

**RICHMOND REGIONAL PLANNING DISTRICT COMMISSION**  
**Minutes of Meeting**  
**November 13, 2008**

**Members/Alternates Present**

Malvern R. "Rudy" Butler (M)..... County of Goochland  
Karin Carmack (M).....County of Powhatan  
Deborah B. Coates (A).....County of Hanover  
Robert R. Cosby (M).....County of Powhatan  
Timothy W. Cotman, Sr., Chairman (M)..... County of Charles City  
James B. Donati (M), Treasurer..... County of Henrico  
Marleen K. Durfee (M).....County of Chesterfield  
Daniel A. Gecker (M).....County of Chesterfield  
Richard W. Glover (M)..... County of Henrico  
John E. Gordon, Jr. (M).....County of Hanover  
Kathy C. Graziano (M), Vice Chairman.....City of Richmond  
Jerilynn T. "Jeri" Grigsby (M)..... County of Henrico  
John C. Grier (M).....City of Richmond  
Evan Fabricant (M).....County of Hanover  
James M. Holland (M).....County of Chesterfield  
Courtney G. Hyers (M).....County of Goochland  
Dorothy Jaeckle (M).....County of Chesterfield  
E. Ray Jernigan (M)..... County of Henrico  
David A. Kaechele (M)..... County of Henrico  
Beverley C. Lacy (M).....City of Richmond  
Patricia S. O'Bannon (M)..... County of Henrico  
C. Harold Padgett (M).....County of Hanover  
Faye O. Prichard (M).....Town of Ashland  
George K. Roarty (M).....County of Chesterfield  
Randall R. Silber (A)..... County of Henrico  
Brenda L. "Sam" Snyder (M)..... County of New Kent  
Millard D. "Pete" Stith, Jr.(A).....County of Chesterfield  
Frank J. Thornton (M)..... County of Henrico  
Stran L. Trout (M), Secretary..... County of New Kent  
Joseph B. Walton (M).....County of Powhatan  
Arthur S. Warren (M).....County of Chesterfield

**Members Absent**

Russell J. Gulley (M).....County of Chesterfield  
Delores L. McQuinn (M).....City of Richmond  
William J. Pantele (M).....City of Richmond  
Ellen F. Robertson (M).....City of Richmond  
Robert R. Setliff (M).....County of Hanover

**Others Present**

John R. Amos..... RRPDC Legal Counsel  
 Viktoria Badger.....City of Richmond  
 John T. Benton .....Citizen, Chesterfield County  
 Rob Bradham .....GRCC  
 David Brat.....Sen. Walter Stosch’s Office  
 Carolyn Cios .....County of Powhatan  
 Del. Frank Hall..... Virginia House of Delegates  
 Charles Hartgrove .....Town of Ashland  
 George Homewood ..... County of New Kent  
 Will Jones.....Richmond *Times-Dispatch*  
 Sen. Henry Marsh ..... Virginia Senate  
 Beth McAdam ..... Del. Jennifer McClellan’s Office  
 Del. Joe Morrissey ..... Virginia House of Delegates  
 Kim Scheeler.....GRCC  
 Mike Schnurman..... County of Henrico

**Staff Present**

Robert A. Crum, Jr..... Executive Director  
 Jo A. Evans ..... Assistant Executive Director  
 Julie H. Fry..... Executive Secretary  
 Daniel N. Lysy ..... Director of Transportation  
 Sarah Smith.....Senior Planner  
 Jackie S. Stewart ..... Director Planning/IS  
 Peter M. Sweetland ..... Finance and Contracts Administrator  
 Matt Weaver..... Intern

**Call to Order**

Chairman Cotman called the regularly scheduled November 13, 2008 RRPDC meeting to order at approximately 1:10 p.m. in the RRPDC board room. He then led the Commission members in the pledge of allegiance to the flag.

Chairman Cotman recognized Delegate Frank Hall, member of the Virginia House of Delegates, and welcomed him to the meeting.

