

Richmond Regional Planning District Commission
MINUTES
December 13, 2001

Members/Alternates Present

Patricia S. O'Bannon (M), ChairmanCounty of Henrico
Rebecca M. Ringley (M), Vice Chairman County of New Kent
Angela L. LaCombe (M), TreasurerTown of Ashland
John E. Gordon (M), SecretaryCounty of Hanover
Richard W. Ayers (M)County of Powhatan
Gregory R. Baka (M)County of Henrico
W. R. Britton, Jr. (A) County of Charles City
Joseph E. Brooks (M)City of Richmond
Malvern R. Butler (M)County of Goochland
Mark S. Daniel (M)..... County of New Kent
James B. Donati (M)County of Henrico
Richard W. Glover (M).....County of Henrico
Russell J. Gulley (M)County of Chesterfield
Roy J. Harrison, Jr. (M)County of Powhatan
Harvey Hinson (A).....County of Henrico
Renny B. Humphrey (M)County of Chesterfield
William Russell Jones, III (M)City of Richmond
David A. Kaechele (M).....County of Henrico
Joseph T. Lacy, Jr. (M)County of Goochland
John L. McHale, III (M)County of Chesterfield
Floyd H. Miles, Sr. (M) County of Charles City
Kelly E. Miller (M)County of Chesterfield
George K. Roarty (M).....County of Chesterfield
Allen J. Taylor (M)County of Henrico
James Taylor (A)County of Goochland
Frank J. Thornton (M)County of Henrico

Members Absent

Edward B. Barber (M)County of Chesterfield
John G. Dankos (M).....County of Hanover
Gwen C. Hedgepeth (M).....City of Richmond
Charles D. McGhee (M)County of Hanover
Delores L. McQuinn (M)City of Richmond
Joseph D. O'Connor (M)County of Hanover
Arthur S. Warren (M)County of Chesterfield

Others Present

John R. Amos..... RRPDC Legal Counsel
Michael Aukamp.....Dunham & Aukamp, PLC
George Homewood..... County of New Kent
Larry J. McCarty..... Citizen

Staff Present

Paul E. Fisher..... Executive Director
Katherine E. Barrett.....Executive Secretary
Jo A. Evans.....Assistant Executive Director
Daniel N. Lysy..... Director of Transportation
Jackie S. Stewart.....Director of Planning and Information Systems
Peter M. Sweetland..... Finance and Contracts Administrator
Patricia A. Villa..... Communications Coordinator

Call to Order

Chairman Patricia O'Bannon called the regularly scheduled December 13, 2001 meeting to order at 1:00 p.m.

I. ADMINISTRATION

A. Certification by Commission Executive Director of Meeting Quorum

Mr. Fisher certified that a majority of the members were present to constitute a quorum.

B. Approval of Minutes of November 8, 2001 RRPDC Meeting

There being no corrections or additions, on motion of Mr. Butler, seconded by Mr. A. Taylor, the Minutes of the November 8, 2001 meeting were approved.

Mr. Fisher stated that a quorum of the Commission members was not present at the November meeting; therefore, the Chairman reconvened the meeting of the Executive Committee. At the November meeting, Mr. McHale made the motion to approve the October 11 Minutes. Since Mr. McHale is not an Executive Committee member, Mr. Fisher requested that the Commission reapprove the October 11, 2001 RRPDC Minutes.

On motion of Mr. Butler, seconded by Mr. Allen Taylor, the Minutes of the October 11, 2001 meeting were approved.

C. Open Public Comment Period

There were no requests to address the Commission at this time and Chairman O'Bannon closed the public comment period.

D. Approval of October 2001 Financial Report

Ms. LaCombe presented the financial report for October 2001. There being no corrections, on motion of Mr. Butler, seconded by Mr. Allen Taylor, the financial report for October 2001 was accepted for audit.

