

**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 14, 2012**  
**TIME: 12:00 Noon**  
**PLACE: COG Board Room**

**PLEASE NOTE: Chairman Principi will begin the meeting promptly at 12:00 noon. Lunch for members and alternates will be available at 11:30 a.m.**

**AGENDA**

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

**Chairman Frank Principi  
Supervisor, Prince William County**

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

**Chairman Principi**

- a) Infrastructure Banks in Metropolitan Washington- April 17
- b) COG Leadership Retreat- July 20-21

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

- a) Outreach
- b) Legislative and Regulatory Update
- c) Information and Follow-up
- d) Letters Sent/Received
- e) General Counsel's Report

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

**5. APPROVAL OF MINUTES OF FEBRUARY 8, 2012  
(12:15 – 12:20 p.m.)**

777 North Capitol Street, NE, Suite 300, Washington, D.C. 20002  
202.962.3200 (Phone) 202.962.3201 (Fax) 202.962.3213 (TDD)

## CONSENT AGENDA

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

#### **A. Resolution Authorizing COG to Apply for and Administer Funding from the USDOT'S FY 2012 TIGER Competitive Grant Program**

The COG Board will be asked to adopt R11-2012, authorizing the Executive Director, or his designee to apply for and administer grant funding from USDOT's FY 2012 TIGER Competitive Grant Program for a project to Implement Multimodal Access Improvements in Rail Station Areas in an amount no less than \$10,000,000 and not to exceed \$30,000,000 in accordance with provisions of the grant program. No COG matching funds are required.

**Recommended Action: Adopt Resolution R11-2012.**

#### **B. Resolution Authorizing the Executive Director to Receive and Expend Funding from the Summit Fund of Washington in Support of the Anacostia Restoration Partnership**

The COG Board will be asked to adopt Resolution R12-2012 authorizing the Executive Director, or his designee, to receive and expend up to \$195,000 in grant funding from the Summit Fund of Washington to provide contract and staff services in support of the Anacostia Restoration Partnership. The total cost of these services shall not exceed \$195,000. No COG matching funds are required.

**Recommended Action: Adopt Resolution R12-2012.**

#### **C. Resolution Authorizing COG to Issue a Contract to Develop a Framework for an 8-Hour Incident Command System Practicum**

The COG Board will be asked to adopt Resolution R13-2012, authorizing the Executive Director, or his designee, to receive and expend up to \$55,000 to develop a framework for an 8-hour Incident Command System practicum for the Emergency Manager's Committee. Funding for this effort will be provided through a Subgrant from the State Administrative Agent (SAA). No COG matching funds are required.

**Recommended Action: Adopt Resolution R13-2012.**

#### **D. Approval of a Letter to Legislators to Use Settlement Funding for Foreclosure Prevention**

The Capital Area Foreclosure Network (CAFN) was established by COG and the Nonprofit Roundtable of Greater Washington in 2010. Research indicates that homeowners who work with a nonprofit foreclosure prevention counselor have better outcomes than homeowners who work alone. The recent national settlement between five major bank servicers and 49 state attorneys general will lead to a combined direct payment of \$136.7 million to the District of Columbia, Maryland and Virginia. The settlement also creates pools of funding for homeowner relief, including funds for principal reduction; Virginia and Maryland rank 7<sup>th</sup> and 9<sup>th</sup> in the nation for the number and dollar amount that homeowners are currently "underwater". The COG Board will be asked to approve a letter urging that the states dedicate a significant portion of the relief funding to local nonprofit housing counseling organizations in metropolitan Washington.

**Recommended Action: Approve letter.**

**E. Resolution Authorizing the Executive Director to Seek and Expend Funds to Support the Capitol Area Foreclosure Network (CAFN)**

The COG Board will be asked to adopt Resolution R14-2012, authorizing the Executive Director, or his designee, to seek and expend funds from the Maryland Department of Housing and Community Development to support CAFN in an amount not to exceed \$35,000 for the purposes of funding CAFN's bilingual English and Spanish foreclosure hotline as well as marketing and outreach to prevent foreclosure in the region's Latino communities. No COG matching funds are required.

**Recommended Action: Adopt Resolution R14-2012.**

**F. Resolution Authorizing COG to Receive and Expend Funds from the District of Columbia Department of Health to Contract with George Washington University to Complete a Risk Assessment and Vulnerability Analysis**

The COG Board will be asked to adopt Resolution R15-2012, authorizing the executive director, or his designee, to receive and expend funds in an amount not to exceed \$244,000 from the District of Columbia Department of Health's Health Emergency Preparedness and Response Administration (HEPRA) and the Centers for Disease Control (CDC) to conduct a detailed risk assessment and vulnerability analysis for the National Capital Region. COG will enter into a contract with George Washington University to perform this work. No COG matching funds are required.

**Recommended Action: Adopt Resolution R15-2012.**

**G. Approval of Request for Proposals for Executive Director Search Firm**

The Executive Director announced in February that he will step down from his position at COG in January 2013 at the end of his employment agreement. The COG Board will be asked to adopt Resolution R16-2012, authorizing the executive director, or his designee, to issue a Request for Proposals and approve a contract for consultant support to assist the COG Board and the Executive Director Search Committee in recruiting and selecting a new executive director. The COG Board approves a budget for consultant and related expenses in amount not to exceed \$30,000 from COG's FY 2012 unallocated contingency reserve.

**Recommended Action: Adopt Resolution R16-2012.**

## ACTION AGENDA

### **7. BRIEFING AND ACTION ON WMATA STRATEGIC PLAN AND DEDICATED FUNDING (12:25 – 12:50 p.m.)**

**Cathy Hudgins  
Chairman, Board of Directors  
WMATA**

As part of its governance review, WMATA adopted a strategic plan and is seeking input from COG and other stakeholders. WMATA's governance actions to date build on several of the recommendations of the WMATA Governance Task Force convened by COG and the Greater Washington Board of Trade in 2010. The COG Board will be briefed on WMATA governance milestones, progress on top priorities, and planning for its mission, vision and goals. The COG Board will be asked to approve comments to WMATA in response to its request for strategic plan input. The COG Board will also be asked to approve a letter to the President and Congressional delegation requesting continued federal support as part of federal-state dedicated funding for capital improvements. The President's proposed FY 2013 budget reduced the annual \$150 million federal share of funding by \$15 million.

**RECOMMENDED ACTION: Approval of COG comments on strategic plan and letter on continued federal dedicated funding for capital improvement.**

## SPECIAL MONTHLY LEARNING SESSION

### **8. ECONOMIC GROWTH AND COMPETITIVENESS: LEARNING SESSION – WASHINGTON AREA ECONOMIC OUTLOOK (12:50 – 1:35 p.m.)**

**Dr. Stephen Fuller  
Center for Regional Analysis  
George Mason University**

In February the COG Board agreed to make economic growth and competitiveness its top priority, recognizing the region has not adequately prepared for fundamental economic changes that may occur from cuts to federal employment and procurement. The COG Board further agreed to host learning sessions at each of its monthly meetings through July, engaging business leaders, federal and state officials, economic development agencies and other stakeholders prior to releasing an action plan in the fall. Dr. Fuller will brief the COG Board on the Center's economic outlook for the National Capital Region. Staff will also outline plans for future learning sessions.

**RECOMMENDED ACTION: Presentation and discussion.**

## INFORMATION ITEMS

### **9. EXECUTIVE DIRECTOR RECRUITMENT (1:35 – 1:40 p.m.)**

#### **Chairman Principi**

The executive director announced in February that he will step down from his position at COG in January 2013 at the end of his employment agreement. Chairman Principi will update the COG Board on actions to date concerning recruitment for a new executive director.

**RECOMMENDED ACTION: Presentation.**

### **10. CONFLICT OF INTEREST GUIDELINES (1:40 – 1:45 p.m.)**

#### **Sharon Pandak COG General Counsel**

As a nonprofit organization which must hold the public trust of its governmental authority members as well as the Internal Revenue Service, the Council of Governments should have a conflict of interest policy. Staff, in coordination with the COG attorney's committee, has prepared draft language for such a policy that would be incorporated into the Board's Rules and Procedures. Ms. Pandak will highlight the draft language and request additional guidance. The Board will be asked to approve the proposed conflict of interest policy at its April meeting.

**RECOMMENDED ACTION: Presentation and provide feedback on policy.**

### **11. OTHER BUSINESS (1:45-2:00 p.m.)**

### **12. ADJOURN- NEXT MEETING APRIL 11, 2012 (2:00 p.m.)**



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**



## **AGENDA ITEM #2**

### **ANNOUNCEMENTS**



## Fiscal Year 2013 President's Budget

On February 13, 2012 President Obama sent Congress a \$3.8 trillion (FY12 request was \$3.7 trillion) Budget request for fiscal year 2013 that invests in education, job training, innovation, and infrastructure, and looks to address fiscal issues through reductions and eliminations. The Budget also outlines a plan to shrink the deficit by \$4 trillion over the next decade. The Administration proposes more than 210 cuts, consolidations, and savings measures in the 2013 budget, a savings of \$24 billion in 2013 and more than \$520 billion through 2022.

Click [HERE](#) to access the Budget documents at the White House Office of Management and Budget's website.

### **PRIORITIES**

The President's Budget outlines the following as core elements to his FY2013 funding and policies. Those noted are the issues most relevant to regional planning organizations and their local governments.

#### **1. Building a Strong Economy, Jumpstarting Economic Growth and Job Creation**

- Fund the Department of Commerce's Economic Development Agency and other Federal agencies that support regional cluster development, business plans, and other activities to promote regional growth.
- Invest in Regional and Community Planning Efforts for Sustainable Development through the Partnership for Sustainable Communities, a HUD-EPA-DOT partnership to lower the cost of living and improve the quality of life for all Americans.
- Create a Clean Energy Economy and Jobs by investing in renewable and clean energy environmental improvement to spur the creation of high-value jobs.
- Promote Innovation and Economic Growth by funding important research and development advances in new technologies, clean energy, homeland security and manufacturing processes.
- Educating a Competitive Workforce through a variety of reform and changes at all levels of education.
- Improve Access to Services for Workers through the Workforce Innovation Fund which will engage States and localities in identifying better ways of delivering services.

#### **2. Investing in Our Future, Building a 21<sup>st</sup> Century Infrastructure**

- Enact a 6-year, \$476 billion Transportation Reauthorization Bill that seeks to reform program, project and funding effectiveness and efficiency, and holds all stakeholders responsible for results. This includes a \$50 billion upfront investment in roads, rails and runways. This proposal includes the consolidation of 55 duplicative, earmarked highway programs into five streamlined programs.
  - i. Develop and Expand High Speed Rail with a \$47 billion, 6-year investment that includes other passenger rail programs as a part of an integrated strategy, which includes merging Amtrak subsidies into the high speed rail program in a larger, competitive System Preservation Initiative.
  - ii. Creation of National Infrastructure Bank at \$30 billion over 6-years to support projects of national/regional significance in a competitive process.
  - iii. Enact a "Race to the Top" program with \$32 billion over 6-years to incent state and local reform activities through a competitive process for things like livability, safety and demand management.
  - iv. Fund Infrastructure Projects using money saved from ramping down overseas military operations.
- Support Upgrades to the Aviation System by providing \$1 billion for Next Generation Air Transportation System.
- Invest in Water Resources Infrastructure to address modern water resource needs including the protection and restoration of fragile aquatic systems.
- Reduce Funding for State Revolving Loan Funds by implementing a Sustainable Water Infrastructure Policy that focuses on working with states and communities to enhance technical, managerial and financial capacity, including expanding green infrastructure options. The Drinking Water and Clean Water State Revolving Loan Funds (SRFs) are requested at \$2.5 billion.

#### **3. Cutting Waste, Reducing the Deficit, and Asking All to Pay Their Fair Share**

- Modernize and Streamline Federal Agency operations by redirecting staff to areas of greatest need and reducing administrative costs.
- Consolidate or Eliminate Duplicative Programs that are redundant within a Federal Agency or overlap another Federal Agency's mission.
- Reform the Tax Code including the expiration of the high-income 2001 and 2003 tax cuts, and a more simplified tax code.





