

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

**MINUTES
Board of Directors' Meeting
COG Board Room
January 10, 2007**

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

***SEE ATTACHED CHART FOR ATTENDANCE**

STAFF

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

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Jay Fisette called the meeting to order at 12:10 p.m. with a recitation of the pledge of allegiance.

2. APPROVAL OF MINUTES OF NOVEMBER 8, MINUTES

Motion was made, seconded, and carried unanimously to adopt the minutes of the November 8th meeting.

3. AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

4. ANNOUNCEMENTS

Chair Fisette announced the schedule of Board meetings for the remainder of the year. He noted that the regularly scheduled November meeting would be cancelled due to the impending 50th Anniversary Gala which will be held November 15 at the Andrew Mellon Auditorium; the Board will meet in December.

The annual meeting held in December had a great turnout. Henry Cisneros, the keynote speaker, held a thought provoking discussion on the issue of affordable housing citing the importance of homeownership, adequate workforce housing, and the elimination of homelessness. During the meeting, the FY 2008 budget and work program was adopted and the 2007 corporate officers were elected. Chair Fisetto congratulated the following members on their election: Prince George's County Chief Administrative Officer Dr. Jacqueline Brown as President, Alexandria Council Member Redella Pepper and District of Columbia Mayor Adrian Fenty as Vice-Presidents, and Prince William County Board Supervisor Hilda Barg as Secretary-Treasurer.

Chair Fisetto also welcomed the following new members to the Board: District of Columbia Mayor Adrian Fenty, District of Columbia City Council Chair Vincent Gray, District of Columbia City Administrator Dan Tangherlini, Montgomery County Executive Isiah Leggett, and City of Frederick Board Alderman Alan Imhoff representing Mayor Holtzinger.

Chair Fisetto also announced that the National Association of Regional Councils will hold its Washington Policy Conference February 4th through 6th.

5. EXECUTIVE DIRECTOR'S REPORT

Executive Director David Robertson reported that a nationwide solicitation for a new Chief Financial Officer has begun. Mr. Robertson will keep the Board advised to the status of this process and will invite past COG Secretary-Treasurer's along with CFO's from member jurisdictions to participate in the selection process.

The Institute for Regional Excellence, which had previously been postponed due to a lack of participation and funding, has been re-launched for a start this month; 26 participants have been confirmed.

The last of the In Focus reports have been distributed. This last batch included COG's newest member the City of Frederick as well as adjunct member the Town of Bladensburg.

COG staff has developed a consolidated calendar of COG events and activities, as well as relevant events of major organizations and associations; to better aide Board members in their planning. In addition to being uploaded on the COG website, the calendar will be transmitted to members at each Board meeting.

6. CONSENT AGENDA

(A.) Resolution Authorizing the Executive Director to Utilize the Disadvantaged Business Enterprise Policy

The Board adopted Resolution R4-07 authorizing the Executive Director to utilize the COG Disadvantaged Business Enterprise Policy (DBE), revised January 10, 2007, in all solicitations issued by COG. In support of its programs, COG is the recipient of grants-in-aid from federal agencies. As a recipient of those funds COG agrees to conform to the requirements stipulated by those grants. Since the 1980's COG has included a DBE in its solicitations to be in compliance with the requirements of those federal grants. As stated by the Executive Director at the October meeting of the Board, the COG DBE Policy needs to be revised to be in compliance with current federal regulations.

(B.) Resolution Authorizing the Executive Director to Submit a Grant Proposal to the District of Columbia Department of the Environment Watershed Protection Division for a Trees for Homeowners Program

The Board adopted Resolution R5-07 authorizing the Executive Director, or his designee, to submit a proposal and execute a contract in an amount not to exceed \$75,000 for the purposes of administering a "Trees for Homeowners" program for properties in the District of Columbia. The project duration will be 12 months (with possible extension for up to three years) from the receipt of funding. A \$25,000 COG match will be provided from the Nonpoint Source Program area.

(C.) Resolution Authorizing the Executive Director to Submit a Grant Proposal to the District of Columbia Department of the Environment Watershed Protection Division for a Green Roof Subsidy Program

The Board adopted Resolution R6-07 authorizing the Executive Director, or his designee, to submit a proposal and execute a contract in an amount not to exceed \$200,000 for the purposes of administering a Green Roof Subsidy program for properties in the District of Columbia. The project duration will be 12 months (with possible extension for up to three years) from the receipt of funding. A \$25,000 COG match will be provided from the Nonpoint Source Program area.

