



NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

The Authority for Transportation in Northern Virginia

MEETING MINUTES

Thursday, December 12, 2013

5:00 pm

3060 Williams Drive (Ste 510), Fairfax, VA 22031

Work Session

VDOT Project Selection Model (PSM)

Chairman Nohe welcomed everyone to the work session. He explained that, although not a formal alternate for Mr. Garczykinski, Ms. Fisher's experience is helpful in Mr. Garczykinski's absence. He invited Mr. Srikanth to explain the VDOT Project Selection Model.

Mr. Srikanth presented the VDOT Project Selection Model for the Evaluation and Rating of Significant Transportation Projects in NoVA. [Note: Presentation slides are incorporated into the record.] At the conclusion of his briefing, Mr. Srikanth recommended the Blended Rating method as the best approach to project selection weights.

Ms. Rishell noted that in the chart comparing the weighted results from the stakeholder meetings regarding the rating methods, the percentages did not add to 100. Mr. Srikanth responded that they would double check the numbers.

Following the briefing, a robust discussion ensued. Key points:

- Delegate Rust commented that he had questions about this study and VDOT gave him a telephone briefing and he feels like he understands now. He stated that he supports the method chosen.
- Chairman Nohe stated that in this work session, NVTA is looking for concurrence because final approval will come from CTB. Mr. Srikanth confirmed that this is correct.
- Mr. Zimmerman wondered if the amount of attention and effort that went into this analysis were simply focused on developing the model to do the actual rating and not unnecessarily screening the projects that would go into the rating. This is a rating exercise to get to a rating exercise. Meanwhile we have been collecting taxes since July. We should be planning projects; we should be moving ahead; we should be building things with the tax money we are collecting. We are going through an exercise only because of the unnecessary decision to filter what things go through the evaluations required. Instead of treating it as a minimum, it is being treated as a maximum. We have a backlog of over 200 projects. It would be simpler to get to a list of projects to be rated without going through all this and just doing the ones we

need to do and focus on the actual rating and not have a whole public choice process figured out for selecting the ones we will then have to rate.

- Senator Ebbin stated he was confused by Mr. Zimmerman's comments because this is the rating process based on a process we have been going through. This is not a rating process for a rating process. All projects will go through and that is what has been developed.
- Mr. Zimmerman responded there is a requirement to do an evaluation of congestion and now we have to go through a whole exercise to decide what 25 or 30 projects are going to go through that exercise. That is what he is suggesting is unnecessary.
- Mrs. Cuervo responded that this is a screening process. Ultimately VDOT will do a high-level rating process and there will be an interim rating this summer, but there has to be a screening process to know whether a project meets the letter of the law and it is a number system that is a rating of sorts.
- Mr. Zimmerman replied that the law does not require VDOT to limit the number of projects evaluated. Mrs. Cuervo responded that the time does.
- Mr. Zimmerman suggested that if you build the model to do this, there is no reason that if you can do 30, you can't do 40 or 50 or 60. If the same amount of effort that has gone into this was put into the model itself and the work that is necessary, it would have been a lot easier and you could have just asked us which ones to put through. Since NVTA has done its own rating process, we have ratings we have been doing for years now, developing much the way that VDOT has now had to develop a new process. It is an unnecessary step that has been interjected that is making this more complicated and more time consuming and of questionable value when we could have much more easily moved projects through evaluation.
- Mayor Parrish commented that he did not agree; that we needed to do this. It is the model that now is set up that we can use for a long time. He added it also shows that we have looked, not just at the individual municipalities' recommendations, but we have taken them all and run them through the model. Mr. Zimmerman responded that that is what NVTA does with our own regional plan.
- Mayor Parrish responded this is much more thorough than what he understands NVTA did before. This is a necessary step to be part of the transparency that we are going to be scrutinized for and will show that we have done what we are supposed to do to pick the projects. Mayor Parrish stated this is a good exercise.
- Chairman York requested clarification that this is for the 70 percent money, not the 30 percent money. It was confirmed that that is correct.
- Mayor Parrish clarified that his point about the municipalities is that each municipality, his included, has a vested interest and this sorts it out, in his opinion. Mr. Zimmerman responded that this is why NVTA has a regional process and has also brought in outside national consultants to help design something to evaluate all those, so it was not just what individual municipalities wanted. So we ran that exercise; we have that data. We have been doing that. We are actually required by law to do it and so you [VDOT] are interjecting one more step before these two other ones and he does not see how that adds to transparency, quite the contrary. He added he does not see how it improves the quality of the outcome; it just slows things down some more and makes it more confusing for everybody.