## **FACT SHEETS ON KEY ISSUES** (important to regions)

[An Economy Built to Last and a 21st Century Infrastructure](#)

[An Economy Built to Last for Cities and Metropolitan Areas](#)

[An Economy Built to Last for Rural America](#)

[Creating the Clean Energy Economy of Tomorrow and Protecting the Environment and Natural Resources](#)

[Supporting American Innovation](#)

[Supporting Small Business and Creating Jobs](#)

## **FEDERAL AGENCIES**

### **Department of Agriculture**

**FY13 Proposed = \$23 billion**

A decrease of \$700 million (3%) below the 2012 enacted level.

Click [HERE](#) for the Administration's USDA Budget Overview.

### **Department of Commerce**

**FY13 Proposed = \$8 billion**

An increase of \$380 million (5%) above the 2012 enacted level.

Click [HERE](#) for the Administration's DOC Budget Overview.

### **Department of Energy**

**FY13 Proposed = \$27.2 billion**

A 3.2% decrease from the 2012 enacted level.

Click [HERE](#) for the Administration's DOE Budget Overview.

### **Department of Homeland Security**

**FY13 Proposed = \$39.5**

A decrease of \$191 million (.05%) below the 2012 enacted level.

Click [HERE](#) for the Administration's DHS Budget Overview.

### **Department of Housing and Urban Development**

**FY13 Proposed = \$41.8 billion**

An increase of \$1.4 billion (3.2%) above the 2012 enacted level.

Click [HERE](#) for the Administration's HUD Budget Overview.

### **Department of the Interior**

**FY13 Proposed = \$11.4 billion**

About 1% more than the 2012 enacted level.

Click [HERE](#) for the Administration's DOI Budget Overview.

### **Environmental Protection Agency**

**FY13 Proposed = \$8.3 billion**

\$105 million (1.2%) less than the 2012 enacted level.

Click [HERE](#) for the EPA Budget Overview

### **Corps of Engineers**

**FY13 Proposed = \$4.7 billion**

\$271 million (5.4%) less than the 2012 enacted level.

Click [HERE](#) for the Corps Budget Overview.

### **Department of the Treasury**

**FY13 Proposed = \$14 billion**

2.7% less than 2012 enacted level.

Click [HERE](#) for the Treasury Budget Overview

### **Department of Labor**

**FY13 Proposed = \$12 billion**

A small reduction from the 2012 enacted level.

Click [HERE](#) for the Administration's DOL Budget Overview.

### **Department of Transportation**

**FY13 Proposed = \$74.3 billion**

1.4 billion (2%) more than the 2012 enacted level.

Click [HERE](#) for the Administration's DOT Overview.



**NARC**

*Building Regional Communities*

**National Association of Regional Councils**

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## **FEDERAL AGENCIES**

The following focuses on the priorities most applicable to NARC members and activities.

[Department of Agriculture](#)

[Department of Commerce](#)

[Department of Energy](#)

[Department of Homeland Security](#)

[Department of Housing and Urban Development](#)

[Department of the Interior](#)

[Department of Labor](#)

[Department of Transportation](#)

[Department of the Treasury](#)

[Corps of Engineers](#)

[Environmental Protection Agency](#)



## Department of Agriculture (USDA)

**FY13 Proposed = \$23 billion**

**A decrease of \$700 million (3%) below the 2012 enacted level**

Click [HERE](#) for FY2013 USDA's Budget Information.

Click [HERE](#) for the Administration's USDA Budget Overview.



### **Foster Innovation, Job Creation and Growth**

The Budget proposal includes a \$700 million increase in the community facility program's direct loan level in order fund rural projects such as schools, hospitals, and fire and police stations. In order to promote the development of renewable energy the Budget proposes \$6.1 billion in loans to rural electric cooperatives and utilities that will transition to clean-energy generation and the creation of jobs in rural areas. In addition, the Administration proposes over \$200 million to continue the development biofuels and \$19 million in assistance to agricultural producers and rural small businesses to complete renewable energy generation and energy efficiency projects. USDA research will receive a \$60 million increase to \$325 million for competitive research grants made through the Food Research Initiative. \$24 billion in guaranteed single-family housing loans are provided in the Budget, these loans will support mortgages lending institutions in rural areas

### **Prevents Hunger and Supports Healthy Eating**

The Budget provides \$7.5 billion for discretionary nutrition program support including the Special Supplemental Nutrition Program for Women, Infants, and Children and the continuation of some Supplemental Nutrition Assistance Program Benefits. The Administration also supports the implementation of the Healthy, Hunger-Free Kids Act of 2010.

### **Makes Tough Choices with Targeted Reductions**

The Budget includes \$32 billion in savings over 10 years by eliminating direct farm payments, payments that don't vary with prices or crop yield, as well as reducing subsidies to crop insurance companies, providing disaster assistance and by better targeting conservation funding. The direct single family housing loan program will be reduced from an enacted amount of \$900 million to \$653 million.

## Department of Commerce (DOC)

**FY13 Proposed = \$8 billion**

**An increase of \$380 million (5%) above the 2012 enacted level**

Click [HERE](#) for the DOC's Budget Information.

Click [HERE](#) for the Administration's DOC Budget Overview.



### **Invests in America's Long-Term Growth and Competitiveness**

The Budget includes \$708 million for the National Institute of Standards and Technology, an \$86 million increase over the 2012 enacted level, in order to accelerate advances in a variety of important areas, ranging from robotics to cybersecurity. The Budget proposes \$21 million for a new Advanced Manufacturing Technology Consortia program, a public-private partnership that will research and address common manufacturing challenges faced by private sector businesses. In order to increase American exports, the Administration proposes \$517 million for the International Trade Administration to increase its export promotion efforts in key markets, strengthen trade enforcement and support the activities of SelectUSA, which helps attract investment capital to the United States that can create jobs.

### **Enhance Regional Economic Competitiveness**

The Budget funds the Economic Development Administration (EDA) at \$220 million, a reduction of \$38 million from the 2012 enacted levels. The Budget supports economic development planning and projects at the regional scale, but conserves resources by trimming the amount requested for traditional public works projects.



**Sustains Statistical Programs and Core Data Products**

The Budget provides \$970 million for the Census Bureau to implements activities including the 2012 Economic Census data collection, conduct the American Community Survey analyze the integrity of the 2010 Decennial Census, as well fund research that will improve cost-effectiveness and accuracy in the 2020 Census.

**Department of Energy (DOE)**

**FY13 Proposed = \$27.2 billion**  
**A 3.2% decrease from the 2012 enacted level**

Click [HERE](#) for DOE’s FY2013 Budget Information.  
Click [HERE](#) for the Administration’s DOE Budget Overview.



**Invests in the Clean Energy Economy, Innovation and Jobs of the Future**

The Budget includes \$2.3 billion to fund clean energy research, development and deployment to keep America competitive through the Office of Energy Efficiency and Renewable Energy. As part of an investment of \$421 million in fossil energy research and development, the Budget proposes \$12 million to fund a multi-year initiative to advance safely and responsibly developing America’s natural gas reserves. The Office of Science will receive \$5 billion to continue the research and development that is the foundation of U.S. economic competitiveness including investments critical national assets such as national supercomputers.

**Cuts Wasteful Spending and Improves Efficiency**

The Budget proposes to repeal over \$4 billion per year in tax subsidies to oil, gas, and other fossil fuel producers. The Administration supports the passing of the HomeStar bill or any other legislation aimed at creating jobs by encouraging Americans to invest in energy saving home improvements.

**Protects Americans from the Threat of Nuclear Harm and Pollution**

The Budget provides \$5.65 billion in continued support for the Environmental Management program to meet its cleanup commitments at multiple sites including Washington, South Carolina, Idaho, Tennessee, Kentucky, Ohio and New Mexico.

**Department of Homeland Security (DHS)**

**FY13 Proposed = \$39.5**  
**A decrease of \$191 million (.05%) below the 2012 enacted level**

Click [HERE](#) for DHS’ FY2013 Budget Information,  
Click [HERE](#) for the Administration’s DHS Budget Overview.



**Protects the Homeland**

The Budget includes \$117 million to support new explosives detection systems in U.S. airports, \$769 million to support the operations of the National Cyber Security Division and \$666 million to upgrade the Coast Guard fleet. To sustain essential fire and emergency response coverage, the Budget proposes \$1 billion in assistance for the retention, rehiring, and hiring of firefighters as requested by the President in the American Jobs Act. The Disaster Relief Fund will be funded at \$6.1 billion; it is used to assist State and local governments in response, recovery and mitigation in the event of a presidentially-declared emergency.

**Makes Tough Choices**

The Budget provides \$2.9 billion for State and local programs to equip, train, exercise, and hire first responders. To better target the funds duplicative FEMA grant programs will be consolidated and restructured into the national Preparedness Grant Program.



## Department of Housing and Urban Development (HUD)

**FY13 Proposed = \$41.8 billion**

**An increase of \$1.4 billion (3.2%) above the 2012 enacted level**

Click [HERE](#) for HUD's FY2013 Budget Information.

Click [HERE](#) for the Administration's HUD Budget Overview.



### **Supports the Housing Sector and Delivers on Administration Priorities**

The Budget supports the mortgage market and helps borrowers who are at risk of foreclosure by including insuring \$149 billion in mortgage loans in 2013 and providing \$141 million for housing and homeowner counseling through HUD and NeighborWorks. It also supports the Choice Neighborhoods initiative with \$150 million to continue transformative investments in high-poverty neighborhoods where distressed HUD-assisted housing is located. As part of the Administration's plan to end homelessness, the Budget requests \$2.2 billion for Homeless Assistance Grants to maintain existing units and expand prevention, rapid rehousing, and permanent supportive housing. The Budget provides \$3 billion for the Community Development Block Grant formula program and \$1 billion for the HOME Investment Partnerships program, both equal to 2012 funding.

### **Supports Sustainable Communities and Innovative Infrastructure Planning**

The Budget restores \$100 million for the Partnership for Sustainable Communities, to create incentives for more communities to develop comprehensive housing and transportation plans resulting in sustainable development, reduced greenhouse gas emissions and increased transit accessible housing. The Budget continues to support the HUD-EPA-DOT partnership in an effort to lower the cost of living and improve the quality of life for American families. This includes \$46 million to fund about 20 additional regional planning grants to help enable communities to align public and private investments in housing, transportation, and infrastructure to strategically integrate goals for mobility, regional housing choices and economic development. In addition \$46 million will be invested in neighborhoods and communities to update building codes, zoning and local planning efforts as commentary strategies to regional grants.

### **Provides Housing Opportunities**

The Budget requests \$19 billion for the Housing Choice Voucher program and \$625 million for the Housing for the Elderly and Housing for Persons with Disabilities programs. To address the housing needs of Native American Tribes, the budget provides \$650 million for the Native American Housing Block Grant program, which will provide much-needed funds to over 550 Tribes to help mitigate severe housing needs and overcrowding on reservations.

## Department of the Interior (DOI)

**FY13 Proposed = \$11.4 billion**

**About 1% more than the 2012 enacted level**

Click [HERE](#) for DOI's FY2013 Budget Information.

Click [HERE](#) for the Administration's DOI Budget Fact Sheet



### **Strengthens Native American Communities**

The Administration supports the principle of tribal self-determination and will work to improve tribal law enforcement and education. In support of this, the Administration increases funding by \$9 million to compensate Tribes for the work they perform in managing Federal programs.

### **Promotes Economic Growth by Investing in Our National Heritage and Energy Resources**

The budget includes \$86 million to maintain capacity to review and permit new renewable energy projects on Federal lands and waters with the goal of permitting 11,000 megawatts of new solar, wind, and geothermal electricity generation on DOI-managed lands by the end of 2013. The Administration proposes the creation of two new bureaus to oversee the development of the nation's offshore oil and gas resources. \$164 million will fund the new Bureau of Ocean Energy Management and \$222 million will fund the Bureau of Safety and Environmental Enforcement. The Budget also provides \$450 million for the Land and Water Conservation Fund.



## Department of Labor (DOL)

**FY13 Proposed = \$12 billion**

**A small reduction from the 2012 enacted level**

Click [HERE](#) for DOL's Budget Information.