**I. ADMINISTRATION**

**A. Certification by Commission Executive Director of Meeting Quorum**

Mr. Crum certified that a quorum of members was present.

## **B. Requests for Additions or Changes in Order of Business**

Chairman Cotman asked if there were any additions or changes to be made to the agenda.

Mr. Crum noted that he would like to add an item related to the Virginia Retirement System (VRS) under New Business as Item III A. Ms. O'Bannon said she has not had a chance to review this item and would like an opportunity to review it with her County officials. She said based on this she would object to the item being added.

Mr. Warren asked for clarification on the item.

Mr. Crum said the item was received from VRS only last week, and it is a time-sensitive item. He asked Ms. Evans to give a brief overview.

Ms. Evans said there is a draft resolution that will be distributed. VRS is asking all of its participating employers to execute this resolution to reaffirm that the employer does pick up the employee contribution to VRS, that the employer makes the 5% contribution on behalf of the employee to VRS. It is her understanding that most, if not all, employers under the VRS plan follow this approach. The Commission approved this contribution when it voted to join VRS in 2001. VRS is requesting this reaffirmation based on an IRS ruling. Ms. Evans said she did not know the specifics of the IRS ruling; however, without reaffirmation from the employer, IRS can impose fines and penalties on the employer and change the tax status of the contribution for the employee. It is a standard procedure and the resolution was provided by VRS. VRS has asked that this reaffirmation be returned prior to December 1, 2008, to allow them time to return it to the IRS before its deadline.

Chairman Cotman said he would approve the addition of this item to the agenda as requested.

## **C. Open Public Comment Period**

Chairman Cotman asked if there was anyone from the public in attendance who wished to make a comment. He reminded speakers that their time is limited to three minutes. There being no requests from the public to address the Commission, the Chairman closed the public comment period.

## **D. Chairman's Report**

Chairman Cotman remarked that in consideration of the time, he would refer members to the Commission agenda, which contained items he would report on if he gave a formal report.

#### **E. Approval of Minutes – October 9, 2008 Meeting**

Chairman Cotman asked Mr. Trout to present this item.

Mr. Trout noted the minutes were included in the agenda book and moved that the minutes be approved as presented. The motion was seconded by Ms. Prichard. There being no further discussion, the motion carried and the minutes were accepted as printed.

#### **F. Approval of September 2008 Financial Report**

Chairman Cotman asked Mr. Donati to give this report. Mr. Donati noted the financial report was included in the agenda book under Tab 2.

There being no discussion, on motion made by Mr. Donati and seconded by Ms. Graziano, the September 2008 financial reports were accepted for audit as presented.

#### **G. Executive Director's Report**

Mr. Crum noted that some other state legislators had arrived, and he wanted to recognize Senator Henry Marsh, Delegate Frank Hall, and Delegate Joe Morrissey. He thanked the gentlemen for their attendance at today's meeting.

Mr. Crum also introduced Mr. Kim Scheeler, the new CEO of the Greater Richmond Chamber. Mr. Crum reported that he has been working with Mr. Scheeler over the past month on the Capital Region Collaborative effort. Their meetings on this effort have been very productive, and Mr. Crum hopes to be able to bring a report to members of the Commission during an upcoming meeting.

Mr. Crum reminded members that the RRPDC is serving as the lead host for the visit to Richmond by Mayor Joe Riley of Charleston, South Carolina. The forum will take place on Tuesday, November 18. During last month's Commission meeting, members of the Commission agreed that RRPDC should serve as the lead host. Mr. Crum reported that Ms. Fry has done an excellent job in managing the agency's participation in this effort. He said there have been 327 RSVPs to attend the session at the Convention Center beginning at 3:00 p.m. If members of the Commission have not sent in RSVPs, it's not too late. Mr. Crum encouraged members to attend.

