

## Northern Virginia Transportation Authority

DRAFT Summary Minutes  
JUNE 6, 2007

held at Fairfax County Government Center  
12000 Government Center Parkway, Room 232  
Fairfax, Virginia 22035

Members  
(those present are highlighted)

<b>William Euille</b>	<i>Mayor, City of Alexandria</i>
<b>Christopher Zimmerman, NVTA Chairman</b>	<i>Arlington County Board;</i>
<b>Robert Lederer</b>	<i>Mayor, City of Fairfax</i>
<b>Gerald E. Connolly</b>	<i>Chairman, Fairfax County Board of Supervisors</i>
<b>Robin Gardner (alternate)</b>	<i>Mayor, City of Falls Church</i>
<b>Scott K. York,</b>	<i>Chairman, Loudoun County Board of Supervisors</i>
<b>Harry J. "Hal" Parrish, II</b>	<i>Vice Mayor, City of Manassas</i>
<b>Bryan Polk</b>	<i>Vice Mayor, City of Manassas Park</i>
<b>Martin Nohe, NVTA Vice Chairman</b>	<i>Vice Chairman, Prince William Board of County Supervisors</i>
<b>Jeannemarie Devolites Davis</b>	<i>Virginia Senate, District 34</i>
<b>Vincent F. Callahan, Jr.</b>	<i>Virginia House of Delegates, District 34</i>
<b>Jeff Frederick</b>	<i>Virginia House of Delegates, District 52</i>
<b>Judy Connally</b>	<i>Governor's Appointee – CTB Member</i>
<b>Margaret E. G. Vanderhye</b>	<i>Governor's Appointee</i>
<b>Matthew Tucker</b>	<i>Director, VDRPT (non-voting member)</i>
<b>Dennis Morrison</b>	<i>Director, No. Va. District, VDOT (non-voting member)</i>

### Staff Present

Linda Tenney *Deputy Director, NVRC*

### Guests Present

Barbara Reese *Deputy Secretary of Transportation*

Local and state agency staff, representatives from interested organizations, and members of the public

### Call to Order

Chairman Zimmerman called the meeting to order at 7:04 p.m. and welcomed those in attendance.

### Roll Call

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

### Approval of Minutes

Mr. Connolly moved approval of the minutes of the May 10 meeting. The motion was seconded by Mr. York and carried with Mr. Nohe abstaining.

### Action Items

A. Approval of Reallocation Funds for Manassas and Herndon  
Chairman Zimmerman directed attention to an updated letter before the Authority, dated June 7, 2007, including dollar figures and project numbers. Upon a motion by Mr. Parrish, seconded by Mr. Connolly, the requested action was approved unanimously.

## B. Review of Working Groups' Reports, Including Recommended Actions

Chairman Zimmerman expressed appreciation to all working group contributors, and recognized the presence of Barbara Reese, Deputy Secretary of Transportation, who has been instrumental in the deliberations of the Financial Working Group. He said he would entertain reports from all five working groups before inviting discussion on their recommendations. All the recommendations were summarized in a PowerPoint presentation, with printed copies before the members. Copies of the full working groups' reports were in members' meeting materials, and were posted also on the website: [www.novaregion.org/novatrans](http://www.novaregion.org/novatrans).

### • *Legal*

Indicating that Mr. Snyder, chairman of the Legal Working Group, was out of town, committee vice chairman Mr. Parrish reported on behalf of the group. He recognized the work of committee chair Snyder and supporting staff, especially Tom Biesiadny of Fairfax County who chairs NVTA's Interim Technical Committee.

### • *Financial*

Mr. York, chairman of the Financial Working Group, recognized the significant efforts of the group's staff coordinators: Kevin Greenlief of Fairfax County, Mark Adams of Loudoun County, and Gus Vega of Arlington County. Mr. York said the work group formulated 14 recommendations. He invited Kevin Greenlief, Director, Fairfax County Department of Tax Administration, to provide an oral briefing concerning the seven taxes and fees NVTA is authorized to impose. Mr. York summarized the remaining recommendations.

### • *Project Implementation*

Mr. Connolly, chairman of the Project Implementation Working Group, indicated the group met twice and developed the ten recommendations included in the report.

### • *Public Outreach*

Mr. Nohe recognized the contributions of committee vice chair and NVTA member Margaret Vanderhye, as well as those of Barbara Gordon of Northern Virginia Regional Commission staff, and Kala Quintana of Northern Virginia Transportation Commission staff. Mr. Nohe presented the Public Outreach Working Group's recommendations.

### • *Organizational*

Chairman Zimmerman, chairman of the Organizational Working Group, reported the summary recommendations of this group.

### • *Discussion and Action*

Mr. Connolly made a motion, seconded by Mr. Nohe, that the recommendations of the working groups be adopted.

Mr. Connolly initiated discussion by offering observations on the following topics:

**Logo** – the Public Outreach Working Group's recommendation to improve the logo should be considered in light of the potential expense vs. the degree of improvement to be expected. **Public Meetings** – decisions made now will set a precedent, so it will be important to think through what will trigger the need for a *public hearing*, and what will be the best way to obtain input not only from interest groups, but from citizens. **Executive Director search** – NVTA may want to name a broader panel, with technical expertise and regional representation, rather than delegating the search to a "small group of individuals to manage the hiring process," as recommended by the Organizational Working Group. **Location** – Not a trivial issue, NVTA's selection of a permanent location needs to take into account the membership of the Authority and further more should not simply evolve from a short-term placement. Location should meet the needs of the Authority.

Mr. Nohe said that the “town halls” proposed by the Public Outreach Working Group were intended to help educate the public about the timing of projects NVTA may undertake, so expectations would be appropriate. Town halls are not envisioned as public hearings, and would not require a quorum of members.

