

**SUMMARY MINUTES  
NORTHERN VIRGINIA TRANSPORTATION AUTHORITY**

**July 24, 2013  
Fairfax City Hall  
10455 Armstrong Street  
Fairfax, VA**

**NVTA Members Present:**

**Voting Members:**

Martin Nohe, Chairman	Prince William County
William Euille, Vice Chairman	City of Alexandria
Board Member Chris Zimmerman	Arlington County
Chairman Sharon Bulova	Fairfax County
Chairman Scott York	Loudoun County
Council Member Rishell	City of Manassas Park
Mayor Parrish	City of Manassas*
Council Member Snyder	City of Falls Church
Mayor Scott Silverthorne	City of Fairfax
Senator Ebbin	Virginia General Assembly
Delegate Rust	Virginia General Assembly
Delegate May	Virginia General Assembly
Ms. Bushue	Governor's Appointee

\* - Arrived at 8:02

**Non-voting Members:**

Helen Cuervo	VDOT
Joe Swartz	DRPT
Jerry Foreman	Town Representative

**Staff:**

Monica Backmon	Chair, Jurisdiction and Agency Coordinating Committee
Pam Martin	Clerk
Various jurisdictional staffs	

**Item I: Call to Order**

Chairman Nohe called the meeting to order at 7:21 p.m.

## **Item II: Roll Call**

The roll was called and members present were as noted above.

## **Item III: Approval of the Minutes of June 20, 2013**

Chairman York moved and Vice Chairman Euille seconded, and the minutes were approved unanimously.

Chairman Nohe opened the public hearing for citizen testimony. Numerous citizens commented on the draft project list and process.

Ms. Monica Backmon introduced Ms. JoAnne Carter from PFM. The PFM Group of companies is a national leader in providing independent financial advice as well as investment advisory, management and consulting services to local, state, and regional government and non-profit clients. Ms. Carter has been working with the Financial Working Group. Ms. Carter gave a presentation of the advantages of both debt and pay- as-you-go (PAYGO) funding approaches.

## **Item IV: HB 2313 – Working Group Reports**

### **A. Public Outreach**

Chairman Nohe reported that the task of the Public Outreach Working Group was to prepare for the July public meeting. The next steps of this group are to follow up on any public outreach and any actions that are directed from tonight's meeting.

### **B. Organizational**

Chairman York gave the summary of the Organizational Working Group. The working group recommended the following:

- Hiring of an Interim Director for 6-12 months.
- Salary to be based on 2007 rate adjusted for inflation.
- 30 day notice be given to terminate the virtual lease at the Fairfax Innovation Center
- Move forward with NVRC's proposal to provide office space (for free), clerical support, supplies, mail box, etc. for a minimum of 6 months.

Chairman York moved the working group recommendations and Chairman Bulova seconded the motion. Chairman Nohe requested that the personnel issue regarding the

hiring of the interim executive director be discussed during closed session. The motion was amended to reflect this and the motion carried.

### C. Project Implementation

Board Member Zimmerman addressed several of the questions raised during the public hearing. He indicated that approximately 200 projects were in the regional TransAction 2040 plan. Most of these projects were waiting funding. This list of projects was not just compiled; it has been ongoing for quite some time. The money collected from the taxes would not be spent until an answer to the bond validation is rendered. Approximately \$85 billion is needed for the next three decades in transportation funds. At the present time, \$200 million of projects are on the list, which indicates a large shortfall.

Chairman York asked how the funds would be distributed, would it be every month or every three months. Board Member Zimmerman answered that money would be collected, and monies would not be expended on projects immediately due to processes that need to be followed. By the time a check is written, it would be six to nine months, and interest will have accumulated.

Board Member Zimmerman stated that there are three (3) resolutions, and there is a small typo on Attachment A.2., page 1, 2<sup>nd</sup> paragraph, last sentence has “triple negatives”. He made a motion to strike out the last “not” in the following sentence: “*No projects that did not pass the Tier I Screening of the FY 2014 Project Selection Process were **NOT** considered.*” Board Member Zimmerman moved and Chairman Bulova seconded, and the motion carried.

Delegate Rust disclosed that his engineering firm may work on some of the projects; therefore, he would abstain from voting.

Chairman Nohe asked Board Member Zimmerman to consider a friendly amendment to adjust the amount of the project on Route 28 from Linton Hall Road to Fitzwater Drive from \$25 million to \$28 million for phase 1 engineering work. Board Member Zimmerman accepted the friendly amendment, Chairman Bulova seconded and the motion carried.