During the December Commission meeting, the revised FY 09 budget and work program will be presented to members for their consideration and action, along with a draft of the FY 10 budget and work program. A presentation will also be given by the Central Virginia Waste Management Authority to provide an update on activities over the past year. A report will also be provided on the Regional Infrastructure Initiative as this moves forward in the Small and Large

Jurisdictions Committees. This was selected as one of the Commission's priorities when those were established last year.

The current Staff Activity Report is enclosed in the agenda book for the members' information. If there are any questions, a member of staff will be glad to address those.

## **II. OLD BUSINESS**

### **A. Jurisdictional Committee Reports**

Chairman Cotman asked Ms. Prichard and Mr. Gordon if they would like to give a report from the Jurisdictions Committees.

Ms. Prichard reported that the Small Jurisdictions Committee met on October 16 and will meet again on November 18. She noted that during the October meeting, members of the committee agreed to continue regular meetings. The October meeting was the first one held with the participation of the new Executive Director. The committee determined it would be a good time to begin work on a new priority – the Regional Infrastructure Initiative – which Mr. Crum mentioned during his report. She asked Mr. Crum to give some additional background on this item.

Mr. Crum said the Small Jurisdictions Committee agreed that the best way to begin work on the Regional Infrastructure Initiative would be for staff to begin an assessment of the Richmond Region's water and sewer infrastructure systems. The water systems analysis will include mapping of public and private water service area, data on available water supply compared to current demand, contact with the utilities directors to determine strengths and weaknesses in water supply and distribution. With regard to sewer systems, information will be gathered on available waste water treatment capacity compared with current flows as well as some outreach to discover the strengths and weaknesses of the current systems. This information is being gathered to present a regional picture of water and sewer infrastructure. The Large Jurisdictions Committee will also begin discussions on this during their meeting next week.

Chairman Cotman asked Mr. Gordon for a report from the Large Jurisdictions Committee.

Mr. Gordon reported that the committee had not met since the last Commission meeting but is scheduled to meet on November 21. Work has continued on the Regional Transportation Authority and the Regional Legislative Agenda, both of which will be discussed by the Commission today. Mr. Gordon has been working with the Chairman, Executive Director, and Ms. Prichard with regard to the Capital Region Collaborative. These meetings have been focused on developing a structure for the process by working with the Chamber. Mr. Gordon said he

believes this effort will pick up momentum now that the elections are finished. Discussions have also begun to plan quarterly meetings of the region's elected officials and chief administrative officials. He hopes this meeting will be set in the January time frame.

Mr. Butler asked when the groups will come back to meet as one body, as the Commission. He said he hopes that everyone would be interested in working on these items. He said if the jurisdictional committees are going to continue to meet each month, he believes this is too much. His county pays for him to attend the meetings (mileage), and with budget cuts, he's not certain if he will be able to continue to attend so many meetings. He said he will continue to attend meetings of the Commission because he believes this meeting is where everyone should come together to accomplish things. He said the Commission represents the people of the region. If there is going to be one group working against another group, then he does not think this is the best way to continue. When the committees were first formed, he thought this was a good start because issues were identified. He feels the Commission members should now be working together.

Chairman Cotman recognized Ms. Prichard. Ms. Prichard stated that this issue was discussed during the October Small Jurisdictions Committee meeting, which Mr. Butler did not attend. Members determined as a group that they did not feel they were working in opposition to the Large Jurisdictions Committee but were working in concert with the other committee. She said they had unanimous agreement that the committees work through issues to bring back to the full Commission for continued discussion. Members of the Small Jurisdictions Committee agreed that they should continue in this way to bring issues to the Commission.

Mr. Gordon said, as he reported during last month's Commission meeting when this topic was brought up, the Large Jurisdictions Committee does not meet unless there is a reason to meet. He had just reported that the committee did not meet in October. If there is something to discuss, a meeting is scheduled, and he feels this is the same thing that happens with the Small Jurisdictions Committee. In addition, Mr. Gordon said the committees have already agreed to meet as one group on a quarterly basis. He said he believes this process continues to work well. At some point the committees may outlive their usefulness, but he does not think that point has been reached.