- Mayor Foreman asked when the NVTA is going to accept the submissions for the next round of projects. Ms. Backmon responded that on the agenda tonight is for the Authority to approve the call for projects. Once the call for projects is approved, then the Authority can start accepting projects, with a due date of January 31 of next year. That gives the Authority enough time to receive the projects, vet the projects, and have the Authority sign off on the projects that the Authority would like to advance forward prior to CTB action.
- Chairman Nohe clarified that counties, cities, towns and transit authorities submit projects to the NVTA and the NVTA will then present a package to VDOT. CTB will also have a list of projects. It will be the CTB and the NVTA that submit lists. Individual jurisdictions cannot submit projects to VDOT. Counties, cities, towns and transit agencies filter their requests through us [NVTA].
- Chairman Nohe added that counties, cities, towns will submit their lists and those lists will be filtered down through this process. As an Authority we can decide we don't like some things and may not pass everything on to VDOT.
- Mr. Zimmerman stated that NVTA has been running its own model and own system for this. Those projects that came out then went into our first year's funding. Going forward, do we throw all that out? We assumed we were then going to work on the next set of projects that were within that and put them forward. We knew there would be this requirement for this congestion evaluation on top of that, so projects go through that. Now we have another screening system. Are we going to do all of them? Means there are these multiple steps. Or do we abandon the NVTA process, which I don't think we legally can because I think we are actually legally required to do it. But, if we do that we are stepping away from the regional body that was set up to do this kind of thing and are handing it back to VDOT to do all the evaluation and funding of projects. He added that an evaluation technique is being used to usurp a process was carefully set up over a lot of years, that is established in statute and for which the region and the state have invested a lot of resources over the last more than decade now. Will have to figure out does this make sense to do or do we abandon or do something different. As a result of this we are now delayed and are now out of step with another step in the process because transportation projects are vetted many times and so the region-wide process that the feds require and the Constrained Long Range Plan, the conforming analysis that has to be done has a deadline that we are now not going to make. So, we are all held up behind this and these projects are in fact being delayed beyond their schedule and deadlines in order to do this whole rigmarole.
- Mr. Srikanth added that the process presented today, with the scoring system, will be made available to the members of the NVTA and their staffs. So the projects you will be receiving from your member jurisdictions in the call for projects, as you receive those projects you will be able to assess which of those projects will meet any of the criteria and you could package them and submit them to VDOT. The process that VDOT is selecting is not a black box; it is made available to you and the CTB, using the exact same process for selecting the projects from the larger group of projects you provide. Also, there is a constraint of time and resources as to how many projects we can quickly analyze and provide a rating that will withstand the scrutiny of the law. The projects that we get, if they are consistent with these eleven criteria, we will

come back to the NVTa and say, for example, 50 projects will do well, but we have only the ability to only analyze 30. We will come back NVTa and say we can analyze all 50 projects, but in this round, in the next 9 months, we can do 30. Please tell us which 30 we should do and we will do it. VDOT will not be selecting them. NVTa will select which 30 and the other 20 will be analyzed the next time the study is redone. The projects the NVTa provides, whether 50 or 200, we will have to go through system once, evaluate to make sure no legal challenges that say you should not analyze this project. It could be a one-time process; it could be a repetitive process that is entirely up to the NVTa and CTB.

Chairman Nohe summed up the work session discussion. He recognized Mr. Zimmerman's concerns and that there are concerns with the process. He noted, however, that the process is moving forward and that VDOT is looking for consensus from the Authority with respect to the appropriate weighting method.

Chairman Nohe stated that, given the decision that the CTB has made and objections to the entire process notwithstanding, the Blended Method is the consensus.

Business Meeting

I. Call to Order Chairman Nohe

- Chairman Nohe called the meeting to order at 5:54pm.

II. Roll Call Ms. Speer, Clerk

- Voting Members: Chairman Nohe; Mayor Euille; Board Member Zimmerman; Chairman York; Chairman Bulova; Mayor Parrish; Mayor Silverthorne; Council Member Rishell; Council Member Snyder (arrived 6:28pm); Senator Ebbin (arrived 5:57pm); Delegate Rust; Ms. Bushue.
- Non-Voting Members: Mayor Foreman; Mrs. Cuervo; Mr. Page.
- Staff: John Mason (Interim Executive Director); Michael Longhi (CFO); Camela Speer (Clerk); various jurisdictional staff.
- Guest: Ms. Fisher.