(D.) Resolution Authorizing the Executive Director to Enter into a Memorandum of Understanding with the Maryland Department of Natural Resources to Provide Anacostia River Watershed Reforestation-related Services

The Board adopted Resolution R7-07 authorizing the Executive Director, or his designee, to enter into an agreement with the Maryland Department of Natural Resources in the amount of \$25,000 for the purposes of providing forest conservation services. The project duration will be for the period ending August 30, 2007. No COG matching funds are required.

(E.) Adoption of a Resolution Recognizing Maxine Baker on her Retirement from Freddie Mac

The Board adopted Resolution R8-07, recognizing Maxine Baker as she retires from Freddie Mac and thanking her for her leadership in partnering with COG on numerous child welfare issues, including foster care and adoption and specifically the Wednesday's Child special needs adoption program.

(F.) Resolution Authorizing the Executive Director to Accept a Grant for Support of the Washington Area Housing Partnership

The Board adopted Resolution R9-07 authorizing the Executive Director to accept an \$80,000 grant from the Fannie Mae Foundation for the Washington Area Housing Partnership. The Washington Area Housing Partnership (The Partnership) is a regional public-private housing partnership that acts as a catalyst to preserve and expand the supply of affordable housing for low- and moderate-income families in the Washington region. After the Partnership completed the Toolkit for Affordable Housing Development in December 2005, the Partnership has taken the Toolkit on the road in 2006 and coordinated affordable housing workshops with elected officials and staffs on how to implement the

policies described in the Toolkit. This \$80,000 grant will be used to support the Washington Area Housing Partnership's continued outreach efforts in FY07.

(G.) Resolution in Support of a Foundation Grant for a Thought Leadership Series and Child Welfare Emergency Preparedness Plans

The Board adopted Resolution R10-07 authorizing the Executive Director to accept a \$75,000 grant from the Freddie Mac Foundation for the establishment of a Thought Leadership series. This concept was developed through COG's Child Welfare Director's Committee. The series will include cutting edge seminars for the region's Child Welfare Administrators to assist them in providing world class leadership to the region's children and families.

(H.) Resolution Authorizing the Executive Director to Enter into a supplemental funding agreement with the District of Columbia and a Contract with SRA International to Complete a Hazard Identification, Risk Assessment, Impact Analysis and Critical Infrastructure Strategy Benchmarking for the National Capital Region

The Board adopted Resolution R11-07 authorizing the Executive Director or his designee to receive supplemental funding from the District of Columbia and to execute a contract with SRA International to complete a Hazard Identification, Risk Assessment, Impact Analysis and Critical Infrastructure Strategy Benchmarking for the National Capital Region. Urban Area Security Initiative (UASI) funds in the amount of \$1.2M will be provided to COG and \$200K shall be contracted with SRA to complete a specific HIRA for the DC. No COG matching funds will be required.

(I.) Resolution Authorizing the Executive Director to Accept Continuation Urban Area Security Initiative Subgrant Funding for the Provision of COG Professional, Technical, and Secretarial Support for Homeland Security Preparedness, Response, and Recovery Activities in the Region

The Board adopted Resolution R12-07 authorizing the Executive Director or his designee to receive continuation funding from the District of Columbia and to support the Emergency Preparedness Council, the Chief Administrative Officer's Committee, 16 Regional Emergency Support Functions, and several Regional Program Work Groups to enhance preparedness throughout the National Capital Region. Urban Area Security Initiative (UASI) funds in the amount of \$480K will be granted to COG for its continued provision of professional, technical, and secretarial support for homeland security preparedness, response, and recovery activities. No COG matching funds will be required.

(J.) Resolution Authorizing the Executive Director to Enter into a Supplemental Funding Agreement with the District of Columbia and a Contract with Booz Allen Hamilton, Inc to Complete Additional Tasks Associated with the NCR Homeland Security Strategic Plan for the National Capital Region

The Board adopted Resolution R13-07 authorizing the Executive Director or his designee to receive supplemental funding from the District of Columbia and to execute a contract with Booz Allen Hamilton. The additional funding will allow for the completion of additional tasks associated with the NCR Homeland Security Strategic Plan to include populating the emergency preparedness framework which will gauge the preparedness of the NCR against the 37 DHS Target Capabilities and the integration of the populated template with the strategic snapshots developed for the National Capital Region. Urban Area Security

Initiative (UASI) funds in the amount of \$200K will be provided to COG and \$200K shall be contracted with SRA to complete a specific HIRA for the District of Columbia. No COG matching funds will be required.