E. Chairman's Report – No report.

F. Executive Director's Report for November 2001

Mr. Fisher reported that staff has continued its efforts in Regional Disaster Response Planning by convening a Technical Advisory Committee of member local government public safety officials. The Advisory Committee has established a sub-committee to plan an agenda for a workshop to explore in detail the status of cooperative disaster response planning in the Richmond region. Also, Congressman Cantor has established the "Congressional Safety and Security Council of the 7th District of Virginia." RRPDC Chairman Patricia O'Bannon and Commissioners Richard Glover and Arthur Warren have been asked to serve on that Council as has Paul Fisher and Hanover Board Chairman, Jack Ward. Mr. Glover serves as Chairman at Congressman Cantor's request. Numerous other citizens and officials also serve on the Council. Congressman Scott's staff has also called to follow the status of the RRPDC Regional Disaster Response Planning Technical Advisory Committee.

Mr. Fisher has made presentations at a Virginia Commonwealth University sponsored symposium on sprawl and at a meeting of the Byrd Airport Rotary Club. Staff also participated at the Conference on Virginia's Future sponsored by the Virginia Chamber of Commerce (Coalition for Virginia's Future).

Mr. Fisher and Mark Strickler, Richmond Director of Planning, have proceeded with completing plans for a Regional Planning Commissioners Forum for the planning commissioners from all nine RRPDC member local governments. The one-half day Forum will be held on March 8, 2002 at the new Richmond Convention Center. Invitations will be sent to all planning commissioners. Mr. Mike Chandler from Virginia Tech will give the keynote presentation. Following lunch, Mr. Uri Avin from LDR International will give a presentation on a number of issues.

Mr. Fisher attended the Virginia Association of Planning District Commission's (VAPDC) Executive Directors meeting last week in Charlottesville, and the VAPDC has asked Mr. Fisher to serve on the VAPDC Board, replacing Mr. Floyd Miles. Also, the VAPDC has a seat on the Advisory Commission on Intergovernmental Relations (ACIR) Board and the VAPDC has asked Mr. Fisher to serve on the ACIR Board, replacing Mr. Dan Kavanagh whose term has expired. This will be a VAPDC recommendation to the Governor who makes the appointment.

II. OLD BUSINESS

A. Workforce One Reimbursement Request FY 01 Regional Competitiveness Program

Ms. Jo Evans, Assistant Executive Director, reported that staff has reviewed the reimbursement request from Workforce One for \$20,972.00 in expenditures made during October for work under the FY 01 contract. This request is the fourth of six monthly requests that are anticipated to be received from Workforce One through January 2002 for a total of \$320,000. Reimbursements for expenditures made during the first three months total \$38,147.00.

Discussion followed. Ms. O'Bannon referred to Workforce One operations budget, and asked if funding is allowed for furniture. Ms. Evans said yes, that is what they need to operate the program.

Mr. Butler asked if the program paid the Greater Richmond Chamber of Commerce the amount of rent as shown. Ms. Evans said yes, this is an allowable expense through the Regional Competitiveness Program. Mr. Butler said it appeared Workforce One purchased furniture every year - are they adding new people or do they just buy new furniture? Ms. Evans responded that they are not adding new people—she is not sure exactly what the specifics are.

Mr. Butler stated that he would like to see the Regional Competitiveness Program funds next year go to benefit the Convention Center, tourism, or something that does not go towards paying for equipment, rent, etc. Mr. Butler said if the Greater Richmond Chamber of Commerce is interested in the program, then they should give Workforce One free rent—the localities are paying for their building.

Ms. Evans noted that applications will go out in February to organizations to request funding for the next fiscal year which is the final year for the program. The Regional Competitiveness Committee will meet in January

to discuss the application process. That will be an opportunity for other programs to come to the Board.

Ms. O'Bannon noted programs that have been very successful, such as Summer Youth Employment and Training and The Retail Institute, rent was not paid to run the program. Ms. O'Bannon felt the monies could more directly be put into the program for either job training, education, etc., rather than office furniture and rent.

Mr. Harrison, Chairman of the Regional Competitiveness Committee, noted that he had heard discussions today as well as discussions on the sidelines and in other meetings; therefore, the Regional Competitiveness Committee will be discussing those concerns in January.