III. Minutes of the October 24, 2013 Meeting

- Chairman York moved to approve the minutes of October 24, 2013; seconded by Mayor Parrish. Motion carried with nine (9) yeas (with Mayor Euille abstaining as he was not at the October meeting).

Action Items

IV. MOA between NVTa and Counties/Cities Chair Euille, FWG

- Mr. Biesiandy introduced the MOA between NVTA and counties/cities. He stated that the Financial Working Group (FWG) and the Legal Working Group (LWG) have been working for several months to put this document together. The document allows for the transfer of the 30 percent money to the nine local governments, sets forth the procedures for how that will happen and sets forth the procedures for the payment of NVTA's administrative expenses.
- Mayor Euille moved to approve the Memorandum of Agreement (MOA) between NVTA and each city and county for distribution of the 30 percent funding that NVTA is allocating to the jurisdictions; seconded by Chairman York. Motion carried unanimously.

V. MOA between Counties and Towns

Chair Euille, FWG

(Senator Ebbin arrived.)

- Mr. Biesiandy introduced the MOA between counties and towns. He stated this is a very related item. This document is the MOA between the three counties that have towns above 3,500 in population and those five towns, so there will be five individual agreements. NVTA will be party to all of those agreements. The three counties will be party to the appropriate agreement related to the towns. It sets forth the procedures to transfer the money that is generated in towns back to the towns for transportation projects within those five towns.
- Chairman Nohe stated this is a relationship between counties and towns and clarified the reasons NVTA is doing this MOA.
 - ✓ The money passes through this body. NVTA has a moral and legal obligation to ensure that every penny is properly accounted for.
 - ✓ This is not granting to the Authority any ability to reject or withhold funds from either the counties or the towns, merely to ensure that an agreed upon system of administration is in place so that when we are audited we can account for every penny.
- Mr. Biesiandy added that HB2313 specifically says the Authority and the cities and counties have a responsibility to make sure that the towns get their fair share, the proportion of the revenue that is attributable to them. This sets out a uniform process so that all five towns are treated uniformly across the region.
- Chairman Nohe commented that there needs to be a step in the process so that the county can review town projects to ensure that they are appropriate transportation projects, therefore not non-transportation projects that would cause the loss of 30 percent money. He asked if there is anything in the agreement that would allow a county board of supervisors to deny a town access to its share of the funds or reject its ability to use them. Mr. Biesiandy responded that it [the agreement] does not allow for this. It does allow that if a particular town were proposing a project that did not qualify under that

statute, for example something that is a non-transportation purpose, then the county would not fund that. As long as it complies with the statute, it does not give the county the right to say, project A is a good project and project B is not a good project.

- Chairman Nohe asked if there is anything in the agreement that prevents counties and towns from entering into a one-on-one agreement to resolve issues like whether payment comes in form of a check, or reimbursement or electronic transfer, that's between the finance directors. Mr. Biesiadny responded that there is flexibility in the agreement to allow that to happen differently in different counties and towns.
- Delegate Rust stated that money is to flow back into the towns based on money generated in the towns. He asked how that was determined. Mr. Biesiadny replied:
 - ✓ Grantor's tax. Based on where properties are located. If payment is being made on property in a town, revenue goes back to town.
 - ✓ Transient occupancy tax. Based on location of the hotel or motel.
 - ✓ Sales tax. Based on school age population, which is the requirement for distributing sales tax in the counties, in the State code. We did not create a new formula, we used the same formula for the basic sales tax.
- Mr. York asked who is judging the towns to make sure they are appropriately spending the money for the right projects. Mr. Biesiadny responded that it is the county's responsibility to ensure that those dollars meet the requirements. It is also NVTA's responsibility to meet the requirements that are set out in the code. The code gives that responsibility jointly to both groups.
- Mr. York stated that under the proposed MOA, if a county judges that a project is not qualified and the town judges it is qualified, who makes the ultimate determination. Mr. Biesiadny answered that the MOA sets up a provision that if there is a disagreement, the county and the town can come to NVTA with disagreement and NVTA can provide assistance in resolving disagreement.
- Mr. York, on behalf of the towns, commented that we (as a county) had a few comments regarding both MOAs and thanked everyone for massaging the agreements to help Loudoun. The towns had requested in item 7.D. of agreement to insert language after the first sentence ending in Chapter 766, the following words:

“Further, the county x determination of qualification for all qualifying town x projects is solely determined through Chapter 766 statutory and technical legal review and criteria.”

