



Northern Virginia Transportation Authority
The Authority for Transportation in Northern Virginia

GOVERNANCE AND PERSONNEL COMMITTEE

Thursday, October 8, 2020

5:30 PM

NVTA Offices

Meeting to be conducted on WebEx and Live Streamed via YouTube

AGENDA

- I. **Call to Order** Chair Randall
- II. **Approval of the Meeting Summary of the February 13, 2020 Meeting**
Recommended Action: Approval of Meeting Summary, with abstentions from those who were not present.

Action Items

- III. **Resolution Finding the Need to Conduct the October 8, 2020 Governance and Personnel Committee Meeting Electronically** NVTA Council of Counsels
Recommended Action: Adoption of Resolution
- IV. **Governance and Personnel Meeting Schedule** Ms. Sen, Financial Analyst
Recommended Action: Adoption of a 2020/21 Meeting Schedule

Discussion/Information

- V. **Recap of 2020 General Assembly Special Session (Verbal Report)** Ms. Baynard, MWC, LLC
- VI. **Preparation for the 2021 General Assembly Session** Ms. Backmon, Executive Director
Ms. Baynard, MWC, LLC

Closed Session
(If required.)

- VII. **Adjournment**

Next Meeting: November 12, 2020 at 5:30 PM
NVTA Offices



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GOVERNANCE AND PERSONNEL COMMITTEE

Thursday, February 13, 2020

5:30 PM

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MEETING SUMMARY

I. Call to Order

Chair Randall

- ✓ Chair Randall called the meeting to order at 5:35 PM.
- ✓ Attendees:
 - Members: Chair Randall; Mayor Wilson; Chair Wheeler;
 - Authority Members: Mayor Parrish;
 - Staff: Monica Backmon (Executive Director); Michael Longhi (CFO); Richard Stavros (Investment & Debt Manager); Peggy Teal (Assistant Finance Officer), Dev Priya Sen (Financial Analyst);
 - Other Attendees: Tracy Baynard (McGuireWoods Consulting LLC); Bob Brown (Loudoun County); Rich Roisman (Arlington County); Ellen Posner (Council of Counsels – Fairfax County); Steve MacIsaac (Council of Counsels – Arlington County, Rob Dickerson (Council of Counsels – Prince William County), Dan Goldfarb (NVTC); Zac Smith (NVTC); Jennifer Slesinger (City of Alexandria); Noelle Dominguez (Fairfax County).

II. Approval of Meeting Summary

- ✓ Chair Randall reviewed the minutes of the December 12, 2019, GPC meeting but did not vote and will be presented to the committee to vote during March 12, 2020 GPC meeting.

Discussion / Information Items

III. 2020 Legislative Update (Verbal Report)

Ms. Backmon, Executive Director

Ms. Baynard, McGuireWoods Consulting, LLC

- ✓ Chair Randall thanked and expressed appreciation for Ms. Baynard's for General Assembly updates regarding the ongoing legislative session and asked her to provide the GPC members with legislative updates.
- ✓ Ms. Baynard noted that there were two main Bills in the process:
 - ✓ HB 1414/SB 890– Administration Omnibus Bills
 - Provides \$30 million in funding for the Authority via an increase in the regional grantors tax \$.05/\$100. \$.10 goes to the Metro Capital Fund; \$.10 goes to the Authority.
 - In the Metro compact jurisdiction, there is 1% Transient Occupancy Tax (TOT) increase to maintain funding levels for the Metro Capital Fund.