Mr. Harrison also stated that since this request does meet the contractual obligations of the Regional Competitiveness Committee and the Richmond Regional Planning District Commission, Mr. Harrison then made a motion, seconded by Mr. McHale, to approve the Workforce One request for reimbursement in the amount of \$20,972.00.

Prior to a vote on the motion, Mr. Jones suggested that Workforce One attend the next meeting to explain the accomplishments and where the monies are spent.

Ms. Ringley asked if Workforce One planned to use all the funds. There appears to be a lot of money left. Ms. Evans said she thought that was Workforce One's intent. Ms. Evans noted that Anne Dale, Workforce One Executive Director met with Mr. Fisher and Mr. Harrison about enlisting the use of a consultant to do some Workforce One work. Mr. Fisher stated that Workforce One said the consultant would do some hardware and software development.

Ms. Ringley noted that if funds are not used, then the funds roll back into the general fund for Regional Competitiveness Programs next year, but not necessarily for Workforce One.

Following general discussion, Ms. O'Bannon called for a vote on the motion. The motion carried. Mr. Miller, Ms. Humphrey, and Mr. Gulley abstained.

III. NEW BUSINESS

A. First Reading of RRPDC Bylaws Amendment

Mr. Fisher noted that this item has been on the agenda for several meetings. The situation was that in reviewing the PDC Bylaws at a prior meeting it was found that there were some conflicting quorum statements. The first was that “quorum of the Executive Committee should consist of five members” and a second statement, “any action of the Executive Committee shall require at least six affirmative votes for ratification or adoption.” The Executive Committee discussed the matter and no one could think of a reason why that was the situation. You could have a quorum of the Executive Committee but they couldn’t act—they couldn’t do anything. Therefore, it was the consensus of the Executive Committee at its meeting on October 11 that the Bylaws be changed to read “A quorum of the Executive Committee shall consist of five members. In making any recommendation, adopting any plan or approving any proposal, action shall be taken by a majority vote of all members present; provided, a quorum is present.” That makes it consistent with how the full Commission takes action; a quorum of the full Commission is half the body because it has an even number of members and a majority of the quorum present of the full commission can act. The Executive Committee recommended that this change to the Bylaws be enacted. The motion making that recommendation required two readings; the first reading was to be held at the November meeting but there was not a quorum of the full commission which is required to act on the Bylaws. Therefore, Mr. Fisher stated it is on the agenda today for the first time for reading and it will be on the next agenda as well as for final approval.

Ms. O’Bannon noted that a quorum of the Executive Committee is five members. It is important that if you are a member of the Executive Committee that you be sure you attend.

Mr. Kaechele asked if the Executive Committee allows alternates in place of members.

Mr. Fisher said no, not in place of Executive Committee members.

Ms. O’Bannon stated that was part of the discussion – if your Executive Committee person does not attend, then that jurisdiction does not have a vote. Ms. O’Bannon stated that Mr. Kaechele’s point is well taken. For instance, at the last meeting, Mr. Barber from Chesterfield was absent at the Executive Committee meeting, and Mr. McHale could have certainly set in on the meeting.

Mr. Glover stated that the Commission might want the Executive Committee to reflect what the Commission does, and have it so that when the Executive Committee member cannot attend, they can send an alternate.

Mr. Fisher said he would double check the Charter and Bylaws to see if we need to do that. Mr. Fisher said if it's the desire of this body to allow alternates to the Executive Committee, then he would look into the matter.

Mr. McHale asked if that meant it would take two readings to change the Bylaws regarding alternates on the Executive Committee. Mr. Fisher said yes. Mr. McHale said so that could not be approved as part of this process.

Mr. Glover said he thought you could amend the Bylaws for a change.

Mr. Fisher said he would like to discuss this with Legal Counsel. Mr. Fisher asked that the Commission go ahead with the Executive Committee's recommendation to make the change to the voting situation that we have with the Bylaws.

Mr. Glover asked if the Commission could make the amendment now and it constitute a reading? Mrs. O'Bannon said that's what Mr. Fisher said he wanted to look into further.

