

**MINUTES OF THE MEETING OF THE
GEORGE WASHINGTON REGIONAL COMMISSION**

March 18, 2019
GWRC Conference Room

MEMBERS PRESENT: Chair – Meg Bohmke, **Stafford**; Matt Kelly & Billy Withers, **City of Fredericksburg**; Jeff Black & Nancy Long, **Caroline County**; Ruby Brabo & John Jenkins (in at 6:12 p.m.), **King George County**; Tim McLaughlin & Paul Trampe, **Spotsylvania County**; and Wendy Maurer, **Stafford County**

MEMBERS ABSENT: None

OTHERS IN ATTENDANCE: Tim Baroody, City of Fredericksburg; Mark Taylor, County of Spotsylvania; Tom Foley, County of Stafford; David Ross (in at 6:24 p.m.), Spotsylvania County; Tom Coen, Stafford County; Randy Comer, Thrasher Group; Rupert Farley, CTAC; George Millsaps, US Census; and Kimberly Young, UMW

STAFF: Linda Millsaps, Michele Dooling, Paul Agnello, Briana Hairfield, Kari Barber, John Bentley, Colin Cate, Sam Shoukas, Leigh Anderson, JoAnna Roberson, and Kate Gibson

CALL TO ORDER: Ms. Bohmke called the meeting to order at 6:00 p.m. with a quorum present; which was followed by the Pledge of Allegiance.

APPROVAL OF GWRC MEETING AGENDA: Dr. Millsaps advised that Item 8a – presentation from Mr. Arthur Scott with National Association of Counties needed to be pulled from tonight’s agenda as a result of a family emergency for Mr. Scott. Ms. Bohmke asked if Ms. Brabo could provide an update on NACo as she is a state representative to this committee. Upon motion by Ms. Maurer & seconded by Mr. Black, with all concurring, the March 18th agenda was approved as amended.

APPROVAL OF GWRC MEETING MINUTES OF JANUARY 28, 2019 (Action Item)

As feedback from Mr. Ivan Rucker with FHWA who made a joint presentation to both the GWRC & FAMPO boards had requested his presentation be removed from approval as answers to questions from committee members needed further follow-up, upon motion by Ms. Long & seconded by Mr. Jenkins, with all concurring, approval of the January 28, 2019 minutes was deferred for action until the upcoming April 15th meeting. It was also commission request that Dr. Millsaps contact Mr. Rucker to obtain his requested amendments prior to the April 15th meeting.

APPROVAL OF GWRC MEETING MINUTES OF FEBRUARY 25, 2019 (Action Item)

Upon motion by Mr. Jenkins and seconded by Mr. Withers, with all concurring, the minutes from the February 25th GWRC meeting were approved as submitted.

PUBLIC INVOLVEMENT - None

FINANCIAL REPORT – Michele Dooling

Included in tonight's agenda packet – there were no questions asked of Ms. Dooling from GWRC Commission members. Ms. Dooling advised that 79% of all payables are current & that a large amount of funding has been collected since the February meeting.

PRESENTATIONS

a.) NACo update – Ms. Ruby Brabo

Ms. Brabo advised that at the recent NACo meeting, members of the Telecommunications & Technology Policy Steering Committee expressed frustration over the lack of internet & cell phone service in many parts of the county. NACo plans to now launch a mobile app called “TestIT” which is geared toward getting accurate information when it comes to broadband to determine who has it & who does not. Ms. Brabo stated she has personally tested the app in all places she goes – i.e. restaurants, stores, libraries, etc. & it quickly provides reply on whether broadband is available in the specific location of where one is.

Ms. Brabo relayed the other topic of interest is the “Waters of the U.S.” rule whereby all counties are encouraged to weigh in on proposed administration's revised definition for “Waters of the U.S.” under the clean water act. Ms. Brabo stated this affects the revenue that is allocated to each county & all counties, whether individually or collectively as an entity from GWRC, are encouraged to provide examples on how the proposed ruling will impact county-owned infrastructure such as roads, ditches, drainage, irrigation conveyances, flood control channels, bridge construction & stormwater & wastewater facilities to provide recommendations on how the rule can be modified.

Ms. Bohmke also expressed appreciation to Mr. Trampe who also served on this committee for having the region's best interest at heart. Dr. Millsaps advised this information has been forwarded to all County Administrators & City Manager for potential interest in pursuing opportunities. Mr. Withers asked Dr. Millsaps if she could also provide feedback from VML which represents the local cities/towns within the region. Dr. Millsaps advised this would be presented at the upcoming April 15th GWRC meeting.