- In the Non-Metro compact jurisdictions, (Prince William County, Manassas and Manassas Park) the revenues are to be used by those localities in the following manner:
 - Two-thirds to be used for public transportation purposes.
 - One-third to be used for transportation purposes
 - ✓ HB 729 – Restore funding to the Authority:
 - Provides \$70 million in funding to the Authority.
 - Increases the regional grantors tax \$.05/\$100. \$.10 goes to the Metro Capital Fund; \$.10 goes to the Authority.
 - Increases the regional transient occupancy tax by 1% to make sure funding is provided for the Metro Capital Fund and to provide funding for Prince William County, Manassas and Manassas Park.
 - Dedicates \$40 million in state recordation taxes raised in Northern Virginia to the Authority.
 - ✓ Chair Randall and Ms. Baynard discussed the SB1716 revenue (I-81) receipts to date. Ms. Baynard updated the Committee by informing that Deputy Secretary Lawson is looking into the SB1716 revenue.
 - ✓ Chair Randall inquired whether Delegate Watt's bill includes funding to the Authority as provided in SB1716 (I-81). Ms. Baynard responded no, stating that the funding from SB1716 added to the funding proposed in Delegate Watt's bill, will result in a total restoration of \$90 million to the Authority.
 - ✓ Ms. Baynard informed that Senate Finance Committee is taking action on Budget Amendments on the evening February 16th, 2020.
 - ✓ Ms. Baynard discussed the Senate version of the Governor's Omnibus Bill mentioning the gas tax increase. She further added that the funding portion of HB729 moved fast and most of the Delegates of Northern Virginia signed in favor of Bill.
 - ✓ Chair Randall asked if protective language in regards to Authority revenues, would be part of the Bill.
 - ✓ Ms. Baynard responded that for now, the Speaker's goal is to focus on funding, noting that the issue of protective language could be incorporated at a later time.
 - ✓ She added that the protective language is not only about the Authority, adding that regions like Hampton Roads, Central Virginia and I-81, could build a coalition to seek protective language to safeguard the regional funds.
 - ✓ Chair Randall inquired about the safety provisions in the Bill, to which Ms. Baynard responded that the safety provisions advanced by the House and Senate include the following:
 - Lower speed limit in some commercial and local areas
 - Open alcohol container restrictions
 - A handheld Bill (could be standalone)
 - A seatbelt Bill (could be standalone)
 - ✓ Chair Randall strongly encouraged all to support Delegate Watt's bill, noting that Authority members need to make contact with their Delegates and Senators and communicate support.
- Ms. Backmon presented the financial analysis of the Bills showing NVT A estimates what each locality would receive.

Closed Session
(Personnel Matter)

Chair Randall

A motion was made by Chair Randall to enter closed session as authorized by Virginia Code Section 2.2-3711.A.1, for the purpose of discussing the Executive Director's annual performance review.

Motion made by Chair Randall, seconded by Mayor Wilson, and approved unanimously. (Entered closed session at 6:03 PM).

Chair Randall made a motion to reconvene from the closed session noting only matters lawfully exempted from the open meeting requirements under Chapter 37, Title 2.2 of the Code of Virginia and only those matters as were identified in the Motion by which the closed session was convened were heard, discussed or considered by the Committee.

Motion made by Chair Randall, seconded by Mayor Wilson and approved unanimously. (Reconvened from closed session at 6:30 PM)

IV. Adjournment: 6:31 PM

Next Scheduled Meeting: October 8, 2020 at 5:30 PM
NVTA Offices

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY
GOVERNANCE AND PERSONNEL COMMITTEE
RESOLUTION FINDING NEED TO CONDUCT
OCTOBER 8, 2020 MEETING ELECTRONICALLY

October 8, 2020

WHEREAS, on March 12, 2020, the Governor of Virginia declared a state of emergency in Virginia in response to the spread of novel coronavirus, or COVID-19, a communicable disease of public health threat as so declared by the State Health Commissioner on February 7, 2020 (“COVID-19”); and

WHEREAS, in subsequent Executive Orders, particularly Executive Order Nos. 53 and 55, as amended, the Governor of Virginia, among other measures designed to ensure safe physical distancing between individuals, prohibited public and private in person gatherings of 10 or more individuals and ordered all individuals in Virginia to remain at their place of residence, with limited exceptions, to mitigate the impacts of COVID-19 and prevent its spread; and

WHEREAS, the Northern Virginia Transportation Authority (Authority) – Governance and Personnel Committee (Committee) finds that it has a responsibility to demonstrate to the public, through the Committee’s conduct, the importance of maintaining proper physical distance from others and to avoid gathering in public where the risks of infection are highest, and to take measures that promote physical distancing in order to protect the public health and mitigate the impacts and spread of COVID-19, including, among others, conducting meetings electronically whenever possible; and