Mr. Glover asked if the Commission could make the amendment now, and it constitute the first reading. Is that correct? Mr. Amos said that would be correct according to his understanding.

Ms. O'Bannon then asked Mr. Kaechele if he is suggesting an amendment. Mr. Kaechele then made a motion to propose that as an amendment to the Bylaws. Seconded by Mr. Glover.

Ms. LaCombe said in order to have that reading, the Commission would actually have to have the wording in front of us today.

Mr. Brooks asked Mr. Kaechele if it was his intent in the amendment that, for instance, Ms. O'Bannon is Henrico's representative now, are you going to have someone named as her alternate or just anybody that can come. Mr. Kaechele said whomever is available so that you have a quorum as long as it is an elected official.

Mr. Brooks noted that the RRPDC has named alternates – we don't have just anybody that can come. Mr. Brooks felt the proposed amendment needs to have more thought from the standpoint of how you are going to do this.

Mr. Glover said in order to be reflective of the Commission, the local government would name the alternates to the Executive Committee.

Mr. Amos stated that he would need to actually go back and draft the language so there would be two readings. This would not constitute the first reading.

Mr. Fisher stated that he would like to move forward with the amendment on the table today, and bring the next amendment at another meeting.

Ms. O'Bannon asked Mr. Kaechele if he wanted to put these together. Mr. Fisher is recommending that the Commission read it as it stands now and then make the correction at the next meeting. Mr. Kaechele said it was acceptable to him to treat them as two separate issues.

Ms. O'Bannon then read the proposed Bylaws amendment.

There being no further discussion, on motion of Mr. Gordon, seconded by Mr. Butler, the Richmond Regional Planning District Commission unanimously accepted the first reading of the Bylaws amendment to Article VIII, Section 2 (g) as follows:

From: A quorum of the Executive Committee shall consist of five members. Any action of the Executive Committee shall require at least six affirmative votes for ratification or adoption.

To: A quorum of the Executive Committee shall consist of five members. In making any recommendation, adopting any plan or approving any proposal, action shall be taken by a majority vote of all members present; provided, a quorum is present.

B. Presentation and Acceptance of RRPDC FY 2001 Audit

At Mr. Fisher's request, Mr. Michael Aukamp of Dunham and Aukamp presented the FY 2001 audit. Mr. Aukamp reported that the Commission received an unqualified opinion on the audit and there was no management letter, which means he found no problems or issues that were of a significant nature. There were no changes to the financial statements. There was a very strong year for the Commission financially. This is the second year in a row that assets have increased in excess of \$200,000.

Mr. Glover asked for further explanation of the \$200,000 excess. Mr. Aukamp explained that the increase in net assets, basically revenue over expenses, was approximately \$223,000 for the year.

Mr. Glover asked if those assets then become a savings account. Mr. Fisher said yes, they are in unallocated funds. Mr. Glover then asked what is done with the funds. Mr. Fisher said the funds are invested through repurchase agreement on a daily basis. The funds are in reserve in case they are needed later. Mr. Glover asked for what kind of needs—why would government create a savings account. Mr. Fisher gave a prospective example, such as the situation that the State budget is in now with a \$1 billion shortfall. The Commission now receives approximately \$207,000 for the year from the General Assembly via the Department of Housing and Community Development to support this planning district, and with a \$1 billion shortfall in the State budget we already know that the Senate Finance and House Appropriations Committees will be scrutinizing every cent in the State budget. Mr. Fisher said the planning district commission would be lobbying and working hard to protect that basic allocation of planning district commissions. Therefore, Mr. Fisher said it is nice to have an unallocated reserve to take into account things not perceived such as the removal of State funding for this planning district commission.

Ms. Evans further explained that much of the Commission funding is grant based and is not guaranteed. Therefore, to not have any money in the bank to cover the event that grants are no longer approved for this region or the federal monies are cut, the first course of action would be to cut employees or cut expenses. Ms. Evans noted that what monies that are in the bank would cover six months of operation if there were no other income.