(K.) Resolution Authorizing COG to Provide Funding for Training and Exercise Initiatives Approved by the Exercise and Training Operations Panel

The Board adopted Resolution R14-07 authorizing the Executive Director or his designee to execute training and exercise initiatives approved by the Exercise and Training Operations Panel. The State Administrative Agent for the National Capital Region will provide COG with \$1,500,000 in FY06 Urban Area Security Initiative (UASI) funding that is good through May 31, 2008 to execute ETOP approved training and exercise initiatives. No COG funds will be required.

7. UPDATE ON LEGISLATION TO SUPPORT DEDICATED FUNDING FOR METRO

Supplemental Documents: Metro Dedicated Funding Update Memo (electronic)

Executive Director David Robertson provided the Board with an update on legislation to support dedicated funding for Metro. Following the recommendation of its Blue Ribbon Panel, both the COG Board and the National Capital Region Transportation Planning Board endorsed legislation supporting Metro dedicated funding. As a result of the Panel's recommendation U.S. Representative Tom Davis (R-Va), with the support of the entire National Capital Region's congressional delegation, introduced H.R. 3496 authorizing \$1.5 billion dollars in federal funding for capital improvements and maintenance needs of Metro to be incrementally distributed over 10 fiscal years beginning FY07. This legislation also required a non-federal match from dedicated state and local funding sources. The bill passed the House, but the Senate failed to act before the 109th Congress adjourned.

There was much activity to enact similar legislation at the state level however, only the District of Columbia was able to do so. On April 21, 2006 the Council unanimously passed B16-569, "Washington Metropolitan Area Transit Authority Fund Act of 2006", dedicating one half of one percent of the existing District of Columbia retail sales tax to provide funding for WMATA, which is estimated to raise \$50 million annually.

The Maryland General Assembly adopted legislation to require the Maryland Department of Transportation to conduct a financially unconstrained study of the operating and capital needs for transit in Maryland for the next 20 years. A steering committee was formed and has held 3 hearings; Montgomery County Council Member Michael Knapp presented testimony as Chair of the Transportation Planning Board. A preliminary report analyzes Maryland's current funding for transit and reviews funding mechanisms of certain other transit systems, but makes no proposals or suggestions for General Assembly consideration. A final report is expected to be released this month.

The Virginia General Assembly was unable to form consensus on the best way to address the state's transportation needs during the 2006 Session; several bills were introduced and passed in the Senate but were killed or tabled in the House.

It is unclear at this time what, if any, bills will be introduced during this year's legislative sessions however there seems to be growing consensus in Virginia for the need of dedicated funding for Metro. Reintroduction of Congressman Davis' bill is anticipated to occur very soon.

Mr. Robertson stressed the importance of COG's continued support and active involvement in this issue. He recommended that COG's Joint Coordinating Committee established in

2006 to guide and track regional efforts on this issue meet in January to help influence any new state and federal legislative initiatives on dedicated funding.

District of Columbia Council Member Carol Schwartz suggested that the Blue Ribbon Panelists meet with legislators in Maryland and Virginia to better educate legislators on the importance of dedicated funding sources for Metro; she noted that they were instrumental in the success of the District's passage of its legislation.

Prince George's County Chief Administrative Officer Jacqueline Brown asked if there was a preliminary sense of where Maryland's new Governor and his administration are on the issue.

Montgomery County Council Member and COG Vice Chair Michael Knapp responded that the administration has indicated a real willingness to look at a variety of transit options including dedicated funding and approach the issue in a real partnership fashion.

8. INTERCOUNTY CONNECTOR LITIGATION VS COG AND TPB

Supplemental Documents: Litigation Memo (Electronic)

COG's General Counsel Lee Ruck briefed the Board on a suit filed against COG, TPB, the U.S. Department of Transportation, and the Federal Highway Administration, as well as Chairs Fissette and Knapp, Secretary Peters, and Administrator Capka, in the United States District Court for the District of Columbia. This suit, brought by Environmental Defense and Sierra Club, contests federal approvals of the InterCounty Connector and its inclusion by TPB in the October 2006 TIP. On the same date the Audubon Society and several Maryland plaintiffs filed suit against federal defendants contesting the environmental impact review of the proposed ICC by federal agencies and MDOT. Although many of the allegations in the two lawsuits are parallel, the suit against COG and TPB is essentially one of process, while the Maryland suit is a more substantive contest of the environmental findings.