WHEREAS, on April 22, 2020, the Virginia General Assembly adopted, and the Governor signed, budget bill amendments to HB 29 that expressly authorize “any public body, including any state, local, [or] regional body” to “meet by electronic communication means without a quorum of the public body . . . physically assembled at one location when the Governor has declared a state of emergency . . . , provided that (i) the nature of the declared emergency makes it impracticable or unsafe for the public body . . . to assemble in a single location; (ii) the purpose of the meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body . . . and the discharge of its lawful purposes, duties, and responsibilities” among other provisions; and

WHEREAS, member jurisdictions of the Northern Virginia Transportation Authority have adopted continuity of government ordinances pursuant to Va. Code Ann. § 15.2-1413 which ordinances, among other provisions, contemplate regional bodies of which the locality is a member meeting electronically to transact business to assure the continuity of government; and

NOW, THEREFORE, BE IT RESOLVED, that the Northern Virginia Transportation Authority Governance and Personnel Committee hereby finds that meeting by electronic means is authorized because the nature of the declared emergency makes it both impracticable and unsafe for the Committee to assemble in a single location on October 8, 2020, to discuss and transact the business of the Committee listed on the October 8, 2020, Governance and Personnel Committee Agenda; and

BE IT FURTHER RESOLVED, that the Committee hereby finds that meeting by electronic means is authorized because the items on the October 8, 2020, Governance and Personnel Committee Meeting Agenda are statutorily required or necessary to continue operations of the Authority and the discharge of the Authority's lawful purposes, duties, and responsibilities; and

BE IT FURTHER RESOLVED, that the items on the October 8, 2020, Governance and Personnel Committee Meeting Agenda are encompassed within the continuity of operations ordinances adopted by member localities of the Northern Virginia Transportation Authority to assure the continued operation of the government during the disaster posed by the public health emergency resulting from COVID-19.

Adopted on the 8th day of October, 2020.

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

MEMORANDUM

TO: Chair Phyllis J. Randall and Committee Members
NVTa Governance and Personnel Committee

FROM: Dev Priya Sen, Financial Analyst

DATE: September 16, 2020

SUBJECT: Governance and Personnel Committee Meeting Schedule for the next 12 months

- 1. Purpose.** Determine a Northern Virginia Transportation Authority (NVTa) Governance and Personnel Committee (GPC) meeting schedule for the next 12 months.
- 2. Suggested motion.** *I move the Governance and Personnel Committee adopt the proposed meeting schedule with any amendments from the October 8, 2020 meeting.*
- 3. Background.**
 - a. The GPC typically meets 1.5 hours prior to the monthly Authority meeting (5:30PM).
 - b. Previously, additional meetings have been called, as required, to discuss General Assembly matters.
 - c. Meetings without Action Items, or time sensitive Discussion Items are typically cancelled.
- 4. Meeting Options.** The following table provides the dates for consideration by the Committee.

Month	Thursday	Time	Notes
November	Nov. 12, 2020	5:30 PM	GA Pre-Filing Bills
December	Dec. 10, 2020	5:30 PM	
January	Jan. 14, 2021	5:30 PM	GA Convenes
February	Feb. 11, 2021	5:30 PM	
March	Mar. 11, 2021	5:30 PM	Sine Die
April	Apr. 8, 2021	5:30 PM	Reconvened Session
May	May 13, 2021	5:30 PM	If needed
June	Jun. 10, 2021	5:30 PM	If needed
July	July 8, 2021	5:30 PM	If needed
August	Aug. 12, 2021	5:30 PM	If needed
September	Sep. 9, 2021	5:30 PM	If needed
October	Oct. 14, 2021	5:30 PM	If needed

Update on Virginia General Assembly Special Session and Preview to 2021 Regular Session