He stated it was his understanding is that staff did not concur with this. He asked what the objection to this wording was, because the towns were asking for it to be incorporated.
- Ms. Posner commented that it may be superfluous to the last sentence, but it is not harmful to put it back in. Mr. Biesiadny added that from a technical perspective, there was no objection.
- Mayor Foreman commented that he liked the language.

- Mr. York added that he has heard from his two towns and they want the language in.
- Chairman Nohe summarized that what Loudoun is trying to do is put a box around the rules that can be used to make the final determination and eliminate the possibility, in the most extreme case, to say “Yes, it’s a transportation project, but I don’t like it.”
- Chairman Bulova added it eliminates the subjectivity.
- Mr. York replied, given the scenario discussed earlier, this says the towns have the right to use their money based on 766 and do not need the county’s approval. Mr. York stated that when the motion was made, he would request that it be amended to include proposed wording.
- Mayor Euille moved, and Chairman York seconded, a motion to approve the Memorandum of Agreement (MOA) between NVTa, the counties and appropriate towns for distribution of the 30 percent funding that NVTa is allocating to include adding the sentence (in Section 7.D following initial sentence, page 12 of draft) “Further, the COUNTY X determination of qualifying TOWN X projects is solely determined through Chapter 766 statutory and technical legal review and criteria.”
- Mayor Foreman asked for an interpretation as to when towns would get funding after a project has been approved by town and county. He asked if this would be worked out individually with county and will it be by project or by reimbursement. Can they manage their own funds? Mr. Biesiadny answered that the way it is set up, counties will receive funding from the Authority on a monthly basis. When counties receive that money, they will allocate the town’s share of that money to a separate account at the county. That will be done the same day, or shortly thereafter, on a monthly basis. It is set up as a reimbursement basis. The towns spend the money, send the bill to the county. The county commits to send the money back within 30 days and make best effort to send money back within 20 days so that towns will have the money to pay the bill, if they need it.
- Motion carried unanimously.

VI. Resolution 14-06: Interim Procurement Policy Chair Euille, FWG

- Mr. Biesiadny briefed the Authority on Resolution 14-06: Establishing Guidelines for Executive Director’s Financial and Procurement Authority. He stated that in 2008 when NVTa was implementing HB3202 the Authority put in place some interim procurement procedures. Subsequent to that action there have been changes to the public procurement code and changes in practice, therefore a revision is necessary. He added that when NVTa has a permanent executive director and a full complement of financial staff, they may ask for additional revisions. This interim revision is being requested to allow NVTa to continue to pay its bills based on the current public procurement act. Mr. Biesiadny stated that the changes presented reflect those

recommendations. Procurement staffs from the various local governments were involved in reviewing this and their suggestions have been incorporated. It has been reviewed not only by the FWG, but also by the procurement staffs at the local governments.

- Mayor Euille moved to approve the Resolution 14-06: Establishing Guidelines for Executive Director's Financial and Procurement Authority; seconded by Chairman York. Motion carried unanimously.

VII. Debt Policy

Chair Euille, FWG

- Mr. Biesiadny briefed the Authority on the proposed debt policy. He reviewed that in 2008 the Authority adopted a debt policy in anticipation that the Authority would be selling bonds with the funding being supported by HB3202. Since the bill was overturned by the Supreme Court, the debt policy was never officially implemented. He stated that in the past six years there have been changes in policies and procedures and significant changes in the financial market. As a result, the FWG has presented a revised debt policy document, prepared by Public Financial Group (PFM), the Authority's financial advisor. It has also been reviewed by the Authority's bond counsel and the FWG, which includes debt managers from the local governments. These changes are recommended to the Authority. He added that later in the meeting the Authority would be briefed on a financial strategy to move forward and part of that financial strategy is to update the debt policy.
- Mayor Euille moved to approve the debt policy; seconded by Mr. Zimmerman.
- Delegate Rust stated the debt policy recommends the minimum revenue to debt service coverage ratio is 2.0 times debt service. This factor is believed to be the minimum necessary to achieve an investment grade rating from a start-up credit. Delegate Rust asked if we should go higher than that to get a better grade. Ms. Carter responded that the ratio was discussed with the FWG and a subcommittee of debt managers in the region. The conclusion was that in order to get to a minimum of a AA category rating that two times was the right number. Anything higher than that would not necessarily lead to a higher rating category. It was a combination of those factors that led to the two times conclusion.
- Delegate Rust asked for clarification that bumping this up would not get us up to a AA plus or AAA. Ms. Carter responded it would not. Delegate Rust commented that it makes no difference then as long as it's a minimum. Ms. Carter confirmed it is.
- Chairman Nohe summarized that AA is as high as is realistic for a brand new organization that is not a jurisdiction. AAA is not within our grasp any time soon. Ms. Carter responded that at the moment it is not, but added that given the underlying strength of the member jurisdictions and the Northern Virginia