Click [HERE](#) for the Administration's DOL Budget Overview.



### **Invests in a Competitive Workforce**

The President's Budget includes a \$12.5 billion Pathways Back to Work Fund to make it easier for workers to remain connected to the workforce and gain new skills for long-term employment. \$125 million is provided for the Workforce Innovation Fund. The Budget includes \$1.8 billion for the Department's worker protection agencies so that they can maintain strong support for worker protection.

### **Makes Tough Cuts and Consolidations**

The Budget ends overlapping training programs such as the Woman in Apprenticeship in Non-Traditional Occupations and the Veterans Workforce Investment Program, the missions of both of these programs will be supported through other programs.

### **Provides Greater Security for American Workers and Retirees**

The Budget proposes the establishment of automatic workplace pension and expands the small employer pension plan startup credit. Under the proposal employers who do not currently offer a retirement plan will be required to enroll their employees in a direct-deposit IRA account, businesses with ten or fewer employees will be exempt. The Budget also supports a \$5 million State Paid Leave Fund within the DOL to provide technical assistance and support to States that are considering paid-leave programs.

## Department of Transportation (DOT)

**FY13 Proposed = \$74.3 billion**

**1.4 billion (2%) more than the 2012 enacted level**

Click [HERE](#) for DOT's FY2012 Detailed Budget Documentation.

Click [HERE](#) for the Administration's DOT Budget Overview.



### **Invests in Infrastructure Critical for Long Term Growth**

The Budget proposes \$476 billion over six years for critical highway, transit, highway safety, passenger rail, and multi-modal programs. Included in the proposal is \$50 billion in calendar year 2012 for transportation investments that would create jobs, and in order to speed up the start of the projects, key Federal agencies have been directed to find ways to expedite the permitting and approval of infrastructure projects. The Budget also provides \$47 billion over six years for the development high-speed rail and other passenger rail programs and \$108 billion over six years for public transit systems. The Administration also proposes to permanently authorize the Transportation Investment Generating Economic Recovery (TIGER) program and fund it with \$1.2 billion over the next six years. The Budget provides over \$1 billion for Next Generation Air Transportation System, a multi-year effort to improve the efficiency and safety of the aviation system.

### **Improves the Way Federal Funds are Spent**

The Budget will use savings from ramping down overseas military operations to fully offset the President's six-year surface transportation proposal. The proposal also adopts a fix-it-first approach for highways and transit grants, requiring states and localities to report on highway conditions and performance measures. 55 duplicative often earmarked highway programs will be consolidated into five streamlined programs. The budget will lower the funding for the airport grants program by \$926 million to \$2.4 billion by eliminating guaranteed funding for large and medium hub airports.



## Department of the Treasury (Treasury)

**FY13 Proposed = \$14 billion**  
**2.7% less than 2012 enacted level when IRS funding is excluded**

Click [HERE](#) for Treasury's Budget Information.  
Click [HERE](#) for the Administration's Treasury Budget Overview

### **Invests in Community Development**

The Budget maintains funding for Community Development Financial Institutions, including the Healthy Food Financing Initiative and the Bank on USA program.



## Corps of Engineers (Corps)

**FY13 Proposed = \$4.7 billion**  
**\$271 million (5.4%) less than the 2012 enacted level**

Click [HERE](#) for the Administration's Corps Budget Overview

### **Invest in Water Resources Infrastructure to Spur Economic Growth and Protect the Environment**

The Budget proposes \$1.6 billion for construction projects in flood and storm damage reduction, commercial navigation and aquatic ecosystem restoration. The proposal also reprioritizes infrastructure to be for the operation and maintenance of critical national water resources infrastructure.



## Environmental Protection Agency (EPA)

**FY13 Proposed = \$8.3 billion**  
**\$105 million (1.2%) less than the 2012 enacted level.**

Click [HERE](#) for EPA's Budget Information  
Click [HERE](#) for the Administration's EPA Budget Overview

### **Revitalizes Communities and Ecosystems**

As part of the Strong Cities, Strong Communities and the America's Great Outdoors Initiatives, the Budget maintains an adequate level of funding within the brownfields program and urban waters partnership for technical assistance and grants to local communities to promote sustainable development. Along with working to restore the Gulf Coast ecosystem, the Administration will also continue to fund the Great Lakes Restoration at the same level (\$300 million, and increase the funding for the restoration of the Chesapeake Bay by \$15 million. The Budget also includes \$1.2 billion for grants to support State and tribal implementation of delegated environmental programs including \$302 million for air programs (an increase of \$66 million to assist States in addressing achieving more stringent air quality standards) and \$265 in State water pollution grants (a \$27 million increase).



### **Prepare US to Become a Global Leader in Clean Energy Economy**

The Administration has called on Congress to put forward legislation to help the US move into the 21<sup>st</sup> century as a leader in clean energy. It also continues to support greenhouse gas emissions reductions in the United States in the range of 17 percent below 2005 levels by 2020 and 83 percent by 2050. The EPA will continue to implement a national program that will limit Greenhouse Gas Emissions and reduce car and truck fuel consumption to an unprecedented degree.



### **Coordinate Federal Water Policy**

The Budget continues to support the collaborative effort of the USDA and the EPA in improving water quality in conservation programs. More effective investments are made by coordinating programs such as EPA's Nonpoint Source Grants and Water Pollution Control Grants and USDA's Farm Bill conservation program.

### **Makes Tough Cuts**

The Budget makes a \$33 million targeted reduction to the Hazardous Substance Superfund Account. The EPA will maintain the required funding level necessary to be prepared for an emergency release of hazardous substance; instead reductions will be target at non-time critical activities that address long-term remediation goals. State Revolving Funds (SRFs) will be reduced to a combined \$2 billion for federal capitalization of the SRFs. This will allow the SRFs to finance \$6 billion in wastewater and drinking water infrastructure projects annually. The Budget terminates \$50 million in EPA programs that overlap other Federal agency missions, are underperforming, and/or can be implemented through other Federal or State efforts.

## **TERMINATIONS, REDUCTIONS & SAVINGS**

The following are the programs removed or reduced from the FY13 President's Budget Request most relevant to regions. Click [HERE](#) to access the complete document regarding this topic, including justifications and consolidations.

### **Terminations:**

- Economic Impact Grants, Department of Agriculture
- Electric Guaranteed Underwriting Loan Program, Department of Agriculture
- Health Care Services Grant Program, Department of Agriculture
- High Energy Cost Grants, Department of Agriculture
- National Pre-Disaster Mitigation Fund, Department of Homeland Security
- Rural Access to Emergency Devices, Department of Health and Human Services
- Rural Business Opportunity Grants, Department of Agriculture
- Rural Community Facilities, Department of Health and Human Services
- Rural Multifamily Housing Preservation Grants, Department of Agriculture
- Water and Wastewater and Community Facilities Loan Guarantee, Department of Agriculture
- Watershed Rehabilitation Program, Department of Agriculture

### **Reductions:**

- Clean Water and Drinking Water State Revolving Funds, Environmental Protection Agency (reduced by \$359 million)
- Community Services Block Grant, Department of Health and Human Services (reduced by \$329 million)
- Grants-in-Aid for Airports, Department of Transportation (reduced by \$926 million)
- Housing for Persons with Disabilities, Department of Housing and Urban Development (reduced by \$15 million)
- Low Income Home Energy Assistance Program, Department of Health and Human Services (reduced by \$452 million)
- Low-Priority Construction Projects, Corps of Engineers (reduced by \$271 million)
- Rural Single Family Housing Grant Programs, Department of Agriculture (reduced by \$22 million)
- Superfund Remedial, Environmental Protection Agency (reduced by \$33 million)
- Washington Metropolitan Transit Authority, Department of Transportation (reduced by \$15 million)





# **AGENDA ITEM #3**

## **EXECUTIVE DIRECTOR'S REPORT**

# COG

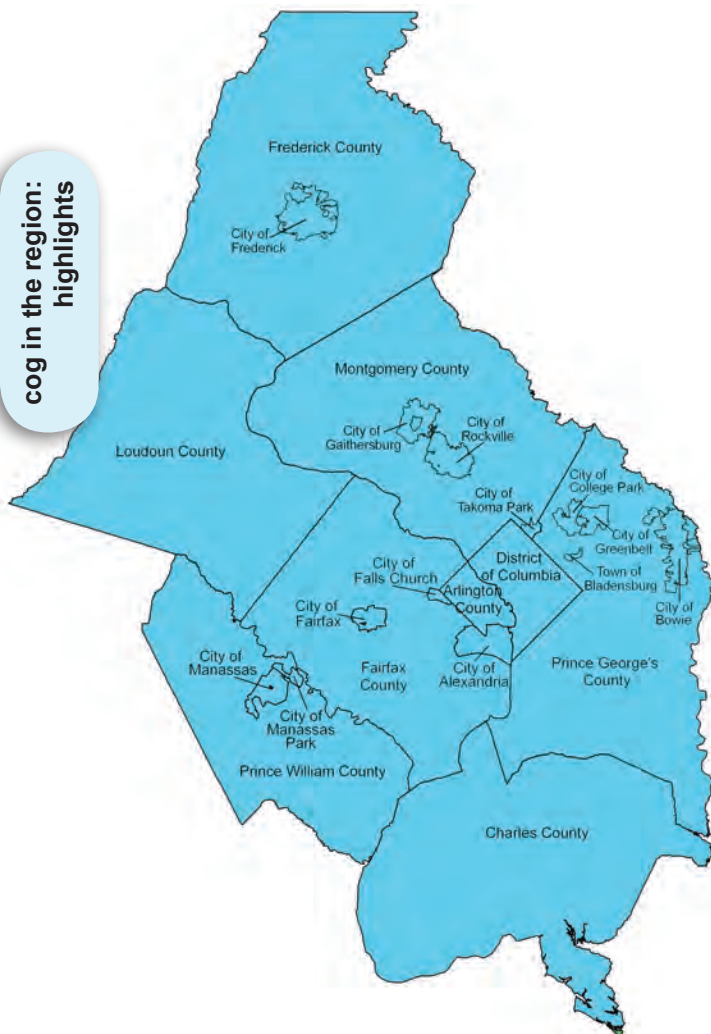
March 14, 2012

## outreach report

executive director:  
david robertson

- **New Board Members.** Met with new Matt Letourneau (Loudoun County) and Pete Candland (Prince William County).
- **Transportation Infrastructure Funding.** Attended Board of Trade meeting in Annapolis with Governor Martin O'Malley.
- **Legislative Day in Richmond.** Met with state and local officials at VACO/VML sponsored event.
- **NARC Conference.** Attended National Conference of Regions. COG members Penny Gross and Walter Tejada, who also serve on NARC Board, attended.
- **UASI Funding.** Met with Arlington County Manager Barbara Donnellan to discuss the FY 2012 Urban Area Security Initiative grant process.

cog in the region:  
highlights



**Charles County:** David Robertson participated in a joint work session of the Board of Commissioners and County Planning Board on Region Forward.

### Montgomery County

- Nicole Hange presented the COG Board's focus for 2012 to the County Council.
- Paul DesJardin served as a panelist on the County Department of Finance's Business Roundtable.

### District of Columbia:

- David Robertson presented COG's work in FY 2011/2012 to the Council's Committee of the Whole.
- Stuart Freudberg briefed the DC Water Board of Directors on the proposed 2012 Intermunicipal Agreement (IMA).
- COG co-hosted the Energy Leadership Symposium with Applied Solutions, a network of local governments focused on sustainability. Speakers included U.S. Congressman Gerald Connolly (VA) and Ted Trabue of D.C.'s Sustainable Energy Utility.

### Fairfax County:

- Joan Rohlf presented air quality information to the County Environmental Quality Advisory Council.
- Kamilah Bunn held a Wednesday's Child lunch and learn at the County Department of Family Services.

