

NORTHERN VIRGINIA REGIONAL COMMISSION

Minutes of the Commission Meeting Held Thursday, September 22, 2005

COMMISSIONERS

(The names of those present are highlighted)

Commissioner Hilda M. Barg

Commissioner Melvin Bray

Commissioner Sharon Bulova

Commissioner Gerald E. Connolly, NVRC Vice Chairman

Commissioner W. S. Covington, III

Commissioner Joan Cross

Commissioner William T. Druhan, Jr.

Commissioner Joan DuBois

Commissioner Barbara A. Favola, NVRC Chairman

Commissioner Robin Gardner

Commissioner Penelope A. Gross

Commissioner Catherine Hudgins

Commissioner Elaine N. McConnell

Commissioner Martin E. Nohe

Commissioner Michael O'Reilly

Commissioner Harry J. Parrish, II, NVRC Treasurer

Commissioner Bryan Polk

Commissioner Redella S. Pepper

Commissioner M. Jane Seeman

Commissioner Paul C. Smedberg

Commissioner Linda Smyth

Commissioner J. Walter Tejada

Commissioner Bruce E. Tulloch

Commissioner Kristen C. Umstatt

Commissioner Lori Waters

County of Prince William

Town of Dumfries

County of Fairfax

County of Fairfax

County of Prince William

City of Fairfax

Town of Purcellville

County of Fairfax

County of Arlington

City of Falls Church

County of Fairfax

County of Fairfax

County of Fairfax

County of Prince William

Town of Herndon

City of Manassas

City of Manassas Park

City of Alexandria

Town of Vienna

City of Alexandria

County of Fairfax

County of Arlington

County of Loudoun

Town of Leesburg

County of Loudoun

STAFF PRESENT

G. Mark Gibb

Linda M. Tenney

Linda Summerall

Kenneth Billingsley

Barbara Gordon

Katherine Mull

Doug Pickford

David Schwengel

Michelle Simmons

James Van Zee

Executive Director

Deputy Director

Executive Secretary

Director, Demographics

Communications Director

Senior Environmental Planner

Director, Environmental and Heritage Resources

Regional Emergency Preparedness Planning Director

Director, Human Services

Director, Regional Planning Services

GUESTS PRESENT

Brendan Pevarski

Sue Rowland

F. Wyatt Shields

Dir. of Community Outreach, Rep. Frank Wolf's office

Principal, SR Consulting

Assistant City Manager, Falls Church

CALL TO ORDER Chairman Favola called the meeting to order at 7:32 p.m.

PLEDGE OF ALLEGIANCE The Pledge of Allegiance was recited by all present.

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

MINUTES Commissioner Tulloch moved approval of the minutes of the July 28, 2005, meeting. The motion was seconded.

Commissioner Gross requested that the minutes reflect the members' recognition of Commissioner O'Reilly's political bravery for his stance on the creation of a day laborer site in the Town of Herndon.

The minutes were approved as amended, with Commissioner Druhan abstaining.

DISCUSSION OF REGIONAL ISSUES

Chairman Favola explained that the U.S. House of Representatives was meeting tonight to vote; hence Reps. Davis and Moran were unable to be here tonight as scheduled. Members agreed to invite the Congressional Delegation back when Congress is in recess, perhaps for a breakfast meeting.

Commissioner O'Reilly reported that state Senator Janet Howell, Delegate Tom Rust, Fairfax County Supervisor Linda Smyth and he recently met with Rep. Frank Wolf to convey their interest in having federal legislation passed to assist local government with immigration issues. All participants at that meeting agreed on the failure at the national level to address the situation. Commissioner O'Reilly added that Rep. Wolf believed this would be a Congressional priority. However, that has now been eclipsed by Hurricane Katrina.

Commissioner O'Reilly said the group asked for federal legislation protecting the country's borders, requesting the federal government assume its responsibilities. Commissioner O'Reilly added that the group cautioned Rep. Wolf about broadening local law enforcement's role, noting that would be an unfunded mandate.

Commissioner Gross commented on the need to be very clear that empowering local law enforcement with immigration enforcement is not the correct course; local law officers do not want to be involved with that issue.

