## NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

## **RESOLUTION 07-08**

## AUTHORIZING ESTABLISHMENT OF THE COUNCIL OF COUNSELS

WHEREAS, the Northern Virginia Transportation Authority ("NVTA") is a political subdivision of the Commonwealth of Virginia created by the Northern Virginia Transportation Authority Act, Chapter 48.2, Title 15.2, Code of Virginia of 1950, as amended (the "Act"); and

WHEREAS, NVTA is authorized by HB 3202, 2007 Virginia Acts of Assembly Chapter 896, to impose various taxes and fees, and to use the revenue generated thereby to fund the costs of transportation projects benefiting the counties and cities embraced by NVTA; and

WHEREAS, the imposition by NVTA of the aforesaid taxes and fees, the collection of the revenue generated thereby, and the implementation of the projects funded with such revenue, will necessitate the provision of legal counsel and advice, legal support, and legal services and representation on an ongoing basis to NVTA; and

WHEREAS, Section 15.2-4833 of the Act authorizes NVTA to employ such staff as it shall determine to be necessary to carry out its duties and responsibilities; and

WHEREAS, NVTA has determined that it is in its best interests to forestall the employment of in-house counsel and the engagement of private counsel for general counsel purposes, and to instead utilize the services of attorneys from city and county attorneys' offices of NVTA's member jurisdictions until such time as NVTA determines it is necessary to hire or retain independent counsel;

## NOW, THEREFORE, BE IT RESOLVED BY NVTA THAT:

1. Subject to the consent of their respective member jurisdictions, NVTA hereby approves and establishes the Council of Counsels the purposes of which shall be to provide to NVTA legal counsel and advice, legal support, and legal services and representation, and which Council of Counsels shall consist of the following individuals who shall neither be employed nor compensated by NVTA, and shall remain employees of their respective member jurisdictions:

Alexandria Assistant City Attorney Christopher P. Spera Arlington County Attorney Stephen A. MacIsaac Fairfax County Assistant County Attorney Ellen F. M. Posner Prince William County Attorney Ross G. Horton 2. The provision of legal services by the Council of Counsels shall continue until such time as NVTA determines it is necessary to obtain independent counsel, until a conflict of interest arises between NVTA and its member localities that makes continuation of the Council of Counsels impermissible or impracticable, or three member localities have withdrawn their consent to the continued participation of their respective attorney in the Council of Counsels.

Adopted by the Northern Virginia Transportation Authority, on this 12th day of July, 2007.

Chairman

Attest

Vice Chairman