**Prince George's County:** Tanya Spano attended a briefing to the County Council on the proposed 2012 IMA.

# COG

# media report

March 14, 2012

**NEW:** Click on any of the underlined words to read/watch the news item!

## TPB Approves Projects for Long Range Transportation Plan

At its February meeting, the National Capital Region Transportation Planning Board (TPB) approved project submissions for inclusion in the 2012 Financially Constrained Long Range Transportation Plan (CLRP). One of the notable inclusions was the creation of a "Battlefield Bypass" that would shut down the portions of Routes 29 and 234 that currently run through Manassas National Battlefield Park. [WTOP](#) and [Inside Nova](#) covered the TPB's decision.

## Car Free D.C.?

Not quite, but more residents of the District of Columbia are deciding to live a car free lifestyle. Data from the District Department of Transportation (DDOT) and the TPB were cited in pieces in the [Washington Examiner](#) and [WTOP](#) about the decreasing percentage of auto ownership in the District, especially among younger residents. Despite the fact that the District's population has grown steadily over the past few years, car registration rates have not kept up.

## Elected Officials on RegionForward.org

In February, several of the region's elected officials were featured on Region Forward's blog, *The Yardstick*:

- COG Chairman and Prince William County Supervisor **Frank Principi** [discusses the need for the region to diversify](#) its economy (*The Washington Post's* Steven Pearlstein is also featured in a video clip discussing the same topic);
- Principi and Region Forward Coalition Chairman and Prince George's County Council Vice Chair **Eric Olson** are featured in a [Q & A about the implementation of Region Forward](#);
- Rep. **Gerry Connolly** (D-VA) discusses the [lack of federal progress on climate and energy issues](#) at a February event at COG focused on promoting clean energy, sustainability, and economic growth in metropolitan Washington.



**SOCIAL  
MEDIA  
UPDATE**



With so much media and political attention focused on exciting technologies like solar panels and wind turbines, it's often easy to overlook old-fashioned recycling. However, due to the amount of waste produced daily, it's a necessary and essential component in any climate and environmental strategy.

Read more about COG's GoRecycle campaign at [www.RegionForward.org](http://www.RegionForward.org).

**Reply.  
Friend.  
Tweet.  
Like.  
Comment.  
Retweet.**

## March - April 2012

Updated: March 7, 2012

March 2012	
Mar 8	Maryland Legislative Luncheon Maryland General Assembly Contact: Nicole Hange - <a href="mailto:nhange@mwkog.org">nhange@mwkog.org</a>
Mar 9	Chesapeake Bay and Water Resources Policy Committee 10:00 AM - 12:00 PM COG Board Room Contact: Karl Berger - <a href="mailto:kberger@mwkog.org">kberger@mwkog.org</a>
Mar 10-14	2012 National League of Cities Congressional City Conference Marriott Wardman Park Contact: Michelle Lynch - <a href="mailto:lynch@nlc.org">lynch@nlc.org</a>
Mar 14	COG Board of Directors 12:00 PM - 02:00 PM COG Board Room Contact: Nicole Hange - <a href="mailto:nhange@mwkog.org">nhange@mwkog.org</a>
Mar 21	Transportation Planning Board 12:00 PM - 02:00 PM COG Board Room Contact: Ron Kirby - <a href="mailto:rkirby@mwkog.org">rkirby@mwkog.org</a>

March						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

April						
S	M	T	W	T	F	S
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8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Mar 28	Climate, Energy & Environment Policy Committee (CEEPC) 09:30 AM - 11:45 AM COG Board Room Contact: Joan Rohlfs/Stuart Freudberg - jrohlfs@mwkog.org
Mar 28	Metropolitan Washington Air Quality Committee 12:00 PM - 02:00 PM COG Board Room Contact: Joan Rohlfs - jrohlfs@mwkog.org
Mar 28	EPA Climate Adaptation Guidebook Presentation 12:00 PM - 02:00 PM Room 1 Contact: Maia Davis - 202-962-3227 or mdavis@mwkog.org
Mar 30	Animal Services Awards Ceremony 09:00 AM - 12:00 PM COG Board Room Contact: Dennis Bailey - 202-962-3269 or DBailey@mwkog.org
<b>April 2012</b>	
Apr 11	COG Board of Directors 12:00 PM - 02:00 PM COG Board Room Contact: Nicole Hange - nhange@mwkog.org
Apr 14	24th Annual Potomac Watershed Cleanup 09:00 AM - 12:00 PM Metropolitan Washington Region (multiple locations) Contact: Annual Potomac Cleanup - potomaccleanup@fergusonfoundation.org

Apr 17	<p>Infrastructure Banks for Metropolitan Washington  10:00 AM - 02:30 PM  George Mason University School of Public Policy  Contact: Pat Warren - pwarren@mwkog.org</p>
Apr 18-22	<p>Atlanta Regional Commission (ARC)/Leadership  Involvement Networking Knowledge (LINK) Visit  COG Board Room  Contact: Pat Warren - pwarren@mwkog.org</p>
Apr 18	<p>Transportation Planning Board  12:00 PM - 02:00 PM  COG Board Room  Contact: Ron Kirby - rkirby@mwkog.org</p>
Apr 20	<p>Potomac Conference  Greater Washington Board of Trade  Contact: Board of Trade - events@bot.org</p>

March 2, 2012

Honorable Dereck E. Davis, Chair  
Economic Matters Committee  
House Office Building, Room 231  
6 Bladen Street  
Annapolis, MD 21401

**RE: Support HB 1088**

Dear Delegate Davis:

On behalf of the Board of Directors of the Metropolitan Washington Council of Governments (COG), I urge you to **support HB 1088**, establishing an energy efficiency on-bill financing program. This legislation removes barriers to efficiency upgrades, helping to conserve natural resources, save money, and promote economic growth.

**HB 1088 provides an affordable and user-friendly way for Maryland residents and businesses to make efficiency improvements.** High up-front costs are the single biggest obstacle to achieving greater energy efficiency. This program removes that barrier by allowing customers to pay back all the cost of their efficiency improvements with money saved on their monthly utility bills.

Interest in on-bill financing programs is growing across the country. Fourteen states have programs already in place, and several more are exploring pilot programs. These projects create private sector jobs and reduce greenhouse gas emissions by saving energy in the residential, commercial, and government sectors .

The Council of Governments has been a leader in promoting energy efficiency throughout the metropolitan Washington region. In the past two years, projects funded by Federal Energy Efficiency Community Block Grants have led to more than 3,500 building energy efficiency assessments across the region. With the EECBG program expiring, it is critical to continue energy efficiency improvement programs in the region.

Thank you for your consideration in supporting this important initiative.

Sincerely,

A handwritten signature in black ink, appearing to read 'Frank J. Principi', written in a cursive style.

Frank J. Principi, Chairman  
COG Board of Directors

cc: House Economic Matters Committee

March 2, 2012

Honorable Dereck E. Davis, Chair  
Economic Matters Committee  
House Office Building, Room 231  
6 Bladen Street  
Annapolis, MD 21401

**RE: Support HB 1280 - Electric Vehicle Users and Charging Stations**

Dear Delegate Davis,

On behalf of the Board of Directors of the Metropolitan Washington Council of Governments (COG), I urge you to **support HB 1280**, which exempts electric vehicle charging stations from public utility regulation.

**This foundational piece of legislation promotes wider adoption of electric vehicles by eliminating regulatory uncertainty around charging stations.** The availability of charging facilities is a key factor in the decision to buy or lease an electric vehicle. However, the current level of uncertainty about whether charging stations will be regulated as utilities has hindered the expansion of electric vehicle infrastructure.

**Electric vehicles help reduce air pollution and greenhouse gas emissions while promoting energy independence.** It is critical that Maryland creates a clear policy framework to promote private investment in electric vehicle infrastructure.

The Council of Governments supports the advancement of electric vehicle technology through its Regional EV Planning Initiative. Working groups are developing key recommendations to facilitate an EV Infrastructure plan for the greater Washington area, including forecasts of EV deployment and needs for charging infrastructure.

To that end, we urge you to **support HB 1280** as an important step toward developing a clear and robust electric vehicle policy framework for the region.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Frank J. Principi', written in a cursive style.

Frank J. Principi, Chairman  
COG Board of Directors

cc: House Economic Matters Committee



March 5, 2012

Honorable Thomas M. Middleton, Chair  
Senate Finance Committee  
Miller Senate Office Building, 3 East Wing  
11 Bladen St., Annapolis, MD 21401

**RE: Support SB 595**

Dear Senator Middleton:

On behalf of the Board of Directors of the Metropolitan Washington Council of Governments (COG), I urge you to **support SB 595**, establishing net energy metering community energy-generating facilities. **This legislation promotes in-state renewable energy generation—helping meet Maryland’s ambitious RPS goals—while increasing grid reliability and energy independence.**

Community energy generation helps address Maryland’s pressing electrical reliability and capacity issues. By decreasing demand on centralized generation and distribution systems, this bill can reduce power disruptions and increase system stability. In addition, it helps meet Maryland’s growing energy demand. SB 595 would allow community energy generators to build up to 1,500 megawatts of clean energy capacity in the state, enough to power 1.5 million households each year.

COG has actively promoted community generation throughout the greater Washington area. Since 2010, our Integrated Community Energy Taskforce has supported municipalities interested in pursuing community energy solutions. This legislation complements ongoing efforts in the Washington region, providing further incentive to increase community-based renewable generation.

We urge you to **support SB 595**, taking advantage of this opportunity to support Maryland’s clean energy future. Thank you for your consideration.

Sincerely,



Frank J. Principi, Chairman  
COG Board of Directors

cc: Senate Finance Committee

March 2, 2012

Honorable Joan C. Conway, Chair  
Senate Education, Health and Environmental Affairs Committee  
Miller Senate Office Building, 2 West Wing  
11 Bladen Street  
Annapolis, MD 21401

**RE: Support HB 628**

Dear Senator Conway:

On behalf of the Board of Directors of the Metropolitan Washington Council of Governments (COG), I urge you to **support SB 688**, 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 transactions to go forward.

Furthermore, SB 688 helps Maryland municipalities achieve their ambitious efficiency goals. 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 SB 688**, helping Maryland municipalities achieve their ambitious efficiency goals and gain greater control over their street lighting choices.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Frank J. Principi', written in a cursive style.

Frank J. Principi, Chairman  
COG Board of Directors

cc: Senate Education, Health and Environmental Affairs Committee

March 2, 2012

Honorable Thomas M. Middleton, Chair  
Senate Finance Committee  
Miller Senate Office Building, 3 East Wing  
11 Bladen Street  
Annapolis, MD 21401

**RE: Support SB 997 - Electric Vehicle Users and Charging Stations**

Dear Senator Middleton,

On behalf of the Board of Directors of the Metropolitan Washington Council of Governments (COG), I urge you to **support SB 997**, which exempts electric vehicle charging stations from public utility regulation.

**This foundational piece of legislation promotes wider adoption of electric vehicles by eliminating regulatory uncertainty around charging stations.** The availability of charging facilities is a key factor in the decision to buy or lease an electric vehicle. However, the current level of uncertainty about whether charging stations will be regulated as utilities has hindered the expansion of electric vehicle infrastructure.

**Electric vehicles help reduce air pollution and greenhouse gas emissions while promoting energy independence.** It is critical that Maryland creates a clear policy framework to promote private investment in electric vehicle infrastructure.

The Council of Governments supports the advancement of electric vehicle technology through its Regional EV Planning Initiative. Working groups are developing key recommendations to facilitate an EV Infrastructure plan for the greater Washington area, including forecasts of EV deployment and needs for charging infrastructure.

To that end, we urge you to **support SB 997** as an important step toward developing a clear and robust electric vehicle policy framework for the region.

Thank you for your consideration.

Sincerely,



Frank J. Principi, Chairman  
COG Board of Directors

cc: Senate Finance Committee

Honorable John C. Watkins  
Chair, Senate Committee on Commerce and Labor  
General Assembly Building, Room 331  
Capitol Square  
Richmond, Virginia 23219

**RE: Support HB 129 - Purchases from Net Metering Sellers**

Dear Senator Watkins:

On behalf of the Board of Directors of the Metropolitan Washington Council of Governments (COG), I am writing to urge you to **support HB 129**, allowing electricity customers to purchase 100% renewable energy from net metering sellers through power purchase agreements (PPAs).

