

Northern Virginia Transportation Authority

DRAFT Summary Minutes
DECEMBER 6, 2007

**Fairfax City Hall
City Council Work Session Room
10455 Armstrong Street, Room 111 A&B
Fairfax, Virginia 22030**

Members
(those present are highlighted)

William Euille
Christopher Zimmerman, NVTA Chairman
Robert Lederer
Gerald E. Connolly
Daniel Maller (for David Snyder)
Scott K. York
Harry J. "Hal" Parrish, II
Bryan Polk
Martin Nohe, NVTA Vice Chairman
Jeannemarie Devolites Davis
Vincent F. Callahan, Jr.
Jeff Frederick
Judy Connally
Margaret E. G. Vanderhye
Matthew Tucker
Morteza Salehi

*Mayor, City of Alexandria
Arlington County Board;
Mayor, City of Fairfax
Chairman, Fairfax County Board of Supervisors
City Council Member, City of Falls Church
Chairman, Loudoun County Board of Supervisors
Vice Mayor, City of Manassas
Vice Mayor, City of Manassas Park
Vice Chairman, Prince William Board of County Supervisors
Virginia Senate, District 34
Virginia House of Delegates, District 34
Virginia House of Delegates, District 52
Governor's Appointee – CTB Member
Governor's Appointee
Director, VDRPT (non-voting member)
Director, No. Va. District, VDOT (non-voting member)*

Staff Present

Pam Martin

Administrative Assistant

Call to Order

Chairman Zimmerman called the meeting to order at 9:20 a.m. Chairman Zimmerman moved:

I hereby move that NVTA recess and go into closed session for discussion and consideration of the matters enumerated by Virginia Code Section 2.2.-3711- A.1, A.3, and A.7 as

Personnel matters related to the discussion, consideration and/or interviews of prospective candidates for employment or appointment.

Moved by Chairman Zimmerman and seconded by Vice-Chairman Nohe and carried unanimously, the Authority recessed for closed session.

The Meeting reconvened at 12:42 p.m. at which time Chairman Zimmerman moved and seconded by Vice-Chairman Nohe. The Motion carried unanimously.

I hereby move that NVTA certify that, to the best of its knowledge, only public business matters lawfully exempted from Virginia's opening meetings requirements and only public business matters that were identified in the motion by which closed session was convened were heard, discussed, or considered by NVTA during closed session.

Roll Call

The roll was called and members present or absent were noted for the record.

Approval of Minutes

Chairman Zimmerman moved approval of the minutes of November 8, 2007 meeting. The minutes were seconded by Chairman Connolly and were approved unanimously.

Item 4

Information item

Item 4.A

Approval to Release Initial NVTA Six Year Program for Public Comment

Mr. Tom Biesiadny (Chairman, Jurisdiction and Agency Coordinating Committee) stated that at the September 27, 2007, meeting NVTA authorized a Call for Projects for the first two-half years of the six year program. The deadline was November 9, 2007. NVTA received a number of project submissions from the various jurisdictions. A list was compiled and ranked based on the criteria that NVTA previously approved. He referred to materials in the agenda package. Mr. Biesiadny introduced Betsy Massie (PRTC) who gave an overview of the list of projects and how they were ranked. The projects total \$93 million in 2009 and 2010. Ms. Massie requested approval to release the list on the website for public comment prior to a January 10, 2008 public hearing. The action requested is to release a program for public comment and hold a public hearing in January before acting on the project list.

The motion was carried.

Item 4.B

Approval of Job Description and Solicitation of Chief Financial Officer

Mr. Biesiadny stated that the job description for the Chief Financial Officer was attached to the memorandum. It is the desire of the financial working group to work with local human resource staffs from the local jurisdictions to finalize the job description and being the recruitment process.

Motion carried unanimously

Item 4.C

Approval of Contract for NVTA Office Space

Mr. Biesiadny introduced Tamara Ashby (Arlington County) from the Organizational Working Group to review the comparisons of the various options for office space. After some discussion, the members agreed to execute a sublease with the City of Fairfax's

Innovation Center for space for up to two years within the limits of the approved NVTA start-up costs. An amendment to increase office space at the appropriate time was also offered for approval.

The motion was carried with Delegate Frederick voting nay.

Item 4.D

Approval of Charge for the Planning Coordination Advisory Committee

Mr. Biesiadny stated that this item was considered the NVTA at the July meeting and was deferred to allow for further discussion. Chairman Zimmerman requested that the NVTA move forward with the original recommendation and over the course of a year revisit and evaluate how it is working and make sure it is accomplishing the goals that NVTA intended.