Commissioner Barg concurred, noting that local law officers have enough work without adding immigration enforcement. She added that the issue must be addressed of what happens to the children born in the U.S. to illegal immigrants if those parents are deported. Commissioner Barg shared with the members that the Prince William Board of County Supervisors sent a letter to Governor Warner requesting that he work with Congress and the Immigration Service to take care of the problem that belongs the federal government, not local governments.

Commissioner Tejada commented that the state police also have concluded they don't have the resources to take on immigration issues. It is important to encourage Congress to keep up its responsibilities.

Commissioner Barg moved that the Commission send a letter to the Northern Virginia Congressional Delegation, key committee members, and the President, supporting a traditional federal role, and articulating that local governments are not interested in and lack the resources to enforce immigration laws. The motion was seconded. The members agreed a draft letter should be in their October meeting package.

Commissioner Parrish commented this is potentially a very political issue, adding that he believes it is viewed instead as an over-crowding issue in Manassas, not as anti-immigrant or illegal immigration. Residents are blaming local government for not addressing overcrowding.

Commissioner Bulova concurred with Commissioner Parrish, adding that federal laws do come into play when trying to define how many can live in a household.

Commissioner Tulloch commented that the letter should emphasize that the Commission's decision is bi-partisan. He believes the message should be that the federal government is trying to delegate responsibility for immigration enforcement to the localities. Localities

have the power to control housing overcrowding through zoning ordinances. Chairman Favola added that all local jurisdictions have these ordinances in one form or another.

Several members agreed that the letter should address the federal role on immigration. The motion passed unanimously.

Commissioner Gross raised the issue of gang prevention, recalling last year's regional meeting sponsored by MWCOG. The Commissioners noted that the local police departments throughout Northern Virginia have good working relationships and cooperation and coordination.

EXECUTIVE DIRECTOR'S REPORT

Mr. Gibb welcomed the Commissioners to NVRC's new office.

NVRC staff recently met with the Northern Virginia regional gang coordinators to discuss NVRC's role for assisting the local gang coordinators in gathering and analyzing information related to the gang problem.

Mr. Gibb introduced Barbara Gordon, the Commission's new Director of Communications.

At Mr. Gibb's invitation, Commissioner Tejada described Arlington County's newest method to allow easy payment of county bills: Kiosk machines have been placed in many 7-Eleven stores throughout the county, permitting automated payment by credit card, debit card or cash of county bills and taxes.

CHAIRMAN'S REPORT

Chairman Favola announced that as Treasurer, Commissioner Parrish chairs the Operations Committee. Commissioner Connolly has agreed to continue chairing the Legislative Committee, and she will chair the Communications Committee until a new chairman is found.

Chairman Favola reviewed the meeting agenda for the Commission's next three meetings:

October 27 — draft legislative platform will be reviewed, and a presentation on regional emergency preparedness, in light of Hurricane Katrina, will be made.

December 8 — joint meeting with the Northern Virginia Transportation Authority for a presentation on the TransAction 2030 regional transportation plan update. Additionally, there will be a separate meeting in December (date to be announced) with the Northern Virginia Delegation to present NVRC's 2006 Legislative Platform.

January — Commission members will meet at the General Assembly in conjunction with VML/VACO day and talk with legislators. Commissioner Connolly reported that this worked well last year for the Northern Virginia Transportation Authority.

REPORT ON WHITMAN-WALKER CLINIC

Ms. Simmons briefly reviewed the history of Whitman-Walker Clinic's financial problems, describing the Northern Virginia task force assembled by Whitman-Walker to look at options for maintaining services at its Northern Virginia facility. The task force includes representatives from Arlington, Fairfax and Alexandria, including Arlington County Board Chairman Jay Fisette and Commissioner Smedberg. Nearly 300 people receive care at the Northern Virginia clinic. Local staff participants in the task force determined that these patients could not be transitioned to other care providers before the clinic was slated for closure.

Arlington, Fairfax, Alexandria and the Virginia Dept. of Health (VDH) have agreed to provide up to \$590,000 in interim financing to keep the Northern Virginia site open through

December 2006, with Whitman-Walker Clinic contributing \$210,000. For every dollar designated to Northern Virginia over \$210,000 raised by Whitman-Walker, the jurisdictions' share will be reduced. VDH and the localities asked NVRC to serve as the fiduciary agent. Staff is working on the agreement with Whitman-Walker to transfer the funds. NVRC staff continues to work with the local staff participating in the task force to ensure that payments made have proper documentation.