**This bill expands consumer choice and opens opportunities for private sector investment in clean energy.** It enables energy customers to enjoy 100% renewable-produced power and the benefits of net metering without taking on the burden of high up-front costs and a complex permitting process.

Opening gateways to renewable energy generation in Virginia drives economic growth. According to the Department of Mines, Minerals, and Energy, **each 1 percent that Virginia reduces its energy imports keeps nearly \$150 million in the state's economy.**

HB 129 would strengthen ongoing solar energy programs in the greater Washington region. COG members Arlington and Loudoun Counties have community energy plans that call for over 260 MW of solar installations by 2040, and COG's work with the EPA Green Power Partnership could bring another 30 to 40 MW to the region.

We urge you to **support HB 129** as a powerful tool for increasing clean energy generation in the Commonwealth. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Frank J. Principi', written in a cursive style.

Hon. Frank J. Principi, Chair  
Board of Directors

CC: Senate Committee on Commerce and Labor

February 23, 2012

Honorable Dereck E. Davis, Chair  
Economic Matters Committee  
House Office Building, Room 231  
6 Bladen St., Annapolis, MD 21401

**RE: HB 441 – Maryland Offshore Wind Energy Act of 2012**

Dear Delegate Davis,

On behalf of the Board of Directors of the Metropolitan Washington Council of Governments (COG), I urge you to **support HB 441**, the Maryland Offshore Wind Energy Act of 2012.

COG is dedicated to promoting renewable energy, combating climate change, and creating the jobs that the new sustainable economy will require. We applaud the State of Maryland for adopting an aggressive Renewable Portfolio Standard, reaching 20% renewable energy by 2020. We support the development of offshore wind energy as a means of helping achieve this goal.

**Developing Maryland's offshore wind resources is critical to ensure 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. Offshore wind power will reduce those costs and stabilize long-term energy prices. Furthermore, it will create clean-energy jobs and reduce air pollution.

We urge you to **support HB 441** to bring offshore wind energy to Maryland. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank J. Principi". The signature is fluid and cursive, with the first name being the most prominent.

Hon. Frank J. Principi, Chair  
Board of Directors

CC: House Economic Matters Committee

February 23, 2012

Honorable Dereck E. Davis, Chair  
Economic Matters Committee  
House Office Building, Room 231  
6 Bladen St., Annapolis, MD 21401

**RE: Support HB 628**

Dear Delegate Davis:

On behalf of the Board of Directors of the Metropolitan Washington Council of Governments (COG), I urge you to **support HB 628**, 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 sto go forward.

Furthermore, HB 628 helps Maryland municipalities achieve their ambitious efficiency goals. 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 628**, helping Maryland municipalities achieve their ambitious efficiency goals and gain greater control over their street lighting choices. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank J. Principi". The signature is fluid and cursive, with a large loop at the end.

Hon. Frank J. Principi, Chair  
Board of Directors

February 23, 2012

Honorable Dereck E. Davis, Chair  
Economic Matters Committee  
House Office Building, Room 231  
6 Bladen St., Annapolis, MD 21401

**RE: Support HB 864**

Dear Delegate Davis:

On behalf of the Board of Directors of the Metropolitan Washington Council of Governments (COG), I urge you to **support HB 864**, establishing net energy metering community energy-generating facilities. **This legislation promotes in-state renewable energy generation—helping meet Maryland’s ambitious RPS goals—while increasing grid reliability and energy independence.**

Community energy generation helps address Maryland’s pressing electrical reliability and capacity issues. By decreasing demand on centralized generation and distribution systems, this bill can reduce power disruptions and increase system stability. In addition, it helps meet Maryland’s growing energy demand. HB 864 would allow community energy generators to build up to 1,500 megawatts of clean energy capacity in the state, enough to power 1.5 million households each year.

COG has actively promoted community generation throughout the greater Washington area. Since 2010, our Integrated Community Energy Taskforce has supported municipalities interested in pursuing community energy solutions. This legislation complements ongoing efforts in the Washington region, providing further incentive to increase community-based renewable generation.

We urge you to **support HB 864**, taking advantage of this opportunity to support Maryland’s clean energy future. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank J. Principi". The signature is fluid and cursive, with a large initial "F" and "P".

Hon. Frank J. Principi, Chair  
Board of Directors







# **AGENDA ITEM #4**

## **AMENDMENTS TO AGENDA**





## **AGENDA ITEM #5**

**APPROVAL OF MINUTES OF FEBRUARY 8, 2012**

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

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

**February 8, 2012**

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

**\*SEE ATTACHED CHART FOR ATTENDANCE\***

**STAFF**

**David J. Robertson, Executive Director  
Sharon Pandak, General Council**

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

Chairman Principi called the meeting to order at 12:00 Noon.

**2. CHAIRMAN'S ANNOUNCEMENTS**

Chairman Principi noted two upcoming events in Virginia and Maryland that would be of interest to members:

The Virginia Association of Counties (VACo) and the Virginia Municipal League (VML) will be joining forces to co-sponsor Legislative Day on February 9, 2012 at the Richmond Marriott. The Executive Director and Government Relations Coordinator will be in Richmond for the event along with many of COG's elected officials.

On March 8, 2012, the COG Board of Directors has invited House and Senate members to a Legislative Luncheon in Annapolis. Members from Charles, Frederick, Montgomery, and Prince George's counties will be represented. This will be a great opportunity to discuss how COG can assist local officials in moving the region forward.

### **3. EXECUTIVE DIRECTOR'S REPORT**

Dave Robertson attended meetings with elected officials from Arlington, Charles, and Fairfax counties. He also attended meetings with the City and County managers of Alexandria City and Charles County. He participated in a meeting at the Infrastructure Bank, and met with representatives of Our Nation's Capital group to discuss planning for a March conference.

Dave Robertson, Ron Kirby, and Nicole Hange briefed the Loudoun County Board of Supervisors on COG's focus and priorities for 2012.

Dave Robertson, Stuart Freudberg, and Nicole Hange facilitated a Strategic Planning session to the City of Frederick officials.

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

The Chairman announced the need for executive session to address a personnel matter. The executive session was docketed at the conclusion of the FY 2012 2<sup>nd</sup> Quarter report.

### **5. APPROVAL OF MINUTES OF JANUARY 11, 2012**

The minutes of the January 11, 2012 meeting were approved and adopted.

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

Supplemental documents: R07-2012 through R09-2012

#### **A. APPOINTMENT OF 2012 POLICY COMMITTEE VICE CHAIRS**

The Vice Chairs to following COG Board policy committees in 2012 were appointed: Human Services and Public Safety Policy Committee, Climate, Energy and Environment Policy Committee, and the Chesapeake Bay and Water Resources Policy Committee. He also recommended the appointment of Vice Chair of the National Capital Region Emergency Preparedness Council.

#### **B. RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO APPLY FOR, ACCEPT AND EXPEND GRANT FUNDS FROM EPA TO SUPPORT IMPLEMENTATION OF ANACOSTIA WATERSHED EDUCATION AND OUTREACH EFFORTS**

The COG Board adopted Resolution R08-2012 authorizing the Executive Director, or his designee, to apply for and accept grant funding in an amount not to exceed \$60,000, and to enter into subcontracts, to develop and implement a stormwater education program in the Anacostia Watershed. The duration of the grant is twenty-four months from the date of execution, and a match of \$2,500 will be made using already-budgeted COG water resources program funds.

#### **C. RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT WITH A CONSULTING FIRM TO PROVIDE A SUSTAINABILITY OUTREACH PROGRAM TO RESIDENTS IN THE NATIONAL CAPITAL REGION**

The Board adopted Resolution R09-2012, authorizing the Executive Director, or his designee, to contract with a consulting firm to develop program branding/logo, a marketing plan and social media platform for the sustainability outreach program in an amount not to exceed \$30,000. Funding for the project will be provided through already-budgeted environmental program funds.

**RECOMMENDED ACTION: Upon motion made, and seconded, Resolutions R07-2012 through R09-2012 were unanimously approved and adopted.**

## **7. APPROVAL OF THE DRAFT ROUND 8.1 COOPERATIVE FORECASTS**

COG established the Cooperative Forecasting program in 1975 to enable local, regional and federal agencies to coordinate planning using common assumptions about future growth and development. The Cooperative Forecasts are developed through a "top-down / bottom-up" process which synthesizes regional econometric model projections and local government forecasts based on current and planned development. The Planning Directors Technical Advisory Committee (PDTAC) approved this first update to the 8<sup>th</sup> major series of Forecasts, "Round 8.1", during its January 20<sup>th</sup> meeting, reflecting the 2010 Census and local economic trends.

Bob Brosnan, Arlington County Director of Community Planning, Housing and Development briefed the Board on the draft Round 8.1 Cooperative Forecasts. Mr. Brosnan indicated that the Forecasts were approved by the Planning Directors and that the COG Board was approving them in "draft" for use by the TPB for the Air Quality Conformity Analysis. Mr. Brosnan indicated the Round 8.1 Forecasts were within the tolerance of the Regional Econometric Model - the constraint of the projections - and noted the more significant jurisdictional changes. Ms. Harrison inquired about the relationship between the new Forecasts and the Regional Activity Centers update. Mr. DesJardin noted that COG staff had met the prior week in Upper Marlboro with Prince George's County planning staff to incorporate the County's planning efforts into the Activity Centers update. Mr. Berliner asked if staff could identify another synonym for the word "suburban". Mr. DesJardin indicated that the Planning Directors have adopted the term "complete communities" to refer to the revised Regional Activity Centers.

**RECOMMENDED ACTION: Upon motion made and seconded, Resolution R10-2012 was unanimously approved and adopted.**

## **8. APPROVAL OF 2012 COG BOARD WORKPLAN**

Chairman Principi, and Vice Chairs Mendelson and Young met in January to outline a proposed COG Board workplan for 2012, centered upon the implementation of Region Forward. The Chair and Vice Chairs recommended that COG Board activities in 2012 focus on strengthening the region's economic competitiveness, elevating COG's state and federal profile, and improving communication through technology. The Board was briefed on the proposed 3 step workplan and was asked for its input and concurrence.

The metropolitan Washington region's prosperity depends upon the ability to adapt to changes in the economy. The COG Board will launch an economic growth and competitiveness plan in response. This initiative will be the primary focus in 2012. Board members will be actively involved in steering and shaping the process; it will not be delegated to a subcommittee or task force. As a result, a significant portion of each month's agenda will be dedicated for stakeholder learning sessions. The July retreat will be used to flesh out the report with a final draft for Board adoption in the early Fall. The Board will also ramp up its advocacy and outreach efforts to ensure that state and federal officials are engaged in this process.

To ensure optimal attendance and engagement by members and stakeholders, staff will provide a work plan for these discussions at the March meeting.

Building and maintaining strong partnerships with member officials is a critical component to achieving COG's vision. Staff will develop tailored member service reports that highlight shared regional benefits of COG membership as well as tangible, jurisdiction specific benefits like grants and technical assistance.

The Board is also committed to improving communication and transparency through technology; specifically enabling live video stream capability.

Several members recommended that staff consider a high-level roll-out of the growth and competitiveness Plan through a vehicle like the Board of Trade's Potomac Conference; a well respected and branded event that convenes senior business and government officials around an issue of regional significance.

**RECOMMENDED ACTION: 2012 Board Workplan presentation was accepted and approved.**

## **9. COG BOARD OVERVIEW, ROLES AND RESPONSIBILITIES**

Local and state officials on the COG Board of Directors have overall policy, program and fiduciary responsibility for COG's, and its independent policy boards, work program and budget. Each year the Board includes both new and returning members. Mr. Robertson presented a sort of COG 101 in terms of its governance, the Board's relationship with the Transportation Planning Board and Metropolitan Washington Air Quality Committee and Board member roles and responsibilities. The distributed Board manual includes a roster, meeting schedule, staff contacts, bylaws and other information that will support members in role on the Board of Directors.

The Board manual is part of staff's ongoing effort to improve services to and support of members. Suggestions on additional materials for inclusion are encouraged.

Staff is in the process of developing an ethics policy to be included into the manual. A draft will be presented to the Board in March.