The District of Columbia suit essentially questions the procedure used by the federal defendants in determining the potential environmental degradation or harm at or near a number of specific locations on the proposed ICC route. Among other allegations, the plaintiffs assert that the appropriate and required method of analysis should have been quantitative rather than qualitative.

Mr. Ruck stated he believes that ultimately COG and Mr. Fissette will be dismissed early on from the lawsuit; although COG's staff serves administratively as transportation planning staff for this region, COG itself has no role in the decision process which is being contested by this litigation.

Mr. Ruck also stated that the TPB portion of the lawsuit will require careful analysis as to the exact nature of the litigation as well as the appropriate response. At this time an informal analysis has begun because the parties have yet to be served. After papers have been served and the appropriate line of defense assessed a recommendation will be brought back before the Board.

Fairfax County Board Supervisor Penelope Gross asked what type of protection, if any, is provided for Board members in such a case and if additional counsel support would be sought. Mr. Ruck replied that COG's corporate insurance should cover Board members in these instances and that it is likely additional counsel will be necessary for a strong defense.

Chair Fisette asked what role the city/county attorneys could play. Mr. Ruck stated that a briefing will be given to the attorneys at their monthly meeting later in January.

9. TRANSPORTATION/LAND USE CONNECTION PROGRAM

Supplemental Documents: Application and Brochure (Hard copy)

COG's Director of Transportation Planning Ron Kirby briefed the Board on a new initiative, "Transportation Land Use Connection Program" (TLC) recently, launched to help communities integrate transportation and land use planning. The program aims to show how local governments can coordinate transportation plans with residential and business development to help decrease traffic and increase transit use, walking, and biking. As congestion on the region's highways and transit systems worsen, recent studies confirm that taking such actions will positively impact future transportation conditions.

TLC is modeled after successful programs in other large metropolitan areas such as Los Angeles and San Francisco. In addition to providing technical assistance to requesting jurisdictions, the program will also provide a clearinghouse of ideas and projects that have worked in other parts of the country. If successful, the TPB plans to pursue additional funding to expand the program after an initial pilot phase beginning in January.

Applications are being accepted through January 31st from TPB member jurisdictions; selected jurisdictions will receive short-term consultant services up to a value of \$20,000.

Mr. Kirby also mentioned that COG's Commuter Connections program has launched "A Live Near Where You Work" initiative to educate businesses on incentives and programs available to help make living near work more practical and affordable for employees.

Chair Fisette recognized Vice Chair Knapp, who also serves as Chair of the Transportation Planning Board, for his service and effort for pushing such initiatives forward.

10. BOARD DISCUSSION TIME

The Chair invited Board members to share information of best practices or areas of focus for their jurisdictions during this new year. Chair Fisette led the discussion mentioning that the focus for the Arlington County Board this year will be on environmental issues, particularly energy and air quality.

Fairfax County Board Member Penelope Gross urged her colleagues to actively reach out to their media contacts; so often only one jurisdiction is featured for initiatives that many other jurisdictions are also working on but not getting the same attention. She also requested that COG staff circulate an updated roster, including contact information, for newly appointed Board members.

City of Greenbelt Mayor Judith Davis noted that proponents of "no growth" are beginning to get a lot of attention of growth in her jurisdiction specifically regarding currently planned transit oriented development.

Montgomery County Board Member and COG Board Vice Chair Michael Knapp requested that COG staff research biodiesel fuels and the potential benefit of entering into a cooperative purchasing agreement.

District of Columbia Councilmember Carol Schwartz asked that COG staff put together a booklet of local governments' best practices for distribution to the Board so that all are

aware of work that is being done in one jurisdiction but would have a positive impact if adapted and implemented in another jurisdiction. Ms. Schwartz also requested fellow colleagues to let her know personally of success stories in workforce housing and development as she takes on the task of chairing a committee on Workforce Housing and Development for the District of Columbia. In addition, she asked members to mark their calendars for COG's Futures Forum on May 30 and 50th Anniversary Gala on November 15.