Mr. Zimmerman said it would not be incompatible with the recommendations of the Organizational Working Group to have a panel such as described by Mr. Connolly participate in the oversight of the Executive Director hiring process.

Delegate Frederick commented on the Public Outreach Group’s mission statement, saying that it would be more important to say the mission is to reduce congestion, as opposed to “...identification and completion of transportation projects and improvements.” Members discussed alternatives for language that would appropriately capture both concepts.

Mr. York said it was premature for NVTA to vote on the Working Group’s recommendations, as there had not yet been sufficient opportunity for community input. He suggested allowing until the public hearing is held on July 12.

Mr. Euille added that the City of Alexandria has a process for reviewing the recommendations, and was planning a briefing for the City Council.

Mr. Polk also expressed concern about the pace of NVTA’s decision making.

Mr. Lederer asked whether all jurisdictions expect to have their own public hearings, or whether members plan to ask for direction from their Boards and Councils regarding approval of the seven taxes and fees, before July 12. Mr. Zimmerman replied that the Arlington County Board does not direct members how to vote on regional bodies. Mr. Euille said that Alexandria City Council will devote time to NVTA’s concerns at the next Council meeting, but will not be holding a public hearing. Ms. Gardner said Falls Church will poll Council members and will have a public hearing. Mr. Parrish said although the Manassas City Council has not voted on the taxes and fees, he has asked the Council for guidance on this subject. He suggested that NVTA take action on the proposed taxes and fees at the meeting following the July 12 public hearing. Mr. York said Loudoun County will have a public hearing, but it has yet not been placed on the County Board agenda.

Mr. Connolly said that constituents want something done. Transportation overwhelms even education as a public concern. Nothing in the working group reports is a surprise. NVTA held a public hearing in May. The Public Outreach Working Group’s recommendations for town halls will help deliver information to the public.

Mr. Nohe said that there will be a public hearing on July 12. The question is whether a vote should be taken then.

Ms. Gardner added that the question also is whether to act on all the recommendations at once, or only the ones that would not statutorily require a public hearing before action is taken.

Mr. Nohe observed that some recommendations are less time-critical than others. Decisions that need to be made by or before July 12 should not go undecided.

Following further discussion among members about the implications of taking immediate action, Mr. Connolly asked whether members would be more comfortable if the motion were changed to signify that the Authority concurs with the recommendations of the working groups, subject to completing the public process outlined in the recommendations.

At Mr. York's request, Chairman Zimmerman recessed the meeting for seven minutes, calling it back to order at 8:37 p.m.

Mr. Connolly withdrew his original motion.

Mr. York moved that staff be authorized to proceed in accordance with the working group recommendations, subject to final approval following the July 12 public hearing, adding that this action is intended to allow expenditure of \$10,000 for retention bond counsel, along with funds necessary to reserve a new domain name for the Authority.

Mr. Polk and Delegate Frederick suggested amending the motion to indicate that no vote would be taken the same day as the public hearing.

Following further discussion about timing and logistics, congruence of proposed procedures with those of several member governments' and appropriate consideration of citizen comments, Mr. Polk and Delegate Frederick withdrew their suggestion to amend the motion.

Mr. Polk then suggested that final materials to be considered and acted upon be provided to members at least 10 days in advance of the public hearing. There were no objections.

Mr. Zimmerman asked the motion to be restated.

The motion was restated and provided in writing to all members, as follows, prior to voting:  
**Authorize staff to proceed according to the recommendations outlined in the working group reports, including an expenditure of \$10,000 for retention bond counsel, along with funds necessary to reserve a new domain name for the Authority, subject to final action following the public hearing on July 12, 2007.**

The vote was called and the motion passed unanimously.

A brief conversation ensued in which staffs' findings were reported regarding the impact of NVTA's bonds on member governments' debt capacity and ratings. The general consensus among the findings was that, as a separate revenue authority, NVTA's issuing of bonds should not affect local governments' debt capacity. More information from rating agencies will be obtained before NVTA acts on debt issuance.

#### Appointment of Nominating Committee

Chairman Zimmerman appointed Mr. Connolly, Mr. Snyder and Mr. York to serve as the Nominating Committee.

#### Information Items

Mr. Biesiadny reported on the following items, for which written memoranda also had been provided to members.

##### A. Update on Air Quality

The Metropolitan Washington Air Quality Committee adopted an eight-hour ozone State Implementation Plan on May 23, and is submitting this to the US Environmental Protection Agency.

##### B. Update on TIP/ CLRP Inputs

VDOT has made some changes to the I-95/I-395 HOT lanes presentation for the Constrained Long Range Plan, as well as the I-66 plan. The Transportation Planning Board approved the project

submissions on May 16, so the air quality conformity analysis for the Transportation Improvement Program and the Constrained Long Range Plan are moving forward.

C. Update on TIP Amendments

The Transportation Improvement Program amendments that the Virginia Department of Transportation has submitted are provided.

Other Business

Chairman Zimmerman referred to a letter received by jurisdictional counsel from the Attorney General's office, dated June 1, addressing the question of possible challenges to HB 3202. It notes that "Virginia's laws are presumed to be constitutional." With further elaboration, the letter concludes that the position of the Office of the Attorney General "...is that House Bill 3202 is constitutional and this Office will vigorously defend any additional challenge to the legislation."

Mr. Connolly expressed enormous appreciation to all the jurisdictions' staff for a large quantity of dedicated and high quality work on NVTA's behalf.

Chairman Zimmerman similarly expressed appreciation to members for their patience and engagement, as these are very substantial decisions being made – some of the most important ones members may have the opportunity to make in public office.

Adjournment

Noting the date of the next meeting, July 12, Chairman Zimmerman adjourned the meeting at 9:02 p.m.