**RECOMMENDED ACTION: Overview presentation was accepted and approved.**

## **10. FY 2012 SECOND QUARTER FISCAL REPORT**

Secretary-Treasurer Quinn Kelly provided the COG Board with the FY 2012 second quarter (October – December 2011) fiscal report.

**RECOMMENDED ACTION: FY 2012 Second Quarter Fiscal Report was accepted.**

## **11. EXECUTIVE SESSION**

The Board convened into executive session to attend to a personal matter.

## **12. RECONVENE PUBLIC SESSION**

Chairman Principi announced that the executive director informed the Board of his intention to step down from his position at COG in January 2013 at the end of his employment agreement. Mr. Principi directed staff to identify steps needed to undertake an extensive nationwide and regional search for qualified candidates for this important regional position.

**THE NEXT BOARD MEETING WILL BE ON WEDNESDAY, MARCH 14, 2012**

**ATTENDANCE FEBRUARY 8, 2012**

<b>Jurisdiction</b>	<b>Member</b>	<b>Y/N</b>	<b>Alternate</b>	<b>Y/N</b>
<b><i>District of Columbia</i></b>				
<b>Executive</b>	Hon. Vincent Gray	N		
	Mr. Allen Lew	Y		
<b>Council</b>	Hon. Phil Mendelson ( <b>Vice Chair</b> )	Y		
	Hon. Michael Brown	N		
<b><i>Maryland</i></b>				
Bowie	Hon. G. Frederick Robinson	N	Hon. Dennis Brady	
Charles County	Candice Quinn-Kelly	Y		
City of Frederick	Hon. Karen Young ( <b>Vice Chair</b> )	Y	Hon. Randy McClement	
College Park	Hon. Andrews Fellows	N	Hon. Robert Catlin	
Frederick County	Hon. David Gray	N	Hon. Blaine Young	
Gaithersburg	Hon. Sidney Katz		Hon. Cathy Drzyzgula	Y
Greenbelt	Hon. Judith "J" F. Davis		Hon. Leta Mach	Y
Montgomery County				
<b>Executive Council</b>	Hon. Isiah Leggett	N	Mr. Tim Firestine	
	Hon. Roger Berliner	Y		
	Hon. Valerie Ervin	N		
Prince George's County				
<b>Executive Council</b>	Hon. Rushern Baker		Mr. Barry Stanton	Y
	Hon. Karen Toles	N		
	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		
<b><i>Virginia</i></b>				
Alexandria	Hon. William Euille	Y	Hon. Redella Pepper	
Arlington County	Hon. Walter Tejada	Y	Hon. Jay Fisette	
City of Fairfax	Hon. Dan Drummond	N	Hon. Jeffrey Greenfield	
Fairfax County	Hon. Sharon Bulova	N	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	
Loudoun County	Hon. Matt Letourneau	Y		
Loudoun County	Hon. Scott York	N		
Manassas	Hon. Sheryl Bass	Y		
Manassas Park	Hon. Suhas Naddoni	N	Hon. Frank Jones	
Prince William County	Hon. Frank Principi ( <b>Chair</b> )	Y		
	Hon. Pete Candland	N		
Virginia General Assembly	Hon. James M. Scott	N		





## **AGENDA ITEM #6**

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

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

**RESOLUTION AUTHORIZING COG TO APPLY FOR AND ADMINISTER FUNDING FROM  
THE USDOT'S FY 2012 TIGER COMPETITIVE GRANT PROGRAM**

**WHEREAS**, On January 31, 2012, U.S. DOT released a notice of funding availability for the FY 2012 TIGER discretionary grant program; and

**WHEREAS**, the FY 2012 TIGER program is a competitive discretionary grant program administered through the USDOT Office of the Secretary and funded with \$500 million appropriated through the FY 2012 Appropriations Act, \$380 million of which is available for capital projects in urban areas; and

**WHEREAS**, the National Capital Region Transportation Planning Board (TPB), as the metropolitan planning organization (MPO) for the Washington Region, has the responsibility under the provisions of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU) of 2005 for developing and carrying out a continuing, cooperative and comprehensive transportation planning process for the Washington Metropolitan Area; and

**WHEREAS**, metropolitan planning organizations like the TPB are eligible applicants under the FY 2012 TIGER grant funding guidelines; and

**WHEREAS**, the TPB adopted the attached Resolution, TPB R10-2012, on February 15, 2012, approving the submission of an application for a project to Implement Multimodal Access Improvements in Rail Station Areas in the National Capital Region for funding under the FY 2012 TIGER competitive grant program; and

**WHEREAS**, the TPB will be the lead applicant in the grant application and COG/TPB will be the direct recipient of up to \$30 million for a regional pedestrian and bicycle access improvements to rail stations project, and other state, regional and local agencies will be joint applicants and sub-recipients of FY 2012 TIGER grant funding included in the application; and

**WHEREAS**, COG is the administrative agent of the TPB, and the COG Board authorizes the executive director to apply for and administer grant funding on behalf of the TPB; and

**WHEREAS**, applying for an FY 2012 TIGER grant represents a significant regional funding opportunity.

**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 administer grant funding from USDOT's FY 2012 TIGER Competitive Grant Program for a project to Implement Multimodal Access Improvements in Rail Station Areas in an amount no less than \$10,000,000 and not to exceed \$30,000,000 in accordance with provisions of the grant program. No COG matching funds are required.

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

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO RECEIVE AND  
EXPEND FUNDING FROM THE SUMMIT FUND OF WASHINGTON IN SUPPORT OF  
THE ANACOSTIA RESTORATION PARTNERSHIP**

**WHEREAS**, the restoration of the Anacostia River watershed is a regional priority in the Washington Metropolitan area, and the Metropolitan Washington Council of Governments (COG) has a continuing interest in its restoration, management and protection; and

**WHEREAS**, COG adopted Resolution R28-06 establishing an Anacostia Watershed Partnership (Partnership) with responsibility for adoption and oversight of the regional programs, policies and projects to effect watershed-wide restoration; and

**WHEREAS**, COG has provided coordination, management, and technical support for the Anacostia restoration effort since 1987; and

**WHEREAS**, key aspects of the Partnership are to oversee the development and implementation of a comprehensive restoration plan for the Anacostia watershed, coordinate the efforts of numerous federal, state and local agencies, and accelerate inter-jurisdictional restoration efforts; and

**WHEREAS**, the additional technical, administrative and advocacy support to the Partnership will require additional support services from staff, the Anacostia Partnership Executive Director, and possibly specialized consultant services; and

**WHEREAS**, the Summit Fund of Washington has provided substantial grants in the past to promote the restoration of the Anacostia watershed and is prepared to provide grant support to assist COG in its support to the Partnership.

**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 grant funding up to \$195,000 from the Summit Fund of Washington to provide contract and staff services in support of the Anacostia Restoration Partnership. No COG matching funds are required.

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

**RESOLUTION AUTHORIZING COG TO ISSUE A CONTRACT TO DEVELOP A  
FRAMEWORK FOR AN 8-HOUR INCIDENT COMMAND SYSTEM PRACTICUM**

**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**, the Emergency Managers Committee has requested that COG, with consultant support, develop an 8-hour practicum framework that will be used to exercise concepts taught in Incident Command courses; and

**WHEREAS**, this framework will provide students with the opportunity to work on a simulated Incident Management Team and manage one operational period for a natural/man-made scenario, providing invaluable hands on experience; and

**WHEREAS**, funding for the contract to develop a framework for an 8-hour practicum has been provided to COG by the State Administrative Agent for the National Capital Region.

**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 execute a contract in an amount not to exceed \$55,000 to develop a framework for an 8-hour practicum for the Emergency Manager's Committee. The State Administrative Agent for the National Capital Region has provided COG with a Subgrant to fund this work. No COG matching funds are required.

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## SUMMARY OF THE NATIONAL MORTGAGE SETTLEMENT

In February, 49 state attorneys general and the federal government reached a settlement with the country's five leading bank mortgage servicers that will result in approximately \$25 billion in relief and will require comprehensive reforms to the servicing of mortgage loans. This is the largest multistate settlement since the tobacco settlement in 1998.

The five banks in the settlement are Ally Financial, Bank of America, Citigroup, J.P. Morgan Chase, and Wells Fargo. Borrowers with mortgages through Fannie Mae and Freddie Mac are not eligible for benefits under the settlement.

### **Relief for Homeowners**

Of the \$25 billion settlement, the servicers are required to dedicate **\$20 billion in direct relief** to homeowners within three years through the following forms:

- **Principal reduction:** At least \$10 billion will be devoted to reducing principal reduction for borrowers who owed more on their mortgages than their homes were worth on the date of the settlement and are delinquent or at risk of default.
- **Refinancing:** Approximately \$3 billion will be used for a refinancing program to help borrowers who are current but who owe more on their mortgages than their homes are worth.
- **Other forms:** Up to \$7 billion will be dedicated to other forms of relief, such as forbearance of principal for borrowers who are unemployed, short sales, anti-blight programs, and benefits for service members who must sell their homes at a loss due to permanent change in station.

### **Payments to Foreclosed Borrowers and State and Federal Governments**

Servicers will also make **\$5 billion in cash payments to borrowers and state and federal governments:**

- **Payments to foreclosed borrowers:** A borrower payment fund of \$1.5 billion will provide cash payments to borrowers whose homes were sold or taken in foreclosure between 2008 and 2011. Borrowers who were not properly offered loss mitigation or who were otherwise improperly foreclosed on will be eligible for a uniform payment of approximately \$2,000 per borrower depending on the level of demand. These borrowers will be notified of their right to file a claim to receive payment.
- **State and federal payments:** The remaining funds will go to state and federal governments. Money to states will be used to fund housing counselors and legal aid and to repay public funds lost due to servicer misconduct, as determined by the attorneys general. Money to the federal government will mainly go to the FHA Capital Reserve Account, as well as the Veterans Housing Benefit Program Fund and the Rural Housing Service. The amounts, exact uses, and distribution methods of funding will vary by state.

### **Servicing Standard Reforms**

As part of the settlement, servicers have agreed to implement comprehensive reforms to mortgage loan servicing standards to address the harmful practices of recent years. These changes include:

- An end to robo-signing, improper documentation, and lost paperwork
- Strict oversight of foreclosure processing procedures, including those of third-party vendors

- Restrictions to prevent banks from foreclosing while a homeowner is being considered for a loan modification
- New standards for ensuring accuracy of information provided in federal bankruptcy court
- Set procedures and timelines for reviewing loan modification applications and the right for homeowners to appeal denials
- Creating a single point of contact for borrowers seeking information about their loans
- Requirement for servicers to consider homeowners for loan mitigation options first, so that foreclosure is a last resort

The settlement will be recorded and enforceable as a court judgment to ensure the bank meet the new standards. An independent monitor will be identified to oversee compliance by the banks and report to the court and attorneys general.

**Implications for the National Capital Region:** The settlement established the payments that each participating state would receive. A total of \$136.7 million will be distributed to Virginia, Maryland, and the District of Columbia. Uses of the funding and distribution methods will vary by state.

- **Virginia will receive \$69.6 million** as a direct payment. Virginia’s Attorney General Kenneth Cuccinelli has decided to defer to the Virginia General Assembly on how the funds should be spent, although he has submitted a recommendation that funding go to supporting at-risk homeowners and their nonprofit partners.
- **Maryland will receive \$62.5 million.** Maryland’s Attorney General Doug Gansler has indicated that 10 percent of this amount will go to the general fund to offset some of the physical strains created by the crisis. Attorney General Gansler has been soliciting input from the nonprofit community and other stakeholders about the distribution of the balance of these funds.
- **District of Columbia will receive \$4.6 million as a direct payment.** The D.C. Office of the Attorney General is planning to make recommendations to the City Council on the distribution of this funding, which is proposed to include funding for nonprofit counseling, legal services, additional staff or the foreclosure mediation program, and outreach and assistance to current and former homeowners who are eligible for settlement benefits.

**Leadership of the Capital Area Foreclosure Network strongly believes a significant portion of the \$136.7 million in funding to Virginia, Maryland, and the District of Columbia should fund nonprofit housing counseling.** The relief that will be provided through the settlement will require homeowners and their advocates to work out individual strategies with their servicers. Nonprofit housing counselors will be critical to ensuring that homeowners can take full advantage of the relief for which they’re eligible through the settlement.