As part of the Memorandum of Understanding signed by the jurisdictions in late August and made public at a press conference, NVRC has the authority to appoint four individuals from the region to help oversee Whitman-Walker activities as just one of a number of monitoring activities.

Ms. Simmons explained that Resolution No. P06-05, distributed by staff, identifies three of the four individuals for appointment. Commissioner Connolly voiced his objection, noting that the candidates have not been vetted by the Fairfax County Board of Supervisors. The motion was seconded and carried. Action was deferred.

Mr. Gibb suggested that the names be sent to the respective jurisdictions to make their appointments and relay the appointments to NVRC. The Commissioners agreed they want to make the appointments at their October meeting after the names have been circulated to the respective governing bodies. Commissioner Smedberg suggested adding a brief description of the representatives' duties for clarification for the governing bodies.

Chairman Favola noted that at the press conference, the local jurisdictions made a compelling case for regionalism. It is very clear that the memorandum of understanding keeping Whitman-Walker Clinic of Northern Virginia afloat is temporary, ending December 31, 2006. Long-term solutions to provide services to Northern Virginians needing those services will need to be sought.

RESOLUTION NO. P06-04

ACCEPTANCE OF THE FINAL DRAFT OF THE NORTHERN VIRGINIA REGIONAL PRE-DISASTER NATURAL HAZARD MITIGATION PLAN

Mr. Gibb reported that the draft regional plan is complete and has been forwarded to the Virginia Department of Emergency Management for approval, and directed members' attention to the distributed correspondence. Mr. Van Zee added that FEMA must also approve the regional plan and each local jurisdiction must adopt it.

Commissioner Tulloch moved adoption of Resolution No. P06-04. The motion was seconded and carried unanimously.

REPORT ON BRAC PROCESS

Mr. Gibb reported that the Governor has created four regional task forces. The Northern Virginia task force is chaired by Robert Templin, President of Northern Virginia Community College. NVRC has been asked to staff the task force. The task force will make its recommendations to the General Assembly by December 1 regarding absorbing the impacts of BRAC.

LEGISLATIVE SCHEDULE

Chairman Favola announced the Legislative Committee will meet October 11 and October 27 (immediately before the Commission meeting). All Commissioners are welcome to attend these committee meetings.

OTHER
BUSINESS

- A. Resolution No. P06-06: A REQUEST THAT THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY CLARIFY THAT PERMITS-BY-RULE ARE PERMITS AND SHALL BE ISSUED ONLY IF IN CONFORMANCE WITH LOCAL SOLID WASTE MANAGEMENT PLANS

Staff distributed Resolution No. P06-06, which was moved by Commissioner Tulloch and duly seconded.

Mr. Pickford explained that the permits-by-rule rule is a rather obscure clause in the state code and grants the Director of the Virginia Dept. of Environmental Quality (DEQ) a good bit of latitude in reviewing applications due to contradictions in the state code. DEQ is ready to approve via permit-by-rule two new solid waste facilities in Northern Virginia that are not included in the local Solid Waste Management Plan. Staff believe that facilities approved by permit-by-rule should require either an existing permit or a new permit, which should be issued only in conformance with the local solid waste management plan.

Commissioner Connolly suggested amending the resolution to send the letter to the Secretary of Natural Resources and the Governor as well as to the DEQ director. The members agreed. The motion as amended carried unanimously.

- B. Commissioner Smedberg raised the issue that the City of Alexandria has been trying to get the Mirant Power Plant to upgrade its facilities to improve the air quality or be shut down. Mirant voluntarily shut down, removing it from the state's purview and putting it under the federal government's purview. Mirant is now reopening.

Commissioner Smedberg moved that the Commission go on record expressing serious concern over continued operation of the Mirant Power Plant and the Commission's favorable disposition of its closure because of regional air pollution. The motion was seconded and unanimously carried. A letter will be sent to the Governor, the Secretary of Natural Resources, DEQ, and the Northern Virginia Delegation.

- C. Commissioner Tejada informed the members that MWCOC's Human Services Committee will host a day labor issues forum on November 17, and all public officials are invited to attend.

ADJOURNMENT There being no further business, Chairman Favola adjourned the meeting at 9:13 p.m.

Respectfully submitted:

G. Mark Gibb
Executive Director

Approved by:

Barbara A. Favola
Chairman