluation, electronic database development and application, GIS mapping, and and restoration progress reporting; and

WHEREAS, on June 14, 2006 the COG Board adopted Resolution R28-06 establishing a new Anacostia governance structure which further strengthens the Anacostia partnership and its restoration role and that of its citizenry; and

WHEREAS, over the past several years, COG has worked cooperatively with Prince George's County to successfully address trash, habitat degradation, stormwater runoff and other environmental problems in the Anacostia watershed; and

WHEREAS, COG played a major role in working with Prince George's County, Montgomery County, the District of Columbia, the state of Maryland and the U.S. Army Corps of Engineers and others in developing the Anacostia Restoration Plan.

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

The Executive Director, or his designee, is authorized to enter into a memorandum of understanding (MOU) with Prince George's County in an amount not to exceed \$950,000 to provide technical trash TMDL monitoring, MS4 and Anacostia Restoration Plan (ARP) project database and GIS-related assistance. Services include performing seasonal tributary stream baseline trash surveys, conducting land-based roadside trash surveys, performing restoration project field surveys and developing restoration concept plans, creating MS4 and ARP project electronic databases and GIS map products, tracking implementation progress, and preparing summary reports/technical memoranda. The project duration will be three-years from the receipt of funding. No COG matching funds are required.

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS
777 North Capitol Street, NE
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RESOLUTION AUTHORIZING THE SUBMITTAL OF A PLANNING GRANT APPLICATION AND EXECUTING A GRANT CONTRACT WITH THE FEDERAL AVIATION ADMINISTRATION FOR THE TWENTY-SIXTH PHASE OF THE CONTINUOUS AIRPORT SYSTEM PLANNING PROGRAM

WHEREAS, the Aviation Investment and Reform Act for the 21st Century includes a provision that makes the District of Columbia eligible to receive and disburse to the Metropolitan Washington Council of Governments (COG) Airport Improvement Program (AIP) Apportionment funds; and

WHEREAS, COG received funding for the first time from AIP apportionments for the CASP 19 grant; and

WHEREAS, COG is recognized by FAA as the air systems planning agency for the Metropolitan Washington region; and

WHEREAS, the FAA administers a program that provides funds for continuing air transportation systems planning in large metropolitan regions; and

WHEREAS, COG is involved in a continuing planning process for addressing the issues concerning the future development and impact of the region's major commercial airports, military fields, and general aviation facilities, as they relate to metropolitan and local community development goals and policies; and

WHEREAS, the growth of commercial aviation activity in the Washington-Baltimore region, particularly at Baltimore/Washington International and Washington Dulles International Airports, requires that long-term planning proceed to best accommodate that growth; and

WHEREAS, the FAA has funded twenty-five separate phases of this continuing planning effort; and

WHEREAS, the FAA has indicated its willingness to fund a Phase 26 grant application.

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

The Executive Director, or his designee, is authorized to submit a planning grant application and execute a grant contract with the Federal Aviation Administration to conduct Phase 26 of a multi-year program for Continuous Airport System Planning for the National Capital Region in an amount not to exceed \$315,800. This application and subsequent grant contract would include the following tasks: (1) Prepare Ground Access Forecast Update, Phase 2; (2) Prepare Ground Access Element Update, Phase 1; and (3) Process 2011 Washington-Baltimore Regional Air Passenger Survey, Phase 1. The FAA will provide funds for ninety-five percent, \$300,000, of the project total. The five percent match, \$15,800, will be provided from budgeted local funds. The Executive Director, or his designee, is further authorized, if necessary, to enter into contracts with qualified firms to provide specialized support in performance of the grant requirements. Such contracts shall result from COG's competitive procurement system.

**METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS
777 NORTH CAPITOL STREET, NE
WASHINGTON, DC 20002-4239**

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ISSUE A CONTRACT
AMENDMENT TO DESIGN A SITUATIONAL AWARENESS VISUALIZATION TOOL FOR
THE DISTRICT OF COLUMBIA HSEMA**

WHEREAS, the Metropolitan Washington Council of Governments (COG) serves as the Secretariat for the Urban Area Security Initiative for the National Capital Region; and

WHEREAS, COG has been requested by the District of Columbia Homeland Security and Emergency Management Agency (HSEMA) to issue a contract amendment to design a situational awareness tool for DC that includes a visualization system that can be displayed on a large video wall; and

WHEREAS, the contractor shall design a desktop information system that can be used by operators to quickly and easily manage data overload; and

WHEREAS, the system will also be designed to enable the Joint All Hazards Operations Center staff to quickly compile and disseminate situational reports, citizen pages or other information to elected officials or decision makers.

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

The Executive Director, or his designee, is authorized to receive and expend up to \$74,333 to develop a situational awareness visualization tool that can be used for a video overview and management of large volumes of data and to quickly compile and disseminate situation reports. Funding to support this work will be provided through a subgrant from the State Administrative Agent (SAA). No COG matching funds are required.

**METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS
777 NORTH CAPITAL STREET
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**RESOLUTION ADOPTING AN AMENDMENT TO THE PENSION PLAN IN COMPLIANCE WITH
THE HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2008 (HEART ACT OF 2008)**

WHEREAS, the Metropolitan Washington Council of Governments (COG) has established and maintains a Pension Plan (Plan) for its employees; and

WHEREAS, the Plan was amended and restated in its entirety effective July 1, 2008, to incorporate amendments through July 1, 2009; and

WHEREAS, the IRS has required that Section 5.12 of the Plan be amended further to enumerate the sections of Code Section 401(a)(9) that are incorporated by reference; and

WHEREAS, The Plan must be amended to comply with the Heroes Earnings Assistance and Relief Tax Act of 2008 ("HEART Act"); and

WHEREAS, Section 10.01 of the Plan provides that the COG may amend the Plan.

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

1. Section 4.04 of the Plan is replaced in its entirety, effective January 1, 2007, to read as follows, with a corresponding change in the table of contents to reflect the new section title:

4.04 Qualified Military Service.

(a) Notwithstanding any other provision of the Plan to the contrary, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with section 414(u) of the Code.

(b) Effective January 1, 2007, the surviving Spouse or minor children of an Employee who dies while performing qualified military service (as defined under section 414(u) of the Code) shall be entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) that would be provided under the Plan had the Employee died as an Employee, in accordance with section 401(a)(37) of the Code.

2. Section 5.12 of the Plan is amended to read as follows:

5.12 Limitations on Distributions.

Notwithstanding anything contained herein to the contrary, any benefit provided under this Plan shall be subject to the requirements of Code section 401(a)(9) and any regulations promulgated thereunder by the Secretary of the Treasury, which are incorporated into the Plan by reference, including Code section 401(a)(9)(G) and regulation sections 1.401(a)(9)-2 to 1.401(a)(9)-9. To summarize these requirements, the entire interest of each employee shall be distributed to such employee not later than the required beginning date, or will be distributed, beginning not later than the required beginning date, in accordance with such regulations, over the life of such employee or

over the lives of such employee and a designated beneficiary (or over a period not extending beyond the life expectancy of such employee or the life expectancy of such employee and a designated beneficiary). The term required beginning date means April 1 of the calendar year following the later of the calendar year in which the employee attains age 70½, or the calendar year in which the employee retires.

**METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS
777 North Capitol Street, NE
Washington, DC 20002**

**RESOLUTION ADOPTING THE RESTATEMENT OF COG'S PENSION DOCUMENT FOLLOWING
IRS FAVORABLE LETTER OF DETERMINATION**

WHEREAS, the Metropolitan Washington Council of Governments (COG) has established and maintains the Metropolitan Washington Council of Governments Pension Plan (Plan) for the benefit of its employees; and

WHEREAS, Section 10.01 of the Plan provides that COG may amend the Plan; and

WHEREAS, the Plan was previously amended and restated effective as of July 1, 1989, to incorporate all amendments to the Plan adopted from that date through October 1, 2000; and

WHEREAS, the Plan was amended eight times subsequent to October 1, 2000; and

WHEREAS, one such amendment, to Section 9.06, permitted re-hired employees to repay a prior distribution from assets held under, *inter alia*, an individual retirement account, but implementation of the amendment was delayed pending Internal Revenue Service (IRS) approval; and

WHEREAS, COG decided to submit the Plan to the IRS for a favorable determination letter, in order to confirm that no amendment caused the Plan to lose its qualified status, and the IRS requires that to do so all outstanding amendments must be incorporated into a single document; and

WHEREAS, the Plan was therefore amended and restated, effective July 1, 2008, to incorporate these eight amendments and then submitted to the IRS in draft form; and

WHEREAS, the IRS made a favorable determination with respect to the draft amendment and restatement, subject to its adoption and further subject to adopting an amendment to Section 5.12, thereby confirming that none of the eight amendment caused the Plan to lose its qualified status; and

WHEREAS, the IRS required amendment to Section 5.12, together with an amendment required by recent legislation (the "HEART Act"), has been separately adopted on this date; and

WHEREAS, during the period the IRS was considering the Plan, COG adopted an amendment to Plan Section 6.03(a) increasing the level of employee contributions, effective July 1, 2009, as well as an amendment to Plan Section 4.04(b) to modify the treatment of sick leave, effective July 1, 2010; and

WHEREAS, COG desires that all amendments to the Plan adopted through today's date be embodied in a single document; and

WHEREAS, the amended and restated Plan document, attached hereto as Exhibit A, achieves this end by incorporating into the version of the Plan submitted to the IRS in draft form the following amendments: the amendment adopted effective July 1, 2009, to increase employee contributions, the amendment adopted effective July 1, 2010, to modify the treatment of sick leave, and the amendments adopted on this date to comply with the HEART Act and to make the IRS-required change.

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

The amended and restated Plan, as attached hereto as Exhibit A, is hereby adopted.