District of Columbia City Council Chair Vincent Gray outlined the city's priorities for 2007; areas of focus will include education and assessing the possible need for new governance, health and human services, and housing.

11. ELECTION OF BOARD OFFICERS

Supplemental Document: Resolution R2-07 (Electronic)

The Nominating Committee presented its nominations for Chair and Vice Chairs of the COG Board for 2007: Chair- District of Columbia Council Chair Vincent Gray; Vice Chair- Montgomery County Council Member Michael Knapp; and Vice Chair Fairfax County Board Member Penelope Gross.

Action: 2007 COG Board leadership nominations were approved and Resolution R2-07 adopted.

12. FORMAL TRANSFER OF GAVEL TO THE NEW CHAIR

Chair Fisette officially transferred the gavel to District of Columbia Council Chair Vincent Gray who became the new Board Chair. Newly appointed Chair Gray congratulated Vice Chairs Michael Knapp and Penelope Gross and thanked Mr. Fisette for his dedication and service as Chair of the Board. He and Mr. Robertson presented a gift of appreciation to Mr. Fisette, who said that he'd enjoyed serving as Chair of the Board and stressed the importance of working together on regional issues.

Action: Chairmanship was formally transferred from Jay Fisette to Vincent Gray.

13. APPOINTMENT OF 2007 POLICY COMMITTEE LEADERSHIP

Supplemental Document: Resolution R3-06 (Electronic)

Chair Gray appointed or reappointed the chairs of the following COG Board policy committees for 2007: MDPC- Tom Dernoga, Prince George's County; HSPC- George Leventhal, Montgomery County; PSPC- Terry Seamens, City of Takoma Park; CBPC- Martin Nohe, Prince William County; and the reappointment of Rob Krupicka, City of Alexandria, to the Aviation Policy Committee. Gerald Connolly, Fairfax County, is appointed as Chair of the NCREPC.

Action: 2007 Policy Committee Chairs were appointed and Resolution R3-07 was adopted.

THE NEXT BOARD MEETING WILL BE ON WEDNESDAY, FEBRUARY 14, 2007.

**ATTENDANCE: JANUARY 10, 2007
BOARD OF DIRECTORS/ALTERNATES 2007**

<u>Jurisdiction</u>	<u>Member</u>	<u>Y/N</u>	<u>Alternate</u>	<u>Y/N</u>
District of Columbia				
Executive	Hon. Adrian Fenty	N		
	Mr. Dan Tangherlini	N		
Council	Hon. Vincent Gray	Y		
	Hon. Phil Mendelson	Y		
	Hon. Carol Schwartz	Y		
Maryland				
Bowie	Hon. G. Frederick Robinson	N		
College Park	Hon. Robert Catlin	Y		
City of Frederick	Hon. William Holtzinger	N	Alan Imhoff	Y
Frederick County	Hon. David Gray	N		
Gaithersburg	Hon. John Schlichting	Y		
Greenbelt	Hon. Judith "J" F. Davis	Y		
Montgomery County				
Executive	Hon. Isiah Leggett	N	Mr. Tim Firestine	N
Council	Vacant	N		
	Hon. Michael Knapp	Y		
Prince George's County				
Executive	Hon. Jack B. Johnson	N	Dr. Jacqueline Brown	Y
Council	Hon. Camille A. Exum	N		
	Hon. Tony Knotts	Y		
Rockville	Hon. Robert E. Dorsey	Y		
Takoma Park	Hon. Bruce Williams	Y		
Maryland General Assembly	Hon. William Bronrott	N		
Virginia				
Alexandria	Hon. William Euille	Y	Hon. Redella Pepper	N
Arlington County	Hon. G. N. Jay Fisette	Y		
City of Fairfax	Hon. Gary Rasmussen	Y		
Fairfax County	Hon. Gerald E. Connolly	Y		
	Hon. Penelope A. Gross	Y		
	Hon. Joan DuBois	Y		
Falls Church	Hon. Robin Gardner	N	Ms. Lindy Hockenberry	N
Loudoun County	Hon. Lori Waters	N		
Manassas	Hon. Douglas Waldron	N		
Manassas Park	Hon. Frank Jones	N		
Prince William County	Hon. Hilda Barg	N	Mr. Dana Fenton	N
	Hon. Corey Stewart	N		
Virginia General Assembly	Hon. James M. Scott	N		

Other Participants
Ron Kirby Director of Transportation Planning, COG
Lee Ruck General Counsel, COG