Chairman Nohe asked for a roll call for endorsing the FY 2014 Project Selection Process and approving the List of Projects with the amendment requested by Prince William County. Delegate Rust abstained. Ms. Bushue voted “no”. Mayor Parish arrived and voted “yes”. The motion carried.

#### Results of the Roll Call

Martin Nohe, Chairman	yes
William Eulle, Vice Chairman	yes
Board Member Chris Zimmerman	yes
Chairman Sharon Bulova	yes

Chairman Scott York	yes
Council Member Rishell	yes
Mayor Parrish	yes
Council Member Snyder	yes
Mayor Scott Silverthorne	yes
Senator Ebbin	yes
Delegate Rust	abstained
Delegate May	yes
Ms. Bushue	no

Board Member Zimmerman moved to approve the two resolutions for method of funding: the bond authorization and the PAYGO. Chairman Bulova seconded. Chairman York requested an amendment to remove the two (2) Loudoun County projects from bond financing to move over to PAYGO. Chairman York added that in the worst case scenario, they have to have 2.5 times the coverage which is about \$60 million. Ms. Rishell wanted to confirm that no bonds will be issued until after the validation suit, and Chairman Nohe confirmed.

Board Member Zimmerman questioned the motion maker's right and asked for the reason of Chairman York's request. Chairman Bulova stated that she would not be supportive of the request because it allows members to pick and choose the method of financing, as the NVRTA has the responsibility to develop a package that is balanced.

Mr. York moved to reflect a request to move \$7.4 million in debt financing to PAYGO, and the second portion of \$12.4 million for Route 28 improvements to PAYGO. Ms. Bushue seconded. Senator Ebbin stated that he would not support the motion. Board Member Zimmerman stated that as a collective body, the NVRTA should do it collectively, and asked Chairman York for his explanations as to why a project is on the bond list versus the PAYGO list. Chairman York stated that Loudoun County does not think NVRTA should have debt, and the County could pay for projects in cash with less cost if compared to the interests from bonds.

The members had a detailed discussion about how the motion and the request could be made. Chairman Nohe asked for Mr. York to state his intent. Mr. York stated that his intent is to remove the project from the bond list and place it on the PAYGO list. After explanation of the parliamentary process, Mr. York made the motion. Ms. Bushue seconded. Ms. Bushue asked for the problem with this motion. Board Member Zimmerman and Chairman Nohe responded that the NVRTA should act as a regional body, not as individual jurisdictions.

#### Results of the Roll Call

Martin Nohe, Chairman	no
William Euille, Vice Chairman	no
Board Member Chris Zimmerman	no
Chairman Sharon Bulova	no
Chairman Scott York	yes

Council Member Rishell	no
Mayor Parrish	no
Council Member Snyder	no
Mayor Scott Silverthorne	no
Senator Ebbin	no
Delegate Rust	abstained
Delegate May	no
Ms. Bushue	no

The motion failed with Chairman York voting “Yea” and Delegate Rust abstaining.

Chairman Nohe moved the main motion to adopt the bond authorization resolution for the FY 2014 Bond Projects. The motion carried with Chairman York voting “Nay” and Delegate Rust abstaining.

Results of the Roll Call

Martin Nohe, Chairman	yes
William Euille, Vice Chairman	yes
Board Member Chris Zimmerman	yes
Chairman Sharon Bulova	yes
Chairman Scott York	no
Council Member Rishell	yes
Mayor Parrish	yes
Council Member Snyder	yes
Mayor Scott Silverthorne	yes
Senator Ebbin	yes
Delegate Rust	abstained
Delegate May	yes
Ms. Bushue	yes

Board Member Zimmerman made a motion to approve the FY 2014 PAYGO Projects, seconded by Mayor Euille. The motion carried, with Delegate Rust abstaining, all other members voting in the affirmative.

Results of the Roll Call

Martin Nohe, Chairman	yes
William Euille, Vice Chairman	yes
Board Member Chris Zimmerman	yes
Chairman Sharon Bulova	yes
Chairman Scott York	yes
Council Member Rishell	yes
Mayor Parrish	yes
Council Member Snyder	yes
Mayor Scott Silverthorne	yes
Senator Ebbin	yes

Delegate Rust	abstained
Delegate May	yes
Ms. Bushue	yes

Mayor Parrish stated that this is an opportunity for the NVTa to be a difference maker to reduce traffic congestion, and discussed his support of future studies for the Tri-County Parkway or Manassas Bypass, which is not on the list. Chairman Nohe shared his comments about the problems on that roadway.

Board Member Zimmerman pointed out that in the resolution in Attachment A.2, the second paragraph's last sentence, "not" should be deleted.