Ms. O'Bannon asked for a list of members on each committee. Mr. Gordon said members in each committee are also Commission members. Ms. O'Bannon said she had never received any information on these committees.

Ms. Evans clarified that members of the Commission, along with the CAOs, comprise the committees. For Henrico, the members are Mr. Hazelett, Mr. Kaechele, and Mr. Glover. Hanover County is represented by Mr. Harris, Mr.

Setliff, and Mr. Gordon. Members from Chesterfield County are Mr. Stegmaier, Mr. Warren, and Ms. Durfee. The City of Richmond is represented by Mr. Beschler, Ms. Graziano, and Mr. Pantele. Members of the Small Jurisdictions Committee are Ashland – Ms. Prichard and Mr. Hartgrove; Charles City – Mr. Miniclier and Chairman Cotman; Goochland – Mr. Wolfrey and Mr. Butler; Powhatan – Ms. Cios and Mr. Walton; and New Kent – Mr. Budesky and Mr. Trout.

Chairman Cotman said from his standpoint, he feels the information that comes back to the Commission from these committees is very useful. He would like to continue with both committees unless there is a strong outcry from members of the Commission to disband the committees.

Mr. Warren said he does have some reservations about the committees, but if they are task oriented and the groups focus on specific issues, whether rural or urban in nature, then the more information that comes to the full Commission, in the final analysis, it is the full Commission that makes any decisions based on recommendations from the committees. He said he does not see this as a serious concern because every member of the Commission will have an opportunity to vote on any recommendations.

Mr. Butler said his concern is that there are a lot of meetings. His county is trying to limit the number of meetings and associated costs.

## **B. Proposal to Create Regional Transportation Authority**

Chairman Cotman asked Mr. Crum to introduce this item.

Mr. Crum said during last month's Commission meeting, a discussion was held on the creation of a regional transportation authority. Following the discussion, it was determined that more time was needed on the local level to discuss the issue in concept. During the past month, most of the jurisdictions have had some discussions. Mr. Crum would suggest that a report on these discussions be given by a representative from each of the jurisdictions. In the agenda book under Tab 4, there are two items that were generated based on discussions during last month's Commission meeting – Frequently Asked Questions and Arguments For and Against creating the authority.

Chairman Cotman reported that Charles City County voted to approve the authority in concept. He said the county has not had any additional discussions since that vote was taken.

Ms. Graziano thanked Mr. Crum for his presentation to Richmond City Council members on the authority. She said Council also agreed that the concept of a regional authority was a good one. Council feels that there is a need to address some of the problems as a region. The issue has been included in the City's

legislative package – that the members approve the creation of an authority in concept. They would like more information on mass transit in any details. Council understands that during the current economic environment, it will be difficult to create the authority.

Mr. Kaechele reported that that Henrico County voted to oppose the creation of a regional authority. The County has met several times in work sessions to discuss the issue and the County has many concerns. He said it is the hope of the County that the State and VDOT will continue to fund transportation issues. He reported that the timing is not right to create new taxes or fees for the citizens. He said the list of revenue sources was also a concern because they will affect the County's residents but not those who travel through the County who do not live there. Mr. Kaechele said there is also concern regarding the State continuing to pass through funds that initiate in the County. He said there is an opportunity to observe what happens in northern Virginia and Tidewater as these regions develop their own authorities.

Mr. Trout said New Kent County also considered the issue in October and thanked Mr. Crum for his presentation. The County had concerns regarding the funding sources and believes the State has the responsibility to maintain the road system. Because some details had not been worked through in the proposal, New Kent voted to oppose the creation of an authority at this time.

Mr. Gordon said that Mr. Setliff has been the lead person in Hanover working on this issue. On his behalf, Mr. Gordon said he would attempt to give a report on Hanover County's position. The County has had no formal vote on the authority. The consensus is that the timing is not right. Many of the concerns already mentioned are shared by Hanover. The current economic downturn has played a role in the discussions regarding the funding sources. The consensus of the County is that there is a looming transportation problem in the State and it must be dealt with. The Commission must continue to work with members of the General Assembly to resolve the crisis.