economy, a AA credit to start out is quite lofty. There are many start-up credits who would not even begin to think about the AA category. This is a solid start and maybe someday AAA.

- Motion carried unanimously.

VIII. NVT A Six Year Program Call for Projects Mr. Zimmerman, Chair, PIWG

- Mr. Zimmerman briefed the Authority that this is the call for projects that will go into effect now with an ultimate deadline of January 31, 2014. He noted that a timeline showing the other related things, including the VDOT rating procedure, is included in the meeting packet, as well as the sample form which is similar to last time. He added that this is pretty much the same process everyone is familiar with from the spring. Mr. Zimmerman explained that the six year program does not mean we are doing six years. It is a portion of six years, which is basically half of it. It is actually two and one-half years because we are already into one year and it is the remainder plus the next biennium.
- Mr. Zimmerman moved to approve the Call for Projects for the first three years of the Northern Virginia Transportation Authority Fiscal Year 2014 – 2019 Six Year Program; seconded by Mr. York. Motion carried unanimously.

IX. Loudoun County CMAQ/RSTP Reallocation Ms. Backmon, Chair, JACC

- Chairman York moved to approve Loudoun County’s Regional Surface Transportation Program (RSTP) and Congestion Mitigation Air Quality (CMAQ) funds; seconded by Mayor Parrish. Motion carried unanimously.

X. FY20 CMAQ RSTP Strawman Ms. Backmon, Chair, JACC

- Ms. Backmon briefed the Authority on the Strawman that the JACC is recommending for FY20 for CMAQ and RSTP funds. It is an estimate based on FY19 funds, for which we really don’t receive the actual numbers until the early spring. It is a total of \$71,434,866. Ms. Backmon [on behalf of the JACC] asked approval.
- Chairman Nohe clarified that the JACC is asking approval on this Strawman as a starting point. It will be marked up and then will come back to the Authority for approval of final package. Ms. Backmon responded that if the Authority gives approval now and there are no major changes, the JACC will make changes and notify the Authority. If there are major changes, will ask the Authority to approve any major changes.
- Chairman Nohe asked that since this is the process we have had for years, is it the vision that this will eventually be rolled into the development of an ongoing Six Year Plan, along with HB2313, or do we think this is going to continue to stand alone. Ms. Backmon answered that we think this will

continue to stand alone because these are Federal funds that we have to program into the CLRP and the TIP and are separate from HB2313 funds. However, projects can be funded with both.

- Chairman Nohe confirmed that while we are still creating processes in our HB2313 plan, as we move forward in our long range planning we are looking for opportunities to use RSTP and CMAQ funds in conjunction with HB2313 funds. Ms. Backmon responded affirmatively.
- Chairman York moved to approve the proposed list of projects for funding for FY20 CMAQ program and the Regional RSTP; seconded by Chairman Bulova. Motion carried unanimously.

XI. Legislative Program – 2014

Ms. Dominguez, Legislative Liaison

- Ms. Dominguez briefed the Authority on the changes to the state and federal legislative program since it was presented to the Authority in October. She noted the changes.
 - ✓ Previous draft said NVTa is in the middle of a bond validation hearing. Now says the Court ruled in NVTa's favor.
 - ✓ Language change in regard to state transit funding. Many have discussed the transit/TSDAC formulas in individual jurisdictions. This language is similar to what similar regional agencies and jurisdictions have included.
 - ✓ Addition of language regarding the Federal Marketplace Fairness Act. The reason that this has been included is because HB2313 says that if Congress enacts the Marketplace Fairness Act, which is essentially internet taxation, those funds will flow primarily to the construction and transit formulas at the State. If that does not pass by January 1, 2015, instead the gas tax will increase by 1.6 percent, but those funds will primarily flow towards maintenance. Historically, Northern Virginia has received about 15 percent of statewide maintenance funds. We do significantly better with construction, generally about 30-35 percent of construction and about 70-75 percent of transit. So, the genesis for including this language is that the formulas under Marketplace Fairness would probably be more beneficial to Northern Virginia.
 - ✓ Chairman Nohe noted for the record that he is an officer of a Virginia corporation which is a 'brick and mortar' retailer that collects Virginia sales tax and which faces competition from internet retailers that do not collect Virginia sales tax, although he does not believe that this fact creates a conflict of interest that would prevent him from voting affirmatively for this resolution.
 - ✓ Chairman Nohe added that the law is not a tax on the internet. It would merely tax those retail transactions which take place over the internet which would be subject to state sales tax when transacted at a 'brick and mortar' retailer. Ms. Dominguez clarified that if a store makes internet sales and has a location in Virginia, taxes are paid. This is more for stores not in Virginia, when we buy from them.

