



**Northern Virginia Transportation Authority**  
*The Authority for Transportation in Northern Virginia*

**GOVERNANCE AND PERSONNEL COMMITTEE**

**Thursday, February 28, 2018**

**9:00am**

**3040 Williams Drive, Suite 200**

**Fairfax, VA 22031**

**MEETING SUMMARY**

**I. Call to Order**

Chair Randall

- Chair Randall called the meeting to order at 9:11 am.
- Attendees:
  - ✓ Members: Chair Randall: Councilmember Snyder (Vice Chairman), Chair Cristol, Chairman Nohe.
  - ✓ Authority Members: Chairman Bulova; Mayor Rishell (via telephone); Ms. Hynes.
  - ✓ Staff: Monica Backmon (Executive Director); Michael Longhi (CFO); Carl Hampton (Investment & Debt Manager); Peggy Teal (Assistant Finance Officer).
  - ✓ Other Attendees: Tracy Baynard (NVTa Legislative Liaison, McGuire Woods Consulting LLC); Ellen Posner (Council of Counsels - Fairfax County); Tom Biesiadny (Fairfax County); Kate Mattice (NVTC); Bob Brown (Loudoun County); Rob Dickerson (Council of Counsels - Prince William County); Steve MacIsaac (Council of Counsels – Arlington County).

**II. Approval of Meeting Summary**

- Motion to approve the minutes of the February 15, 2018 meeting of the GPC was made by Chair Cristol, seconded by Vice Chairman Snyder. Motion passed with abstention from Chairman Nohe who was not at the prior meeting.

**Discussion/Information**

**III. 2018 Legislative Update**

Monica Backmon, Executive Director/Tracy Baynard, Legislative Liaison

- Ms. Baynard described the progress and status of certain non WMATA bills which could potentially impact the Authority and described all of the bills related to WMATA.

- ✓ Conferees for revenue and budget bills have to be appointed by midnight, February 28, 2018.
- ✓ The two WMATA bills (SB 856/HB 1539) have ‘crossed over’ and are expected to be sent to conferees for negotiation.
- ✓ Chairman Chris Jones wants \$154M without tax increases (represents Virginia’s share), for the WMATA funding bill. Ms. Baynard is uncertain as to whether he will serve on the conference committee.
- ✓ The House and Senate Gas Tax bills are moving forward.
- ✓ Jurisdictions’ legislative staffs are reaching out to key stakeholders.
- ✓ Ms. Backmon wanted confirmation that all the monies going to WMATA have to be appropriated as outlined in SB 856. Ms. Baynard confirmed.

*(Chairman Bulova arrives, 9:22am)*

- ✓ Senate Gas Tax Bill, more likely to pass, which will get the immediate money needed totaling \$18.6M.
- ✓ Ms. Baynard discussed the differences between SB 856 and HB1539.
  - Both bills have the diversion of the Transient Occupancy Tax (TOT) at 2% (equal \$30M) that currently comes to the Authority.
  - Both have State recordation tax that would come from the Northern Virginia Transportation district, equal to \$20M.
  - Both have \$10M from 1% on the Car Rental tax.
  - Chairman Nohe questioned if the language regarding the car rental tax was the same in both bills. Ms. Baynard expressed uncertainty but shared that will be amendments in the future.
  - \$31M would come from the localities 30% funds (SB 856).
    - It was noted that if there is success at getting \$31M from the locals, the total would be \$109.6M, and \$30M of this is not bondable. Chair Randall mentioned that there is a \$40M shortage (of the \$154M goal), Ms. Baynard confirmed.
  - Ms. Baynard stated that we will probably end up with the structure of the Senate Bill with changes we have not seen as of yet.
- ✓ Ms. Baynard noted that the House is adamant about no tax increases. However, the House Bill only provides \$104M in WMATA funding.
- ✓ Chair Randall asked if the House can go as high as \$45M regarding the take from the 30% revenues. Ms. Baynard confirmed that the conference committee can establish any number they want.

- ✓ Ms. Baynard recommended that the jurisdictions inform their Delegates what their 30% funds are being used for, especially if it is for specific projects and/or for Metro payments.
- ✓ Chairman Nohe stated the \$31M the Commonwealth is looking for from the jurisdictions is subject to appropriation. If the Commonwealth mandates that this money has to be from the 30% it must be appropriated and it may not be bondable.
- ✓ Ms. Backmon noted timing as another issue regarding the use of the 30% revenues. Maintenance of Effort certification concerns were also noted. The House Bill includes a new maintenance of effort period, which is different from the existing period.
- ✓ Ms. Baynard presented a handout listing key points which should be emphasized by jurisdictions when speaking to their delegates and senators about their concerns.
- ✓ Ms. Baynard noted that the Reversion Clause has been requested for inclusion in the bill.
- ✓ Chair Randall indicated there should be language in the bill regarding federal funds being contributed to WMATA.
- ✓ Chair Cristol wanted to be clear in communicating that it is not an option for Arlington County to fill in the funding gap (in HB 1539), with local funding.
- ✓ Chair Randall stated that starting in 2020, all of Loudoun's 30% revenues will be utilized to support the County's Metro funding responsibility.
- ✓ Vice Chairman Snyder inquired about suggestions to close the funding gap.
- ✓ Ms. Hynes questioned if the Senate Bill increases TOT and Grantor's Tax. Ms. Baynard confirmed it does.
- ✓ Ms. Hynes suggested that localities consider showing what needs to be done to get to \$154M if the two taxes are not increased.
- ✓ Chairman Nohe stated the Senate Bill eliminates the NVTATOT and creates a NVTC TOT at 3% and directs Prince William County, Manassas & Manassas Park's TOT be used for transportation.
- ✓ Ms. Backmon highlighted the timing issues with using the 30% revenues as part of the WMATA funding bill. She stated:
  - The certification process required to receive the 30% revenues begins in August with a deadline of March 1 of each year.
  - If localities do not meet the certification requirements, they cannot receive their 30% revenues.
  - At this time, it is unclear when Metro expects to receive/utilize the 30% funding.

- ✓ Chair Randall commented on the Authority's flexibility and diplomacy in this process. She stated that it may be time to be more forceful about the damage these bills could cause. She added that the language from the Authority to the General Assembly, needs to be strong and clear.

*(Chair Cristol left 10:43am)*

*(Vice Chairman Snyder left 10:53am)*

**IV. Closed Session began 10:44am**

- A motion to convene a closed meeting of the GPC was made by Chair Randall, seconded by Chairman Nohe, and approved unanimously.

**V. Closed Session adjourned at 11:12am**

- A motion to certify the closed meeting of the GPC was lawfully held was made by Chair Randall, seconded by Chairman Nohe, and approved unanimously.

**VI. Adjourned 11:13am**

**Next Meeting**

March 22, 2018, 9:00 a.m.

NVTA Office