



Northern Virginia Transportation Authority
The Authority for Transportation in Northern Virginia

GOVERNANCE AND PERSONNEL COMMITTEE

Thursday, December 15, 2016

6:00pm

3040 Williams Drive, Suite 200

Fairfax, VA 22031

MEETING SUMMARY

I. Call to Order

Chair Hynes

- Chair Hynes called the meeting to order at 6:17pm.
- Attendees:
 - ✓ Members: Chair Hynes; Supervisor Nohe; Mayor Parrish; Council Member Snyder (arrived 6:42pm).
 - ✓ Staff: Monica Backmon (Executive Director); Michael Longhi (CFO); Carl Hampton (Investment & Debt Manager).
 - ✓ Other Attendees: Steve MacIsaac (Arlington County); Tracy Baynard (McGuireWoods, LLC).

II. Approval of Meeting Summary for the May 15, 2016 and November 2, 2016 meetings.

- Supervisor Nohe moved approval of the May 15, 2016 meeting summary; seconded by Mayor Parrish. Motion carried unanimously.
- Chair Hynes moved approval of the November 2, 2016 meeting summary; seconded by Supervisor Nohe. Motion carried unanimously.

Action

III. Policy 19 – Political Activity by Staff Members

Chair Hynes

- Ms. Backmon briefed the Committee on Policy 19 – Political Activity by Staff Members. She stated the purpose of this policy is to ensure that, while employees may express their opinions and join political organizations, these activities do not interfere with their job duties, requirements or NVTA policies. This establishes a distinct and fine line if an issue should arise.
- Mayor Parrish moved the Governance and Personnel Committee recommend Authority approval of draft Policy 19 – Political Activity

by Staff Members; seconded by Chairman Nohe. Motion carried unanimously.

IV. Policy 20 – Responses to Information Requests from Candidates for Political Office Chair Hynes

- Ms. Backmon briefed the Committee on Policy 20 – Responses to Information Requests from Candidates for Political Office. She stated that during the campaign season the Authority receives information and meetings requests from candidates regarding the Authority and transportation issues. This policy is intended to define how NVTa staff will respond to these requests. Ms. Backmon noted that the key element of this policy states that if NVTa staff meets or provides information to one candidate, the same opportunity or information will be provided to all. This is intended to ensure the Authority is not perceived as endorsing any single candidate. She emphasized that all information provided will be shared with all candidates running for the same office.
- A concern was raised that candidates may request information through a surrogate in order to avoid having information shared with all candidates. It was acknowledged that we cannot control this.
- A question was raised as to whether a response to a question raised by an Authority member, who is also running for office, would be shared with all candidates. It was agreed that these responses would be treated as appropriate responses to Authority members and not as responses to a candidate for political office.
- A minor editorial correction was requested and agreed to the draft policy.
- It was suggested that Ms. Backmon consider notifying the Authority if requests in aggregate became time consuming. Ms. Backmon agreed to consider this.
- It was suggested that these requests could be treated under the Authority’s Freedom of Information Act (FOIA) policy. Mr. MacIsaac clarified that the proposed draft policy is distinctly separate from the Authority’s FOIA policy.
- It was noted that requests under this policy are limited to information that already exists. NVTa will not develop new information based on a candidate’s request.

- Ms. Hynes moved the Governance and Personnel Committee recommend Authority approval of draft Policy – 20 Responses to Information Requests from Candidates for Political Office; seconded by Supervisor Nohe. Motion carried unanimously.

Discussion/Information

- Chair Hynes moved Item V to the end of the agenda.

VI. 2017 General Assembly Session – Early Action

Ms. Backmon, Executive Director

- Ms. Backmon stated that she received and discussed a potential bill from Delegate LeMunyon. She noted to the draft prospectively would incorporate HB 599 into TransAction.
- Ms. Baynard stated that there have been very few bills pre-filed. She noted some anticipated legislation issues:
 - ✓ Administration will be focused on Metro safety legislation.
 - ✓ Transform I-66.
 - ✓ Consolidation of NVTA and NVTC, (repeated from prior years).
 - ✓ Gas tax floor.
 - ✓ Central Richmond and the Roanoke Region are going to initiate a conversation about whether they can meet the population requirements in HB 2313 to petition the General Assembly for inclusion.
- Ms. Baynard provided key General Assembly dates to the Committee.

(Council Member Snyder arrived.)

VII. Discussion of Electronic Meeting Participation for Committees Chair Hynes

- Chair Hynes stated that the NVTA has an electronic meeting participation policy that currently applies only to Authority meetings. She suggested that the policy could be applied to NVTA standing committee meetings as well. There was agreement among the Committee members to amend the existing policy to include electronic participation for NVTA standing committee meetings.
- Mr. MacIsaac clarified that the eligible reasons to participate electronically in meetings are:
 - ✓ Personal reasons or emergencies. In these instances, participants need to meet all the requirements and this is restricted.
 - ✓ Medical conditions or physical disabilities that prevent attendance, which are completely unrestricted.
 - ✓ Principal residence is more than 60 miles from the meeting location, and the governing body gets to vote on these instances. It was noted that the region is less than 60 miles in radius.
- It was noted that a physical quorum is still required at the meeting.
- The Committee requested staff proceed to draft amendments to Policy 18 to allow electronic meeting participation for NVTA standing committees, with the same requirements as Authority meetings. Staff was requested to proceed expeditiously with the amendment preparations for Authority action, since the 2017 General Assembly Session starts in January.
- This policy was assigned number 27 when adopted by the Authority.

VIII. NVTA Update

Ms. Backmon, Executive Director

- Ms. Backmon stated that the Authority will meet next on January 12, 2017. She added that the Finance Committee had met and recommended the three Authority budgets be included on the agenda for action.
- Mr. Longhi stated that there were two additional items recommended by the Finance Committee:
 - ✓ Section 125 Plan to allow employees to continue to pay for their health and life insurance on a pre-tax basis.
 - ✓ Safekeeping and Custody Agreement for Investment Services to maintain compliance with the NVTA's Investment Policy and State Code, as well as auditing compliance and accounting standards.
- Ms. Backmon added that the four remaining FY2017 Standard Project Agreements (SPAs) will also be on the Authority's agenda at the January meeting. She concluded that the 2016 Annual Report will be presented at the January meeting.
- Council Member Snyder expressed concerns about long term funding for WMATA and how NVTA funding is addressing the region's transportation problems. A broad discussion followed.

V. Executive Director Performance Evaluation

Chair Hynes

- Ms. Hynes moved that the Governance and Personnel Committee convene a closed meeting, as authorized by Virginia Code section 2.2-3711.A.1, for the purpose of discussing a personnel matter; seconded by Council Member Snyder. Motion carried unanimously.
- The Governance and Personnel Committee entered into closed session at 7:20pm.

Closed Session

IX. Potential Closed Session to Discuss a Personnel Issue

Chair Hynes

- The Governance and Personnel Committee returned to open session at 7:42pm.
- Ms. Hynes moved that the members of the Governance and Personnel Committee certify: (1) that only public business matters lawfully exempted from open meeting requirements under Chapter 37, Title 2.2 of the Code of Virginia; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered by the Authority; seconded by Council Member Snyder. Motion carried unanimously.

Next Meeting

- The next meeting of the Governance and Personnel Committee is TBD.

Adjournment

X. Adjournment

- Meeting adjourned at 7:43pm.