- ✓ Mr. Zimmerman acknowledged that the sales tax that would be collected under the 'Marketplace Fairness Act' is sales tax that is already owed under existing law, but is rarely, if ever, collected.
- Chairman Nohe clarified that the overriding message is that we are endorsing HB2313 in its current form. We are explicitly not seeking changes to HB2313, in particular, no changes to the Northern Virginia component. This is because we have developed systems and processes based on the current legislation. If you change the legislation, we have to change our processes; would rather spend our time building roads. Ms. Dominguez responded by quoting the section of the Legislative Program that addresses this, “NVTA initiated a bond validation proceeding related to the regional funds to test the validity of the bonds, processes, and authorizing statute. The Fairfax County Circuit Court ruled in NVTA’s favor on all matters. It is imperative that no changes be made to the Northern Virginia portions of HB 2313 or to the code sections specifically related to NVTA, as it begins implementing these new funding provisions.”
- Delegate Rust stated he thought he had seen a statement that the legal case had been appealed and asked the status. Ms. Posner responded that Delegate Marshall filed an untimely notice of appeal. He did not file a petition for appeal with the Supreme Court. As of today, there is not a petition for appeal pending. The Authority’s lawyers are taking care of the housekeeping matter, which is the untimely notice of appeal within the framework of the Circuit Court. There is not a timely appeal pending and there is not a petition for appeal in the Supreme Court of Virginia.
- Delegate Rust asked if the deadline has passed. Chairman Nohe answered that there is a 15 day window and his appeal was filed in 21 days, or something like that. Ms. Posner responded it was more like 28 days. She pointed out that under that same statute, you have to file a petition for appeal with Virginia Supreme Court within 30 days from the final order. The final order was entered October 11, 2013. To date, there is no petition for appeal pending in the Supreme Court.
- Chairman York stated he had heard Delegate Marshall would be before the judge tomorrow [Friday, December 13, 2013]. Ms. Posner confirmed this. Chairman York added that there is special legislation that allows, even though he missed the 15 day window, an extension up to 30 days for legislators. Ms. Posner answered that that is not correct, as they were not in session and final order was October 11. He is late and he has no petition for appeal pending in the Supreme Court of Virginia, which is the other requirement to bond validation. Chairman York asked if we get through tomorrow, we are OK to move forward. Ms. Posner stated we believe we are OK now. Chairman York stated he wants to be sure everything is in order.
- Chairman York moved to approve the 2014 Legislative Program; seconded by Chairman Bulova. Motion carried with ten (10) yeas [with Delegate Rust abstaining].

- Ms. Dominguez updated the Authority about pending bills that may be before the General Assembly in the next session. Members have started pre-filing for the 2014 session some bills related to HB2313.
 - ✓ There are a couple that address the hybrid/electric motor vehicle tax.
 - ✓ Other bills that completely repeal HB2313.
 - ✓ Bills that change the Marketplace Fairness Act-related provisions, saying that if Congress does not act by the 2015 deadline, the gas tax will not go up.
 - ✓ There are some bills that have been introduced by Delegate Marshall:
 1. Provides the CTB the authority to select the transportation projects that will be funded by NVTA.
 2. Removes the three legislative members of NVTA.
- Council Member Rishell asked whether HB3, filed by Ben Cline, would repeal the revenue stream. Ms. Dominguez answered affirmatively. Council Member Rishell asked what the chances of it getting out of committee are. Chairman Nohe noted that he hoped the chances were slim.