#### **Information for Borrowers**

The settlement will be executed over the next three years. Because of this timeline, **borrowers will not immediately know whether they’re eligible for relief, and will not be able to receive benefits for several months.** However, it is likely that scammers will try to capitalize on the settlement to get access to borrowers’ personal information and money. Warning signs of scammers include unsolicited callers claiming to be from one of the major banks and asking for personal information (such as bank account numbers or social security numbers), or offering to accelerate the borrower’s settlement relief in exchange for a fee. **Borrowers who receive unsolicited calls such as these should NOT provide any personal information and should report the scam to their state’s Attorney General’s office.**

*For more information on the National Mortgage Settlement, please visit the Capital Area Foreclosure Network’s website at , or the National Mortgage Settlement website at .*

March 14, 2012

Hon Vincent C. Gray  
1350 Pennsylvania Avenue, NW  
Suite 316  
Washington, DC 20004

Dear Mayor Gray:

On behalf of the Board of Directors of the Metropolitan Washington Council of Governments (COG) and the Capital Area Foreclosure Network (CAFN), I am writing to urge you to work with the District of Columbia Office of the Attorney General to allocate a significant portion of the discretionary national mortgage settlement funding to support nonprofit foreclosure prevention counseling organizations.

The national mortgage settlement reached in February between 49 state attorneys general, the federal government, and the country's five largest mortgage servicers will provide payments to participating states, relief for struggling homeowners (including principal reduction and refinancing), and payments to foreclosure victims. Under the settlement, the District of Columbia will receive \$4.6 million as a direct payment.

The settlement requires homeowners to work out an individual strategy with their loan servicer. Nonprofit housing counselors can help homeowners navigate this process and are critical to ensuring that the District's homeowners fully access the relief for which they are eligible through the settlement.

Nonprofit housing counseling has a proven track record of success in preventing foreclosure. Research by the Urban Institute indicates that homeowners who work with nonprofit housing counselors have better outcomes—they are more likely to avoid foreclosure, receive larger reductions in their mortgage payments as a result of loan modifications, and are more likely to stay current on their mortgage after receiving a modification than homeowners who do not receive counseling assistance.

The Metropolitan Washington region is fortunate to have many strong housing counseling organizations, but demand for assistance greatly exceeds their capacity. According to a 2010 CAFN study, only about 20,000 homeowners in default in the region had received assistance from a housing counselor; yet region-wide there were over 110,000 mortgages that were 30 days or more delinquent. Funding is clearly needed to increase the capacity of nonprofit housing counseling organizations to address the ongoing foreclosure crisis and help homeowners access settlement relief. I urge you to ensure that a significant portion of the \$4.6 million in settlement funding awarded to the District of Columbia is used to support these critical services.

Sincerely,

Frank J. Principi  
Chairman, Metropolitan Washington Council of Governments

March 14, 2012

Hon Martin J. O'Malley  
100 State Circle  
Annapolis, Maryland 21401

Dear Governor O'Malley:

On behalf of the Board of Directors of the Metropolitan Washington Council of Governments (COG) and the Capital Area Foreclosure Network (CAFN), I am writing to urge you to work with the Maryland Attorney General's office to allocate a significant portion of the discretionary national mortgage settlement funding to support nonprofit foreclosure prevention counseling organizations.

The national mortgage settlement reached in February between 49 state attorneys general, the federal government, and the country's five largest mortgage servicers will provide payments to participating states, relief for struggling homeowners (including principal reduction and refinancing), and payments to foreclosure victims. Under the settlement, Maryland will receive \$62.5 million as a direct payment.

The settlement requires homeowners to work out an individual strategy with their loan servicer. Nonprofit housing counselors can help homeowners navigate this process and are critical to ensuring that Maryland's homeowners fully access the relief for which they are eligible through the settlement.

Nonprofit housing counseling has a proven track record of success in preventing foreclosure. Research by the Urban Institute indicates that homeowners who work with nonprofit housing counselors have better outcomes—they are more likely to avoid foreclosure, receive larger reductions in their mortgage payments as a result of loan modifications, and are more likely to stay current on their mortgage after receiving a modification than homeowners who do not receive counseling assistance.

The Metropolitan Washington region is fortunate to have many strong housing counseling organizations, but demand for assistance greatly exceeds their capacity. According to a 2010 CAFN study, only about 20,000 homeowners in default in the region had received assistance from a housing counselor; yet region-wide there were over 110,000 mortgages that were 30 days or more delinquent. Funding is clearly needed to increase the capacity of nonprofit housing counseling organizations to address the ongoing foreclosure crisis and help homeowners access settlement relief. I urge you to ensure that a significant portion of the \$62.5 million in settlement funding awarded to Maryland is used to support these critical services.

Sincerely,

Frank J. Principi  
Chairman, Metropolitan Washington Council of Governments



March 7, 2012

Hon Robert F. McDonnell  
Patrick Henry Building, 3<sup>rd</sup> Floor  
1111 East Broad Street  
Richmond, VA 23219

Dear Governor McDonnell:

On behalf of the Metropolitan Washington Council of Governments (COG) and the Capital Area Foreclosure Network (CAFN), I am writing to urge you to work with your Attorney General's office and the Virginia General Assembly to allocate a significant portion of the discretionary national mortgage settlement funding to support nonprofit foreclosure prevention counseling organizations. The COG Board of Directors is expected to call for this action at its monthly meeting next Wednesday, March 14<sup>th</sup>; however, since the General Assembly is anticipated to vote on the distribution of settlement money by the end of this week, I believe this issue warrants more immediate action.

The national mortgage settlement reached in February between 49 state attorneys general, the federal government, and the country's five largest mortgage servicers will provide payments to participating states, relief for struggling homeowners (including principal reduction and refinancing), and payments to foreclosure victims. Under the settlement, Virginia will receive \$69.6 million as a direct payment.

The settlement requires homeowners to work out an individual strategy with their loan servicer. Nonprofit housing counselors can help homeowners navigate this process and are critical to ensuring that Virginia's homeowners fully access the relief for which they are eligible through the settlement.

Nonprofit housing counseling has a proven track record of success in preventing foreclosure. Research by the Urban Institute indicates that homeowners who work with nonprofit housing counselors have better outcomes—they are more likely to avoid foreclosure, receive larger reductions in their mortgage payments as a result of loan modifications, and are more likely to stay current on their mortgage after receiving a modification than homeowners who do not receive counseling assistance.

The Metropolitan Washington region is fortunate to have many strong housing counseling organizations, but demand for assistance greatly exceeds their capacity. According to a 2010 CAFN study, only about 20,000 homeowners in default in the region had received assistance from a housing counselor; yet region-wide there were over 110,000 mortgages that were 30 days or more delinquent. Funding is clearly needed to increase the capacity of nonprofit housing counseling organizations to address the ongoing foreclosure crisis and help homeowners access settlement relief. I urge you to ensure that a significant portion of the \$69.6 million in settlement funding awarded to Virginia is used to support these critical services.

Sincerely,

David Robertson  
Executive Director

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

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR  
TO SEEK AND EXPEND FUNDS TO SUPPORT  
THE CAPITOL AREA FORECLOSURE NETWORK (CAFN)**

**WHEREAS**, the Metropolitan Washington Council of Governments (COG) has long supported affordable housing programs and policies throughout the region; and

**WHEREAS**, addressing the region's housing needs, including slowing the pace of foreclosure rates, was identified as a priority task in COG's FY 2011 Work Program and Budget and in COG's 2010 Policy Focus and Priorities; and

**WHEREAS**, in April 2010, the Capital Area Foreclosure Network (CAFN) was established as an innovative new partnership between COG, the Nonprofit Roundtable of Greater Washington and the Urban Institute that will build the capacity of local housing counseling, legal service and direct service organizations by raising awareness of the role of direct services through marketing and outreach, coordinating trainings around the region, and developing sustainable fundraising strategies; and

**WHEREAS**, the foreclosure crisis continues to be severe in the National Capital Region, with over 100,000 mortgages in the region delinquent 30 days or more, and Latinos, along with African Americans, are disproportionately affected by foreclosures.

**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 seek and expend funds from the Maryland Department of Housing and Community Development to support CAFN in an amount not to exceed \$35,000 for the purposes of funding CAFN's bilingual English and Spanish foreclosure hotline as well as marketing and outreach to prevent foreclosure in the region's Latino communities. No COG matching funds are required.

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

**RESOLUTION AUTHORIZING COG TO RECEIVE AND EXPEND FUNDS FROM THE DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH TO CONTRACT WITH GEORGE WASHINGTON UNIVERSITY TO COMPLETE A RISK ASSESSMENT AND VULNERABILITY ANALYSIS**

**WHEREAS**, the Metropolitan Washington Council of Governments (COG) serves to support local jurisdictions throughout the National Capital Region; and

**WHEREAS**, COG has been requested by the District of Columbia Department of Health, Health Emergency Preparedness and Response Administration (HEPRA) to contract with George Washington University, National Crisis and Emergency Management to conduct a detailed risk assessment and vulnerability analysis for the National Capital Region; and

**WHEREAS**, the assessment will be critical to establishing a risk-informed, all-hazard emergency management program with defensible, risk-reduction strategies; and

**WHEREAS**, DC HEPRA will provide COG with \$224,000 in funding from the Centers for Disease Control (CDC grant number: 2U90TP316831-11 CFDA 93.069) to execute a contract with George Washington University to conduct this work.

**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 funds in an amount not to exceed \$244,000 from the District of Columbia Department of Health's Health Emergency Preparedness and Response Administration (HEPRA) and the Centers for Disease Control (CDC) to conduct a detailed risk assessment and vulnerability analysis for the National Capital Region. COG is further authorized to enter into a contract with George Washington University Hospital to perform this work. No COG matching funds are required.

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

**RESOLUTION AUTHORIZING A REQUEST FOR PROPOSALS  
FOR EXECUTIVE DIRECTOR SEARCH FIRM**

**WHEREAS**, David Robertson announced in February 2012 that he will step down from his position as Executive Director at the Metropolitan Washington Council of Governments (COG) in January 2013 at the expiration of his employment contract; and

**WHEREAS**, the COG Board of Directors directed staff to identify steps needed to undertake an extensive nationwide and regional search for qualified candidates for this important regional position; and

**WHEREAS**, Chairman Frank Principi appointed himself and Vice Chairs Mendelson and Young, Penn Gross, Andrea Harrison, Walter Tejada, and Bruce Williams to serve on the Executive Director Search Committee to oversee the search process and support the COG Board in appointing a new Executive Director in late 2012; and

**WHEREAS**, Chairman Principi and the Committee recommended that COG obtain the services of an executive search firm to support the Committee and the COG Board in recruiting, screening and selecting a new Executive Director.

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

1. The Executive Director, or his designee, is authorized to issue a Request for Proposals (RFP) and award a contract to an executive search firm to support the Committee and the COG Board in successfully recruiting, screening and appointing a new Executive Director.
2. Funding to support this activity in an amount not to exceed \$30,000 shall be provided from COG's FY 2012 unallocated contingency reserve.
3. The Committee and the selected executive search firm shall regularly brief the COG Board on progress prior to recommended action by the COG Board in late 2012 appointing a new Executive Director.



## **AGENDA ITEM #7**

### **BRIEFING AND ACTION ON WMATA STRATEGIC PLAN AND DEDICATED FUNDING**

**DRAFT**

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

\*Adjunct Member

**Subject:** COG Input on WMATA Strategic Plan  
**From:** David Robertson, COG Executive Director  
**To:** Catherine M. Hudgins, Chair, Washington Metropolitan Area Transit Authority (WMATA)

COG welcomes the invitation to provide input regarding WMATA's strategic plan and the role of Metro in helping the region meet the long-term goals identified in the Region Forward Vision Plan. In 2010 and 2011, COG staff performed extensive research on the governance of WMATA and other major transit agencies for two efforts—a joint COG-Board of Trade report as well as a research report for the Governance Work Group (GWG), which represents the governors of Maryland and Virginia and mayor of the District of Columbia. Several of the recommendations put forth in these reports—such as clearly-defined roles for WMATA Board members and the end of an annual rotation of the Board Chair—have been implemented.