Ms. Prichard reported that Ashland is in a unique situation as the only town. She said the Ashland Town Council has agreed that it would make no sense for Ashland to go against the position Hanover County decides to take. The Town Council believes in the fundamental plan that taxes should go back to the localities. At this time, Ashland will follow suite with Hanover County.

Mr. Warren said Chesterfield County met with its legislative delegation last night and had a good turnout. He said the Board of Supervisors will meet on Wednesday to discuss this topic. At this time, no official position has been taken by the County. The County has some of the same concerns expressed by the other localities. While the County believes in regional cooperation, it is difficult to take any position that will be in contrast to the others. He said the County could not vote to agree to the authority if the other localities are against it. Mr. Warren

said that until everyone could agree on funding mechanisms, more information is needed. He said he does not think the County or any of the localities should be forced to take on the responsibilities of transportation just because the State has not done so. Mr. Warren said it is very helpful for him to hear the opinions of the other localities as he prepares for discussions on Wednesday.

Mr. Butler reported that Goochland County has discussed this issue three times. The County appreciated Mr. Crum's visit to present the proposal. He said this was also discussed during a workshop held by the Board of Supervisors. A vote was taken last Thursday and the board voted unanimously against the proposal. Mr. Butler said the reasons included that there are no provisions for non-residents who use the roads. He noted that when the State legislature gave the localities responsibilities for schools and took on the responsibility to maintain roads, the State needs to step up to the plate and honor this responsibility. The other reason the County voted against the proposal is that the economic situation is not right for imposing new fees. There are several businesses in the region that have announced layoffs because there is not work. Mr. Butler said he believes there are other companies in the region that will be closing. He said the timing is wrong for the creation of new taxes. He asked the members of the General Assembly who were present at the meeting to consider those non-residents who travel on Virginia roads and to make some sort of accommodation that would have them assist in maintaining Virginia's roads. Mr. Butler noted that North Carolina continues to build and maintain its roadways because they addressed the problem and took action. He said it's time for Virginia's General Assembly to do the same.

Mr. Cosby reported that Powhatan County is on record to approve the concept of a regional authority because it will direct funding back to the locality that it might not get otherwise. However, until the funding mechanism is established by the General Assembly, Powhatan County will not vote in favor to establish the authority.

Chairman Cotman asked if there were any additional comments.

Mr. Holland noted that he believes the comments made today are good ones. He said in concept, the Commission should move forward in developing the authority because of the economic impact it will have on the region and State. He said it is a good concept to approve. Mr. Holland said transportation is a critical issue in the State and the region. He said if this problem is embraced regionally, he believes economic interests will see how the problem has been solved. He said not doing anything will have a greater cost. Mr. Holland said it will be important to refine the concept soon to meet the needs of the region as it will impact the region for many years to come. He said the time is always right to do right, and dealing with transportation issues is the right thing to do.

Ms. Graziano made a motion that discussion on the concept of the regional transportation authority be continued at the February Commission meeting to see how this can be developed for presentation during the 2010 General Assembly session. The motion was seconded by Mr. Walton.

Chairman Cotman asked if there was any discussion. Mr. Gordon noted that the Commission agreed unanimously to take the idea of an authority back to the localities for further discussion. The outcomes of those discussions have been heard today. He said, based on those reports, he feels the Commission is not ready to move forward on this. Mr. Gordon said he sees this as a positive step because the group has demonstrated its ability to create a concept and evaluate the results of the effort and deem it not ready for further action. Mr. Gordon suggested that future discussions not be limited to just an authority as a solution to the transportation problem. He said other, more broad options should be considered that could be recommended to the General Assembly. He said he would offer a friendly amendment to Ms. Graziano's motion to include other options in addition to the authority. Ms. Graziano accepted the amendment.

Ms. Prichard asked if the motion would include ongoing work by the Transportation Funding Strategies Work Group. Ms. Graziano said that would be her preference.