Mr. Glover stated that he would hope the Commission would not use fund balances to fund operating expenses. Mr. Fisher said that's why he felt it was important to have a reserve.

Mr. Harrison asked Mr. Aukamp if he had a recommendation for a percentage of overall funds to keep in fund balance. Mr. Aukamp said he generally would suggest keeping a three to four month operating reserve available.

Mr. Brooks stated that this fund balance could be an example of good management on the part of the RRPDC staff.

Ms. LaCombe then stated that the Audit Committee met and recommended approval of the audit.

On a motion of Ms. LaCombe, seconded by Mr. Brooks, the Richmond Regional Planning District Commission unanimously accepted the FY 2001 RRPDC audit.

C. Renewal of Contract for Legal Services

Mr. Fisher reported that the current contract for legal services with Mr. Amos expires December 31, 2001. There is a provision in the existing contract that the contract can be extended. Mr. Amos has agreed to continue providing legal services to the Commission, Executive Committee, and MPO at the same hourly rate as in the existing contract. Two changes have been made in the contract. One is the current not to exceed amount of \$12,000; based on the experience from last year, it is recommended that the amount be increased to \$15,000. Second, under Section II, paragraph A, language has been included to allow the contract to be extended upon mutual agreement between the Richmond Regional PDC and Counsel. Mr. Fisher stated that the Executive Committee has recommended approval of the extended contract with Mr. John Amos through December 31, 2002.

Mr. Kaechele asked if there were provisions if Legal Counsel used less hours or more hours in the contract. Mr. Fisher stated that the Executive Director has the authority to do so under the terms of the contract. Mr. Fisher noted that Mr. Amos submits a monthly statement showing the hours and accounts for who he talked to and the issue. Mr. Amos' hourly rate remains at \$160.00.

On motion of Mr. Harrison, seconded by Mr. Thornton, the Richmond Regional Planning District Commission unanimously approved the amended contract for legal services with Mr. John R. Amos of Amos and Amos, PLLC.

D. Resolution Authorizing the Executive Director to Submit a Chesapeake Bay Local Assistance Department FY 03 Grant Application

Mr. Fisher requested approval of a resolution authorizing the Executive Director to submit a \$10,000 grant application to the Chesapeake Bay Local Assistance Department to allow the Planning District Commission to conduct the first phase of a two phase inventory of storm water management facilities through the region. Many of these are required as part of the Chesapeake Bay Act. Phase I will include an inventory of facilities located in the Town of Ashland, Charles City, New Kent and Powhatan Counties. Powhatan County will not be funded by the Chesapeake Bay Local Assistance Department (CBLAD) grant because it

is outside the Chesapeake Bay Preservation Act boundary. Phase I will inventory the rural jurisdictions in the region to establish a consistent format and methodology prior to collecting information from the urban areas as Phase II. The completed project will create a database for storm water management BMPs throughout the region. The goal of the database is to collect information about the types of facilities and track BMPs by watershed boundaries rather than by jurisdictional boundaries. The information would be available via the Planning District Commission's web page, and would include photos of facilities as well as pertinent information. This project was requested by local environmental staffs.

On motion of Mr. Glover, seconded by Mr. Butler, the Richmond Regional Planning District Commission unanimously adopted the following resolution:

WHEREAS, the Chesapeake Bay Preservation Act establishes that the Chesapeake Bay Local Assistance Board is responsible for carrying out the purposes and provisions of Chapter 21 of the Code of Virginia; and

WHEREAS, the Chesapeake Bay Local Assistance Board has promulgated a Request for Proposals to the Local Assistance Competitive Grants Program; and

WHEREAS, the Board of the Richmond Regional Planning District Commission is the duly elected legislative body for the Richmond Regional Planning District, an eligible entity under the Local Assistance Competitive Grants Program; and

WHEREAS, in accordance with the FY 2003 Competitive Grants Program Request for Proposals, it is required that a Resolution Authorizing the Submission of a Grant Application be received from all localities party to a grant proposal;