- **WMATA Proposed Mission Statement**

WMATA's proposed mission statement is well-defined: Metro leads the region forward by providing safe, equitable, reliable and cost effective public transit. While WMATA's original charge was constructing a mass transit system for the region, its top priority today is to maximize the system's existing capacity. To this end, COG welcomes recent actions made by WMATA to improve the maintenance and safety of the system, including rebuilding the safety department, fulfilling recommendations by the National Transportation Safety Board, and improving its relationship with the Tri-State Oversight Committee.

- **WMATA Board Strategic Goal #1: Improve Mobility in the Region**
- **WMATA Board Strategic Goal #2: Support the Development of Complete Communities**

As the region's largest public transportation provider, WMATA plays a pivotal role in improving the mobility of the region and helping local governments meet their Region Forward goals to increase transit usage and connect regional activity centers. And by working with governments and developers, WMATA can help shape more mixed-use, compact, and walkable "complete communities"

777 North Capitol Street, NE, Suite 300, Washington, D.C. 20002  
202.962.3200 (Phone) 202.962.3201 (Fax) 202.962.3213 (TDD)

throughout the region. WMATA should be commended for its strong participation at COG and the Transportation Planning Board (TPB). For example, WMATA officials were involved in the development of Region Forward and have continued their engagement through the Region Forward Coalition, the group tasked with implementing the regional vision. Because of WMATA's commitment to Region Forward and other regional planning initiatives, COG is confident WMATA will meet these first two goals.

- **WMATA Board Strategic Goal #3: Ensure Financial Sustainability**

Ensuring financial sustainability greatly impacts WMATA's ability to fulfill its mission and achieve the previous strategic goals. For this reason, COG would like to see greater elaboration on this topic. Operating shortfalls, and therefore the subsidies required from funding jurisdictions, have increased significantly in recent years. This trend is not sustainable. If more subsidies or revenues are not identified, costs will need to be reduced.

Transit agency funding needs were a major focus of COG staff research for the GWG, which found that WMATA and most of its peer agencies have annual operating and capital budgeting processes. A few agencies operate with wider financial planning horizons—the San Francisco Municipal Transportation Agency (SFMTA) has a two year budget cycle, and the Philadelphia region's Southeastern Pennsylvania Transportation Authority (SEPTA) provides five year projections of operating revenues, expenses, and anticipated subsidy levels by jurisdiction.

In its final report, the GWG asked WMATA to improve its budget process and adopt longer range financial planning. It called for WMATA to “coordinate the budget planning process with funding jurisdictions.” It also asked WMATA to “assure that cooperative financial planning is a two-way street with jurisdictions” as well as “provide funding forecasts and more detailed and multi-year forecasts of needs.” Based on WMATA's presentation, COG did not find clear plans for better coordination with the transit agency's funding jurisdictions.

In addition to the actions WMATA can take to ensure its financial sustainability, COG calls on regional partners to maintain their funding commitments to the transit agency. Specifically, COG is requesting that Congress sustain \$150 million in federal funding to WMATA for capital and safety improvements, which is matched by \$50 million each from the District of Columbia, Maryland, and Virginia.

Thank you for your consideration of our comments. COG looks forward to continued partnership with WMATA as our organizations work together to shape a more accessible, sustainable, prosperous and livable National Capital Region.

March 14, 2012, **STAFF DRAFT LETTER**

Hon. Eleanor Holmes Norton  
U.S. House of Representatives  
2136 Rayburn House Office Building  
Washington, DC 20515

Dear Delegate Norton:

I am writing on behalf of the Metropolitan Washington Council of Governments (COG) Board of Directors to urge that Congress support the full federal share of \$150 million in FY 2013 for capital and safety improvements for the Washington Metropolitan Area Transit Authority (WMATA). The COG Board of Directors took this action at its March 14 meeting.

A special panel organized by COG, the Greater Washington Board of Trade and the Federal City Council urged creation of a federal-state WMATA dedicated funding partnership in 2005. Congress approved legislation in 2009 authorizing \$1.5 billion in federal funding over ten years. The federal annual investment of \$150 million is matched by \$50 million each from the District of Columbia, Maryland and Virginia.

The full federal share was appropriated in FY 2010, FY 2011 and FY 2012 and matched by state partners. WMATA and state funding partners also amended the WMATA compact to add new federal representatives on the WMATA Board as required by the authorizing legislation.

Unfortunately, the President's FY 2013 budget now recommends reducing the \$150 million federal share by \$15 million. This will slow badly needed capital and safety improvements requested by the National Transportation Safety Board, the Tri-State Oversight Committee, and WMATA itself. It also opens the door to additional federal or state funding cuts during the balance of the ten year authorization.

COG respectfully requests that Congress maintain full federal support for WMATA capital and safety improvements. Failure to do so will jeopardize progress on capital improvements that are critical to regional mobility, economic development and the safety of area transit riders and visitors to the National Capital Region.

Sincerely,

Frank J. Principi  
Chairman, Board of Directors  
Supervisor, Prince William County





## **AGENDA ITEM #8**

**ECONOMIC GROWTH AND COMPETITIVENESS:  
LEARNING SESSION – WASHINGTON AREA  
ECONOMIC OUTLOOK**

# Metropolitan Washington Council of Governments

## 2012 COG Board of Directors Work Plan

**Region Forward is COG's vision to create a more prosperous, sustainable, livable and accessible region.** It is a map of where we want to go as a region and everyone (government, business, philanthropic, civic communities) has a role to play. At COG, various groups are working to help the region achieve these goals.

Since its adoption, the COG Board has made the fulfillment of the Region Forward prosperity goals a primary focus. Issues of economic competitiveness, job creation and doing more with less will continue to be at the forefront of the Board's work. Bodies like the Transportation Planning Board will take the actions necessary to move the region forward on our accessibility goals. COG's environmental committees (MWAQC, CEEPC, and Chesapeake Bay) are similarly responsible for helping to achieve the region's sustainability goals. The Region Forward Coalition is the group that measures progress, prioritizes needs, and will jumpstart projects that will help us meet our goals.

This Work Plan will outline, using Region Forward as its framework, the COG Board's priority activities for 2012. We know that our region's prosperity depends upon our ability to adapt to changes in the economy. The COG Board will launch an economic growth and competitiveness plan in response. The Board will also ramp up its advocacy and outreach efforts to ensure that state and federal officials are engaged in this process.



Economic Growth & Competitiveness Plan



State and Federal Outreach



Member Services



## Economic Growth & Competitiveness Plan

There is growing concern that the region has not adequately prepared for fundamental economic changes that may occur from cuts to federal employment and procurement. Building upon the Brookings Metropolitan Business Plan model, the Board will embark upon an 8 month initiative to develop a Regional Economic Growth and Competitiveness Plan. This initiative will be the primary focus of the Board in 2012. This proactive regional approach will build on the region's economic and job strengths, address areas of weakness, and identify new or emerging opportunities. It will leverage regional partners' current efforts, and establish an integrated, public-private regional agenda for job creation and enhanced innovation and entrepreneurship.

- **Scoping.** A sub-set of Board members will scope the effort and identify the partnerships, roles, resources and benefits required.
- **Monthly learning sessions.** Each COG Board meeting, from March – June, will dedicate a large portion of the agenda for “learning sessions.” Various stakeholder groups, including federal, business, economic development, philanthropic etc, will be invited for a conversation on their needs for a more sustainable regional economy.
- **Economic Growth and Competitiveness Action Plan.** The July leadership retreat will be an opportunity to develop and refine recommendations for a draft action plan.
- **“Building the Region Together 2.”** In 2009, COG and the National Capital Planning Commission convened a “Building the Region Together” meeting with the Obama Administration to better position metropolitan Washington to receive the limited resources directed at regional initiatives. It is time for additional dialogue and action to sustain progress in the region. COG will use a similar public-private-federal forum, “Building the Region Together 2,” as an opportunity for a high-profile release of the regional action plan in September ahead of the general election.



## State and Federal Outreach

Strengthening COG's relationship with state and federal legislators continues to be a priority for the COG Board. The region cannot achieve its Region Forward vision without an equal commitment from, and strong partnerships with, state and federal governments.

- **Advocacy.** COG will continue to advocate the priorities of our region through outreach to state and federal leaders. We will renew efforts to convene an annual caucus of the National Capital Region Congressional Delegation.

- **Develop a Strategic Plan for advocacy and outreach.** COG's current advocacy and outreach efforts would benefit significantly from a formalized process that includes greater committee and member engagement. Staff will look to other regional councils and state and national associations for a model that could be replicable at COG. A recommendation will be brought to the Board for review and adopting prior to the 2013 legislative sessions.



## Member Services

Building and maintaining strong partnerships with member officials is a critical component to achieving COG's vision. Ensuring that all jurisdictions, large and small, are aware of COG programs and activities that leverage resources and help them meet their goals will be a priority. Additionally, COG must also look to non-traditional partners to support programs historically funded by the federal government and organizations like the Freddie Mac Foundation. The following initiatives will be undertaken by COG staff in 2012 to improve member services.

- **Improve communication and transparency through new technology.** COG will procure the software necessary to enable live video streaming of COG meetings and events. Many of COG's member governments have this capability and find it an essential public transparency and accessibility tool. Additionally, the ongoing video conference pilot program will be assessed in the Spring for its effectiveness. This capability allows members, specifically those from the outer jurisdictions, an alternative method of Board meeting participation.
- **Develop tailored member service reports.** As a member association, COG must be able to clearly articulate a member's return on investment. Staff will develop tailored member service reports that highlight both shared benefits of COG membership as well as jurisdiction-specific benefits like grants, technical assistance and cost savings.
- **Engage non-traditional partners.** COG will engage the philanthropic, business, and civic community in a series of workshops aimed at supporting programs and initiatives that have traditionally depended on federal funding.



## **AGENDA ITEM #9**

### **EXECUTIVE DIRECTOR RECRUITMENT**





## **AGENDA ITEM #10**

### **CONFLICT OF INTEREST GUIDELINES**

February 27, 2012  
Advance Notice for April Agenda

**TO: MWCOG BOARD OF DIRECTORS**

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



**RE: PROPOSED CONFLICT OF INTEREST GUIDELINES**

As a nonprofit organization which must hold the public trust of its governmental authority members as well as the Internal Revenue Service, the Council of Governments should have a conflict of interest policy. Attached is an advance draft of conflict of interest guidelines to assist Board of Directors Members in performing their fiduciary duty. The guidelines are intended to be straightforward and uncomplicated. We know that Board Members take seriously their obligations. The Policy will be considered at the Board's April 11, 2012 meeting.

The District of Columbia, Maryland and Virginia each have extensive conflict of interest laws. Each COG Board Member is bound by conflict of interest laws, which relate to all acts in their official capacity. Rather than create a new set of requirements, the draft provides that a conflict exists when a Member would have a conflict or personal interest under the laws or policies of the entity which he or she represents on the Board, as if the same transaction were before that jurisdiction. A Member, who has a conflict, would withdraw from involvement in the transaction.

A Member, who is uncertain as to whether he or she has a conflict, may ask for an opinion from the General Counsel. As General Counsel, I would consult with the Member's jurisdictional counsel before rendering an opinion.

Adoption of amendments to the Rules of Procedure requires a majority vote of the Board pursuant to Rule 2.19.

I will be glad to answer any questions.

cc: David Robertson, Executive Director  
Nicole Hange, Policy Coordinator



## Amendment to Rules of Procedure

### ADD new Section 10.00 – CONFLICT OF INTEREST GUIDELINES

#### **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, members, 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**

It is the duty of each Board member 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 member shall withdraw from any further involvement in that transaction.

For purposes of COG transactions, a conflict of interest exists for a member when that member 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.

A member, 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 Chair of the Board, the President and the Executive Director of each opinion issued. The opinion may be relied upon by the member unless challenged by another member 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 members. Copies of all opinions shall be retained by the Executive Director, and made available to the Board upon request.

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 member 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 member, 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.

### **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**

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