Ms. Brabo advised that on April 10th at 2:30 p.m. in Montross a round table discussion is schedule for the purpose of inviting elected officials to better understand & ask questions in regard to the WHIP3 program.

b.) Executive Director's Report – Dr. Linda Millsaps, Executive Director

i. GO Virginia – UMW's Cybersecurity Certification Program Approval

Dr. Millsaps stated that thanks to a lot of ground work completed by Ms. Gibson, that GO Virginia awarded its first grant to the University of Mary Washington for implementation of the region's first cyber-security gold standard program. This program requires no pre-study completion & will be collaborating with both Germanna Community College & Rappahannock Community College. The planning counsel will be assembling soon so more information will be provided at a later meeting.

ii. Rural Transportation

Dr. Millsaps stated that every spring she & Mr. Agnello begin developing a plan for next year. Work on this spring's endeavors are just getting underway but a template will be created for the rural areas of the FAMPO/GWRC region. The template will contain specific dollars allocated for planning efforts to the rural areas. Dr. Millsaps advised more information on this topic would be presented at the upcoming April 15th GWRC meeting.

iii. Affordable Housing

Dr. Millsaps advised the region is trying to move forward since November on a regional affordable housing approach. Dr. Millsaps stated an updated presentation will be given at the April 15th GWRC meeting. Dr. Millsaps stated that member questions from the previous meeting that included what the report will look like; what projects can be funded through the program; what can the \$100,000 study with no match provide the region, etc. will be answered in April. Dr. Millsaps stated the last affordable housing plan for the region was completed 10 years ago so an updated plan is well over due.

iv. US Census update – Mr. George Millsaps

Mr. Millsaps advised the upcoming 2020 census requires that everyone be counted only once & be counted in the right place. The census data counts are a requirement of the US Constitution & requires that they be completed each decade.

Mr. Millsaps stated accurate census data collection provides vital information for the communities. The census count determines how many representatives each state gets in Congress. Mr. Millsaps stated that communities rely on census data to plan for a variety of resident needs that includes new roads, new schools, enhanced emergency services, etc. Mr. Millsaps stated that annually the federal government distributes hundreds of billions of dollars to states & communities based on the U.S. Census Bureau data.

Mr. Millsaps stated the 2020 census counts will introduce new technology to make it easier for citizens to respond. For the first time, you will be able to respond online, by phone or by mail. Available data already available will be utilized to cut down on household census count visits. A more accurate address list & automation of field operations will be enhanced & all while keeping information confidential & safe. Mr. Millsaps stated the Census Bureau receives & obtains data but does not give out information. Mr. Millsaps stated he would be personally glad to attend all local board of supervisors' meetings & city council meetings to stress the importance of getting the word out of how important & financially beneficial it is to the state & communities to ensure a valid census count is taken within the region.

v. Staffing

Dr. Millsaps stated that both open positions for GWRC & FAMPO which are respectively a GO Virginia admin position & filling the planner's position that was vacated by Nick Quint are top GWRC priorities. Dr. Millsaps stated the postings are listed in numerous places to include: zip recruiter, schools, partners & to date 110 potential applicants have been directed to contact GWRC/FAMPO regarding open positions. Ms. Brabo stated job postings can also be listed for free with NACo & Virginia Association of Counties.

Mr. McLaughlin stated the GO Virginia position was discussed at a previous meeting. Mr. Ross stated the item was discussed but the board did not vote to approve the position. Dr. Millsaps stated the position was approved at the September GWRC meeting. Mr. McLaughlin stated he sees filling of the FAMPO position as the most critical need as he does not see GO Virginia being a long-term program. Ms. Brabo stated that when the GO Virginia position was approved by the Commission at the September meeting, it was approved as long as GO Virginia funding is available & was not approved on a permanent basis if additional funding sources were needed. Mr. McLaughlin reiterated that staffing needs for FAMPO need to come before any other positions.

vi. Other Staff Activities - None

OLD BUSINESS

- a.) Resolution 19-05: Administrative Adjustments to the Joint GWRC/FAMPO Title VI Nondiscrimination Plan (**Action Item**) – Briana Hairfield

Ms. Hairfield advised Resolution 19-05 is requesting approval of administrative adjustments made since the last meeting to the joint GWRC/FAMPO Title VI Nondiscrimination Plan. Ms. Hairfield relayed the administrative edits include staff & board member roster updates & inclusion of recent DOT/VDOT Assurances.

Upon motion by Mr. Withers & seconded by Ms. Brabo, with all concurring, Resolution 19-05 was adopted by GWRC at the March 18th meeting.

- b.) FAMPO Staffing Discussion (**Action Item**)

Mr. Agnello advised that FAMPO is requesting approval from GWRC for fully staffing FAMPO positions to the 7 that is reflected in the UPWP. Mr. Agnello relayed this would involve the following staff additions: moving a current part-time employee to full-time status; filling immediately the vacant position from Mr. Quint's departure from FAMPO; & filling a new position for a transportation modeler or engineer. Mr. Agnello stated that previously the request that was approved by FAMPO at the February meeting included 2 part-time staff converting to full-time status; however, at this time 1 of the part-time employees is no longer interested in moving to full-time status. Mr. Agnello advised that funding available is \$1837.57m & this figure has been verified by both the state & VDOT.