NOW, THEREFORE, BE IT RESOLVED, by the Board of the Richmond Regional Planning District Commission that the Richmond Regional Planning District Commission be authorized to apply on behalf of the Town of Ashland, Charles City County and New Kent County for a grant in the amount of \$10,000 from the Chesapeake Bay Local Assistance Department for the purpose of developing and implementing Phase 1 of a two phase Best Management Practices index for the Richmond Region;

AND, BE IT FURTHER RESOLVED, that if the grant is awarded, the Richmond Regional Planning District Commission hereby agrees to pay for the costs of the grant project, projected to be \$10,000 in total costs, providing that certain of these costs are subject to grant reimbursements

up to a total of \$6,805, which shall be payable from the Chesapeake Bay Local Assistance Department in accordance with a contractual agreement to be executed between the Richmond Regional Planning District Commission and the Chesapeake Bay Local Assistance Department, and that, if the Richmond Regional Planning District Commission subsequently elects to cancel this project, the Richmond Regional Planning District Commission hereby agrees to reimburse the Chesapeake Bay Local Assistance Department for the total amount of the funds expended by the Department through the date the Department is notified of such cancellation.

E. Revised FY 02 Budget and Work Program

Ms. Jo Evans, Assistant Executive Director, presented the revised FY 02 Budget and Work Program. In December of each year revisions to the current fiscal year's budget and work program are prepared and presented for Board review. These revisions are incorporated into the budget and work program last reviewed by the Board in May and are based on four months of actual activity.

The estimate for operating revenues and expenditures increased a slight \$3,900 from what was anticipated last May. On the revenue side this increase results from several changes, the most significant of which are an increase of \$23,100 in PL funds as per the MPO's UWP revised in September, a reduction of \$56,100 in anticipated interest due to sharply lower short-term interest rates, and a transfer of \$35,600 from fund balance. This latter item was necessary because expenditures for office construction and rehab were programmed for last fiscal year but were not made because construction was not completed until after July 1. The \$168,000 in funds earmarked for these purposes went into fund balance at the end of FY 01. It is anticipated that all but \$35,600 can be funded with current revenues.

The most significant revisions to expenditures are in the categories of personnel to reflect current staffing levels and anticipated hires; computer operations as a result of re-programming FY 01 expenditures to FY 02 for conference room upgrades of equipment and furniture; rent due to higher common area maintenance pass-through costs; telephone for installation of the new phone system that had originally been programmed for FY 01; and alternative modes survey which is a study that will be proposed for MPO consideration.

Following general questions and comments, on motion of Ms. Ringley, seconded by Mr. Harrison, the Richmond Regional Planning District

Commission unanimously approved the revised FY 02 Budget and Work Program.

F. Preliminary FY 03 Budget and Work Program

Ms. Jo Evans presented the preliminary FY 03 Budget and Work Program. Ms. Evans noted that in December of each year a preliminary budget and work program for the fiscal year beginning next July 1 are prepared and presented for Board review.

The budget, and to a lesser extent the work program, is based primarily on the assumption of level funding. Specific information on state and federal funding amounts will become available over the next few months and will be incorporated into the budget presented for review and adoption by the Board in May. Further revisions to the FY 03 budget may also be made next December and the following May.

Because so much of the revenue picture is unclear at this time, the expenditure items are presented as the best estimate and have not been aligned with the revenue estimate. Once the General Assembly session adjourns and the Commission receives notification of state and federal funds available, the staff will reassess the anticipated expenditures and recommend to the Board a balanced budget.

Mr. Fisher noted that no action is required at this time other than Commission acceptance of receiving the preliminary FY 03 Budget and Work Plan. Final action will be taken in May.

IV. OTHER BUSINESS

A. Announcements

There were no announcements at this time.

B. Committee Reports

There were no committee reports at this time.

C. For Your Information

Mr. Fisher noted several informational items included in the agenda.

V. ADJOURNMENT

There being no further business, Chairman O'Bannon adjourned the meeting at 2:22 p.m.

Paul E. Fisher
Executive Director

Patricia S. O'Bannon
Chairman