#### **D. Financial**

Mayor Euille provided the status report of the Financial Working Group and noted the group's following recommendations:

- a) Approve an FY 2014 budget for the Authority;
- b) Approve a request to the local governments to fund the budget deficit for FY 2014;
- c) Approve a policy directing that none of the 70 percent funding the Authority is receiving for regional projects be expended until a bond validation suit has been successfully completed;
- d) Approve a recommendation that the local governments not expend their 30 percent share of the revenues that the Authority will be receiving until a bond validation suit has been successfully completed, unless the local government is prepared to repay any money expended to the Authority, if the suit is not successful;
- e) Direct the Financial Working Group to work with the Legal Working Group to prepare a Memorandum of Agreement between the Authority and each local government outlining procedures for distribution and expenditure of the 30 percent share of Authority revenues being allocated to the local governments consistent with HB 2313, including repayment provisions;
- f) Authorize Chairman Nohe to execute a letter to the Commonwealth Treasury Board seeking an exemption from typical Treasury Board approval for selling bonds supported by the three taxes that the Authority will be receiving from the Commonwealth as a result of HB 2313;
- g) Authorize Chairman Nohe to execute an Electronic Funds Transfer agreement with the Department of Taxation to allow the Authority to receive the revenues from HB2313; and
- i) Suspend the debt policy adopted by the Authority in 2008.

Mayor Euille stated that item A (draft FY 2014 budget) and item B (request to local government to fund the budget deficit for FY 2014) will be deferred until after the hiring of the interim CEO so this person can coordinate with the Financial and Organizational Working Groups and bring finality to the budget process.

Mayor Euille made a motion passage of items C to I, and the motion carried unanimously.

Chairman Nohe praised and recognized staff for their contribution and hard work on the reports and working groups.

### **E. Legal**

Council Member Snyder provided the status report of the Legal Working Group. They will meet in August on a liability issue. Council Member Snyder made a motion to confirm the Bond Counsel, seconded by Delegate Rust, and the motion carried. Council Member Snyder made a motion to file a bond validation suit, seconded by Chairman Bulova, Chairman York voting “Nay,” Delegate May was out of the room. The motion carried.

#### Results of the Roll Call

Martin Nohe, Chairman	yes
William Euille, Vice Chairman	yes Board
Member Chris Zimmerman	yes
Chairman Sharon Bulova	yes
Chairman Scott York	no Council
Member Rishell	yes Mayor
Parrish	yes Council
Member Snyder	yes Mayor
Scott Silverthorne	yes Senator
Ebbin	yes
Delegate Rust	yes
Delegate May	absent from the room
Ms. Bushue	yes

### **Item V: Approval of Technical Advisory Committee Members**

The Authority approved the appointment of 6 members of the TAC. The two members appointed by Secretary Connaughton did not require the approval of the Authority.

## **Item VI: Approval of NVTA Letter to Gubernatorial Candidates**

Council Member Snyder stated that the legal team can reach out to the Virginia General Attorney. The guidance is approved. Chairman Nohe asked for the Authority to let him change “slightly” the language in the NVTA letter due to the concern raised by one of the Delegates from the public comments section earlier. Board Member Zimmerman seconded and the motion carried.

## **Item VII: Information Items-CMAQ/RSTP Reallocation Requests**

Information items only.

## **Item VII: Other Business**

Ms. Backmon stated that the raw public comments are in the package for all NVTA members.

Mr. Snyder moved that the Authority convene a closed meeting, as authorized by Virginia Code sections 2.2-3711.A.1 and 7, for the purpose of discussing two personnel matters concerning candidates for employment by the Authority, and for consultation with the Authority’s legal counsel concerning the meaning and application of House Bill 2313 as enacted this past session of the General Assembly, the potential for challenges to its legality and strategies to respond to such potential challenges, and the process for approval and funding of eligible projects under the legislation using cash and bond funding.

Chairman Bulova seconded, and the motion carried by a unanimous vote.

At 9:40 p.m. the Authority reconvened their meeting, Delegate May was absent. Chairman Nohe announced that Mr. John Mason, who was the previous NVTA Executive Director, has been appointed as the interim Executive Director. Mayor Euille moved, Chairman Bulova seconded, and the motion carried.

Ms. Backmon confirmed that the NVTA will not meet in August, and the next meeting will be on September 26, 2013. Chairman Nohe stated the NVRC will not have a meeting in September; therefore, he proposed moving the meeting time from 5:30 p.m. to 7:00 p.m. Chairman York moved, and Mayor Parrish seconded, and the motion carried. The next meeting will be on September 26, 2013, at 7:00 p.m. at the NVRC office.

## **IX: Adjournment**

The NVTA meeting was adjourned at 9:50 p.m.