Northern Virginia Transportation Authority

Ms. Baynard, MWC, LLC

October 8, 2020



How We Got Here – 2020 Regular Session

- Authority and stakeholders succeeded in restoring another \$50 million in dedicated revenue for Northern Virginia transportation needs
 - \$20 million each year in state revenues from the Commonwealth Transportation Fund via the Northern Virginia Transportation District Fund
 - \$.10/\$100 regional grantors tax
 - 1% increase in the regional transient occupancy tax (TOT) for the Metro Capital Fund, Prince William County, Manassas and Manassas Park to make up for a \$.05/\$100 reduction in their regional grantors tax
 - Then the global pandemic hit and the economy slowed



How We Got Here – 2020 Regular Session Veto Session

- In recognition of the hard hit hospitality industry, the administration and General Assembly decided to delay all increases in TOT approved during the special session
- This delays full implementation of the Authority's replacement funding.
- As a result of action at the Veto Session
 - July 1, 2020 \$20 million from Commonwealth Transportation Fund starts
 - July 1, 2020 \$.05 new regional grantors tax for Authority starts
 - May 1, 2021
 - \$.10 new regional grantors tax for Authority starts
 - \$.10 reduced regional grantors tax for Metro Capital Fund starts
 - \$.10 reduced regional grantors tax for Prince William, Manassas and Manassas Park starts
 - 3% increased regional TOT starts for Metro Capital Fund, Prince William, Manassas and Manassas Park



2020 General Assembly Special Session Transportation Focused Matters

- The Governor proposed several language amendments that provide flexibility for VDOT and DRPT to maintain schedules for projects in FY 21-22 by
 - Using money programmed in the Revenue Sharing Program and other programs not needed until later years in the Six Year Program
 - The language does not change anything for the Authority's \$20 million from the Commonwealth Transportation Fund or the timing of the grantors and TOT changes made at the Veto Session
 - No project will be delayed due to this reprogramming and deadlines set for replacing money
 - Specific mention to making sure transit operating funds and the state's PRIIA match are available
- The House of Delegates approved additional language amendments:
 - Requires reports back to the General Assembly on funding actions planned and taken and results of actions taken to make changes at the project level of detail;
 - Prohibits the Commonwealth Transportation Board from taking action to change project allocations at the same meeting where they are proposed
 - Permits any joint meetings of public entities to be held remotely during a state of emergency for a health pandemic, i.e. the joint public meeting held by the Authority, NVTC, VRE and VDOT



What's Next – the 2021 Regular Session

- This is a short session starting January 13, 2021
- COVID-19 will continue to dominate matters
 - Revenue impact for state and local governments
 - Assistance needed for individuals and companies
 - Healthcare response
- Economic Recovery
 - Reluctance to increase taxes
 - Government assistance to keep people working
 - Replenish the unemployment fund
- Criminal Justice Reforms
- Racial and Economic Equality Initiatives
- 2021 is an election year for the House of Delegates and statewide offices



Proposed 2021 Focus Areas for the Authority

- Protect dedicated revenues including gains achieved in 2019 and 2020
 - State of the economy may make delaying TOT increase attractive and make any additional tax increases less feasible
 - Determine if 2019 interstate highway revenue sources have stabilized and become predictable within context of pandemic
- Protect Authority's ability to meet its mission
 - Conflicts from local projects is prompting citizens to attack the Authority's powers and constitutionality
 - Citizen outreach to state legislators complaining about actions the Authority has taken to fund local projects
- Support Authority members if needed regarding implementation of Six Year Program funding allocation and flexibility

As of 9-15-20

2021 Virginia General Assembly Schedule and Key Dates

July 20, 2020	Bill prefiling period begins
November 30, 2020 5:00 pm	Last day to submit request to draft legislation to Legislative Services for a prefiled bill
December 3, 2020 Midnight	Last day for committees to act on legislation from the 2020 General Assembly session
December 16, 2020	Governor presents revenue forecast and budget
December 31, 2020 Midnight	Deadline for staff to return draft prefiled bills for review
January 8, 2021 5:00 pm	Last day to request Legislative Services redraft a prefiled bill
January 12, 2021 Noon	Staff will have all redrafts for prefiled bills available
January 13, 2021 10:00 am	Bill prefiling period ends
January 13, 2021 Noon	General Assembly Session Convenes
<i>In session calendar deadlines determined on first day of session</i>	
February 27, 2021	General Assembly Session Adjourns