Chairman Connolly moved for a substitute motion: that the members of the Northern Virginia Regional Commission (NVRC) be designated as the appropriate body for Planning Coordination Advisory Committee. Seconded by Delegate Frederick.

The substitute motion became the main motion and was approved unanimously.

The NVTA considered a clarifying motion: that members of the Planning Coordination Advisory Committee going forward the same as the duly constituted members of the NVRC.

The motion carried.

Item 4.E

Appointment of Members to the Technical Advisory Committee

Mr. Biesiadny stated that the Committee had received over 20 nominees. He also stated the requirements regarding the statute for this committee which consist of nine members, six of which will be appointed by NVTA and three appointed by the Secretary of Transportation. The Secretary of Transportation has requested that NVTA forward at least six names to him for his consideration.

Mr. Biesiadny distributed a recommendation that NVTA appoint:

Engin Artemel
Randy Boice
Jana Lynott
Christine Finnie
Robert Puentes
Christopher Tacinelli

as the six members of the Technical Advisory Committee.

After discussion, Chairman Connolly moved and Councilmember Maller seconded a motion to appoint the six recommended names to the Committee.

The motion to forward six names to the Secretary of Transportation was tabled.

Item 4.F

Approval of MOUs and Transient Occupancy Tax Collection Procedures in Certain Towns

Mr. Biesiadny requested that the authority approve the MOU requesting collection of the Transient Occupancy Tax in the towns in Loudoun and Prince William Counties. He stated that four towns collect their occupancy tax as oppose to the respective county collecting it for them. Financial Working Group staff sent agreements to those towns asking them to collect those taxes for NVTA. NVTA has not received any signed agreements. Mr. Biesiadny asked NVTA to authorize the form (attachment 1) of the MOU so if the towns choose to collect the tax the Chairman would be authorized to sign the MOU. For any town who has not executed the MOU by next week, staff sought authorization to proceed to collect the Transient Occupancy Tax (TOT) from the affected lodging establishments directly. (Motion for the approval of the MOU and to include correct language in paragraph 4).

The motion carried.

Mr. Biesiadny introduced Ellen Posner from the Council of Counsels to discuss TOT. She stated that all of the member jurisdictions have returned the MOU except for the Loudoun County. She requested that the Authority approve a motion authorizing NVTA to enter into an MOU with Loudoun County. The motion was:

I moved that NVTA approved and authorize the Chairman to execute a memorandum of understanding in a form substantially similar to the attached, and with such changes as may be approved by the Council of Counsels, with the Loudoun County Commissioner of the Revenue and the Loudoun County Treasurer to assess, bill, and collect NVTA's transient occupancy taxes in Loudoun County, and, in the alternative, in the event an acceptable memorandum of understanding cannot be agreed upon on or before December 14, 2007, then NVTA authorizes staff to implement measurers to directly bill and collect the NVTA transient occupancy tax in Loudoun County.

The motion carried. Entered into the record is the e-mail from the Clerk, Loudoun County agreeing to collect TOT as of January 1, 2008.

Item 5A

Legislative Program

Mr. Biesiadny stated that the draft legislative program for 2008 is based on the concepts that were reviewed by the Authority in September and November. Chairman Connolly requested the Authority oppose any legislation that would block or complicate collection of NVTA revenues. The motion to approve the draft legislative program and the substitute motion by Chairman Connolly were approved.

Motion carried with Delegate Frederick and Ms. Connally abstaining.

Item 5B

Deferred until the January 2008 meeting

Items 7 and 8

Item 7A – Proposed Meeting Schedule for 2008

Chairman Zimmerman requested that the Authority be prepared to approve the schedule at the January meeting.

Item 8A –

Mr. Biesiadny noted an email from Morteza Salehi, VDOT's Northern Virginia District Administrator, explaining changes to the Turkeycock slipramp into the I-395 High Occupancy Vehicle lanes.

Moved by Mr. Parrish:

Insert Motion

Closed session legal matters

Second Chairman York

Motion carried.

Other Matters

Chairman Connolly directed several questions to the Counsel of Councils regarding the VRE allocation of funds and statute regarding NVTA's role in disbursement of funds. Counsel of Councils advised the Authority on the statutory requirements for NVTA's disbursement of funds. After this discussion Chairman Zimmerman recessed for closed session.

Recess at 1:58 p.m. for closed session.

Delegate Frederick announced that for the January and February and possibly the March meetings that he will be in Richmond at the General Assembly.

The meeting reconvened at 2:11 p.m.

Motion made by Chairman Zimmerman and seconded by Chairman Connolly on legal matters:

Insert Motion

Adjournment

Chairman Zimmerman adjourned the meeting at 2:15 p.m.