XII. Criteria for Selection of Future Office Site

Mr. Mason, CEO

- Mr. Mason stated that at the October meeting he was directed to develop criteria for potential future selection of a location for NVTA. He summarized that he used guidance given to him in 2008 and the guidance given at the October 2013 meeting as the basis to develop a set of criteria outlined in the report. He commented that these criteria are not absolutes, but are intended, with Authority approval, to be guidelines for the executive director in potentially seeking a site at any point in the future.
- Chairman York noted that this is just guidance.
- Chairman York moved to approve the proposed criteria for selection of future NVTA office site; seconded by Mr. Zimmerman.
- Chairman York urged that the price per square foot of \$30 per square foot in the report go way down. Chairman Nohe responded that was a maximum. Chairman York commented that the average price per square foot is now \$30 per square foot, but NVTA will not be paying all of it. Mr. Mason pointed out that this is included in the 2007 guidance, not in the proposed criteria.
- Senator Ebbin asked how many NVTA employees are envisioned in future office space. Mr. Mason replied that the current budget is approved for six (6) employees and he does not envision that we will exceed that.
- Motion carried unanimously.

XIII. Appointment of Nominating Committees

Chairman Nohe

- Chairman Nohe appointed two nominating committees:

1. To select the town representative for 2014. This committee will be Chairman Nohe and Mayor Foreman and will consist of Mayor Foreman confirming the consensus of the mayors.
2. To nominate the officers for 2014, Chairman and Vice-Chairman. This committee will be Chairman Bulova and Mayor Parrish.

Information/Discussion Items

XIV. Update on VDOT Study Ms. Cuervo, District Administrator, VDOT

- Written report. No verbal report. Mrs. Cuervo stated that VDOT appreciates the stakeholders input in helping format the program. She added that VDOT is pursuing the ability to do additional projects in the first round. Will advise the NVTA in early January how many we will increase it to so you can plan submissions accordingly. We have not completed negotiations so the number of additional has not been settled as yet. This means that we will likely evaluate more than 30 in 2014.

XV. Work Plan and Schedule for CY2014 Ms. Backmon, Chair, JACC

- Ms. Backmon briefed the Authority on the proposed CY2014 work program and meeting schedule. She stated there are two proposed schedules and highlighted key points.
 - ✓ First schedule has meetings January 23, February 6 (VaCo/VML Day in Richmond), February 13, March 13, April 10, tentatively July 10, September 11, October 9, November 13 and December 11.
 - ✓ Explained the rationale behind some of the dates. Some dates are the second Thursday of the month versus the last Thursday. Dates are coordinated with VDOT regarding some of the key milestones for HB599, knowing that the CTB meets the third Wednesday of each month, tried to schedule the second Thursday of the month for Authority meetings when there are key milestones that require action from the Authority.
 - ✓ As of now, barring any changes, there will be an action in February. Since February 6 date is in Richmond, it is really hard to try to have other Authority business at that meeting. The February 13 date proposed will be for the NVTA to approve the PIWG recommendation for projects, approving the projects that were submitted and due to the Authority by January 31, 2014.
 - ✓ In March, the NVTA will be asked to take action of the projects selected for evaluation, a finer-tuned list from February.
 - ✓ Next milestone date is tentative, still being worked with VDOT, and is a report to the Authority on the preliminary results of the study. We have that tentatively scheduled for July.
 - ✓ In November, the Authority will receive a briefing on the draft report regarding the analysis and the draft it's Six Year Plan.

- ✓ Other than the milestone dates, all the other meeting dates could be consistent with current meeting schedule of every fourth Thursday of every month.
- Chairman Nohe asked if the JACC was recommending moving NVTA meetings to the second Thursday of each month, for now. Ms. Backmon responded affirmatively. She added that the JACC recognized that in future meetings where action is required on HB599, there may be time constraints with NVRC meetings immediately following the NVTA meetings on the fourth Thursday. However, if moving to the second Thursday is not preferable for the Authority, outside of the milestone months, the Authority can keep all the other meetings on the fourth Thursday of the month.
- Chairman Nohe asked for input from the members.
- Chairman York suggested that if there was action necessary in February that it not happen at the February 6 meeting in Richmond.
- Chairman Nohe asked if the JACC was suggesting the February 6 meeting be a joint work session, not requiring a quorum. It was clarified that the joint meeting on February 6 would happen and would be followed by the full Authority meeting on February 13. There would be two meetings in February.
- Chairman Nohe stated that last year the Richmond meeting was held in conjunction with NVRC because most of the legislative updates they were interested in were focused on transportation issues. He has also spoken with staff at NVTC, who will also hold a meeting that day, and that NVTA used to meet jointly with NVTC. Chairman Nohe suggested that if a big enough room can be found, all three groups meet and without objection he will reach out to Mr. Smedberg of NVTC to make that suggestion.
- Mr. Zimmerman clarified that action items would be held here, not in Richmond. Chairman Nohe replied that the Richmond meeting would be for legislative updates.
- Chairman Nohe requested that the JACC come back to the Authority next month with a motion to change the NVTA meetings in CY2014 to the second Thursday of the month. It was asked if this was moving away from meeting on the same night as NVRC. Chairman Nohe said it was, but with the HB599 work coming, time constraints were an issue. He recognized Chairman Bulova's suggestion that NVTA switch times with NVRC for the fourth Thursday meetings, but suggested it was unfair to ask NVRC board to change their schedule. It was also suggested that sometimes issues become complicated when not expecting it.
- Chairman York requested that meetings start at 6pm instead of 7pm.
- Senator Ebbin noted that traffic can be an issue and it can be challenging to leave before 5pm.
- Chairman Nohe suggested that some more work may need to be done on the meeting times.
- Mr. Page commented that the VRE legislative reception will be in Richmond on January 23. VRE Operations Board members may be asked to be at two places at one time.