Ms. Gardner with VDOT confirmed the funding available would be on-going with no huge changes in revenue to occur. Ms. Maurer stated that it is important that we remain in compliance with staffing needs as stated in the FY2019 UPWP & 7 positions are indicated as a need in the UPWP. However, now that 1 part-time employee is no longer interested in moving to a full-time status, this will actually mean 6.5 positions are filled.

Upon motion by Mr. McLaughlin and seconded by Ms. Long with Ms. Brabo, Mr. Jenkins, Mr. Kelly & Mr. Withers voting no, & all others concurring, to approve all positions now rather than waiting for approval in July with new budget submission for all positions to be approved at that time. (There was unanimous consent to fill the vacancy left by Mr. Quint & to move the part-time staff member to a full-time status).

- c.) CAO Briefing – GWRC/FAMPO Organizational Issues Review – Mr. Tim Baroody, City of Fredericksburg; Mr. Mark Taylor, Spotsylvania County; & Mr. Tom Foley, Stafford County

A lengthy presentation & discussion time occurred from the joint presentation to both GWRC & FAMPO from Mr. Tim Baroody, Fredericksburg City Manager & Mr. Mark Taylor & Mr. Tom Foley, County Administrators for Spotsylvania & Stafford. This presentation was a result of a request from both committees for an organization review of the existing MOU. The report is included in tonight's agenda packet and the highlights will be summarized in tonight's minutes.

Mr. Baroody stated the 3 members of the executive review committee met numerous times to review the existing MOU. Discussion was also held with Mr. Ivan Rucker at FHWA, Hefty & Wiley Law firm, VDOT & New River Valley MPO.

Mr. Baroody stated that all 3 members concur that the existing MOU does need to be modified and made clearer; however, it was determined that the following items are correct:

FAMPO is not an independent & legal entity on its own & is required by federal & state laws to have a fiscal agent that oversees the MOU. Mr. Taylor stated that currently the fiscal agent for FAMPO is GWRC; however, a fiscal agent could be an independent locality and/or other entity. Mr. Taylor relayed the New River Valley MPO is the only 1 in the state that is independent.

Mr. Baroody stated there has been considerable discussion by members of both GWRC & FAMPO regarding the relationship between the 2 organizations & the roles/responsibilities of the key staff in carrying out the functions of each organization. Mr. Baroody advised that much of the discussion has centered on the authority certain staff have regarding the supervision & execution of documents on behalf of FAMPO.

Mr. Baroody relayed the existing MOU states that FAMPO is fully responsible for conduction of its affairs & the establishment & oversight of its policies but has limited legal power under the existing laws of the Commonwealth. The document further states that FAMPO & GWRC are separate & distinct entities & that even though all employees are employees of GWRC & under the executive authority of the GWRC Executive Director.

Mr. Baroody stated the 2010 MOU states that FAMPO desired for GWRC to remain as its fiscal agent & also described FAMPO's authority to "appoint a FAMPO Administrator from among GWRC staff who shall serve at discretion of GWRC".

Mr. Baroody advised 3 issues have emerged which are: role of FAMPO for establishing transportation policy; the need for FAMPO to have a fiscal agent; & the role of FAMPO not being authorized to expend funds unless approved by GWRC.

Mr. Baroody stated that as GWRC is the existing fiscal agent; FAMPO, however, like all other MPO's with the exception of New River Valley, is a policy development & decision-making entity with very specific & limited authority. FAMPO is not a public body corporate. Consequently, FAMPO does not have the independent authority to expend funds, sue & be sued, hire employees, or enter into contracts (except for procuring studies) & would need to rely on GWRC or another entity to serve as its fiscal agent to administer contracts that include procurement, oversight & financial management.

Mr. Foley advised that 3 areas exist between an MPO/PDC which includes: personnel policies; financial management by insuring money is available for proposals, etc.; & general accountability to both the state & federal government entities.

Mr. Taylor stated that options going forward that are recommended as a result of the on-going & existing relationship between FAMPO & GWRC are as follows:

#1 – to maintain GWRC as FAMPO's fiscal agent but to revise the existing MOU to further clarify roles & responsibilities

#2 – to split both existing organizations & have each go its own way with GWRC remaining as it is & with FAMPO becoming a new entity under another locality or organization

ADDITIONAL ITEMS OF INTEREST – Included in meeting packet.

ADJOURN GWRC MEETING – The March 18th GWRC meeting adjourned at 7:38 p.m. with the next committee meeting scheduled to occur on April 15, 2019.

Respectfully Submitted, Dr. Linda Millsaps, Executive Director
(Draft Minutes prepared by JoAnna Roberson)