- Ms. Fisher added that Mr. Garczynski will also not be able to attend the January 23 meeting.
- Chairman Nohe stated that we will look into that date as well. He asked if this proposed schedule has been harmonized with the PRTC and NVTC calendar. Ms. Backmon replied that the JACC will double check those schedules before bringing back in January. Chairman Nohe added he thinks there may be concern with February 13.

(Council Member Snyder arrived.)

XVI. FY2014 Financing Strategies Mr. Longhi, CFO

- Chairman Nohe introduced Michael Longhi as the new NVTA CFO.
- Mr. Longhi introduced the strategic approach to achieve the NVTA financing objectives for the project list approved on July 24, 2013. He reviewed:
 - ✓ Relevant documents.
 - ✓ Financing approach objectives.
 - ✓ Strategies to accomplish objectives.
 - ✓ Major next steps.

XVII. HB 2313 Funding Status Mr. Longhi, CFO

- Written report. No verbal report.

XVIII. Projected Cash Flow for 70% Regional Funds Mr. Longhi, CFO

- Written report. No verbal report.

XIX. Operating Budget Report Mr. Longhi, CFO

- Written report. No verbal report.

Reports from Working Groups

XX. Organizational Working Group No report

XXI. Financial Working Group Chair Euille

- Written report. No verbal report.

XXII. Project Implementation Working Group Chair Zimmerman

- Written report. No verbal report.
- Chairman Zimmerman announced next meeting January 10, 2014.

XXIII. Public Outreach Working Group No report

XXIV. Legal Working Group

Chair Snyder

- Written report. No verbal report.

Additional Information Items

XXV. City of Manassas CMAQ/RSTP Reallocation Monica Backmon, Chair, JACC

- Written report. No verbal report.

Public Comments

- Due to time constraints, no public comments were taken. A public comment opportunity will be provided at the January 2014 meeting.

XXVI. Chairman's Comments

- Guidance to staff:
 - ✓ JACC. Deadline for comments on SuperNOVA study has been extended to end of month. Ms. Backmon replied that the JACC will work on comments and vet them through the Authority.
 - ✓ Mr. Mason. Begin developing process to hire permanent executive director. Bring recommendation to Authority in January. Chairman Nohe added that there will be a role for staff and may need to look to some jurisdictions for HR expertise. Authority elected officials will need to be hands-on in this process.
 - ✓ The Working Group structure implemented earlier this year has run its course and it is time for that to evolve. Next month requested to have an item addressing this. He laid out how he envisioned transition and invited future comment.
 - OWG has essentially been handed over to executive director; just need to dissolve the group.
 - POWG has already evolved to the executive director and the Interim PIO; need to formalize that arrangement.
 - Suggested that there may not be a need for LWG, as Council of Counsels is functioning as it was expected to. Will confer with Council Member Snyder.
 - Bylaws call for Finance Committee, so time to dissolve FWG and create Finance Committee with a higher level of Authority member participation.
 - Need to work on strategy to transition the PIWG into a long term Capital Improvement Plan Committee. Have two Authority members that have been very active and several active at a lower level. Need a more formalized role for a large group of elected and appointed members of the Authority to be engaged with continued similar level of staff support.

XXVII. Adjournment

- Meeting adjourned at 6:48pm.