Ms. O'Bannon asked for clarification on the motion.

Ms. Graziano said the motion would be that work continue through the Transportation Funding Strategies Work Group on how to approach the transportation issue. She said there are existing transportation projects that have not been addressed in several years. She would like for the discussions on how to tackle these problems to continue in the Work Group.

Chairman Cotman said the general consensus is the proposal is not ready to be forwarded to any other agency for consideration, but the Commission is not prepared to give up the concept. He said he believes the motion formalizes that work should continue.

Mr. Kaechele said one of the underlying concerns is the timing of the proposal. He asked if any of the General Assembly members present had any comments on whether this would be something to consider during this year's session and if continued discussions on development of ways to address the transportation problems are in order.

Delegate Hall said he was not sure if any of the legislators could speak on the timing, but he thought it was fair to recognize that the economy will overshadow everything during the upcoming session. He believes things will get worse at every level before they improve. He also believes the transportation problem will stretch into the future. He does not think there will be any new revenues

generated during the upcoming session. He thinks there will be a lot of belt-tightening that will touch every program and every locality. Delegate Hall urged members of the Commission to continue their efforts in planning, possible structure, and possible projects because the problem is not going away. He said he believes some consensus must be reached on the issue. There have been ongoing meetings between legislators on a number of proposals. All require a new stream of revenue. Delegate Hall said he does not think this will happen. He summarized by saying he does not believe there will be any new revenues created during the upcoming General Assembly session, and he hopes the Commission will continue to work on the structure and identifying the needs and projects that should be given priority.

Ms. O'Bannon noted that a priority list has been developed and presented to the Commonwealth Transportation Board on many occasions.

Senator Marsh said while he did not disagree with what Delegate Hall had said, it must be remembered that there are some areas of the State where transportation problems are more acute than in others. He said this brings forth whether there should be a statewide solution or a regional solution. Senator Marsh said the Senate believes there should not be a piecemeal solution and favors a statewide solution. If a statewide solution is not found, then some localities will be paying for work that will not benefit them. He said it is important to be ready should the consensus be that a funding source be created, such as a gas tax. He said while everyone would be paying the tax, not everyone would benefit unless they were part of the plan. He said there may be enough pressure for a solution to be found, and this should move forward even if the funding stream is not there. If a solution is found, then it will be important for the Richmond Region to be involved to ensure its needs are also met. Senator Marsh said there has not been much effort to support a solution for the Richmond Region. It will be important for the Commission to have input on what the region needs before a solution is found.

Delegate Morrissey noted that he represents several of the Commission's localities. He noted the General Assembly had done a poor job in not coming up with a transportation package. He said he agrees with Delegate Hall in that things will be worse. There is a \$3 billion shortfall in the State budget that must be addressed. He said as he was listening to today's discussion, he heard three jurisdictions say they would not support the creation of an authority; four said they were talking about the issue; and Richmond supports the concept. He noted that Ms. Graziano had said a solution is needed and it's coming. This is true. Delegate Morrissey said he has lived outside of the country for several years, and in each country, there have been regional transportation authorities established. He said he believes the local jurisdictions should have been consulted before legislation was introduced last year in the Senate and the House. He said the issue is whether enabling legislation to form the authority should be passed. Delegate Morrissey said everyone is mixing this with the funding stream. A decision must be made on whether there is agreement to establish the authority and if so, then

finding funding would be the next step. What he is going to take back to the General Assembly and his jurisdictions is there is no consensus to form the authority or enabling legislation. He said if this is the decision of the Commission, then he feels a disservice is being done to the local jurisdictions.

Chairman Cotman pointed out that Charles City County had voted in favor of the proposal. Ms. Graziano noted the proposal is in Richmond's legislative package for this year.

Mr. Fabricant said that he would offer an analogy that if a house was going to be built, the land must be purchased for the house to be built in a few years. He said there must be a timetable set or the goal will not be met. He said unless the Commission agrees to bring a proposal back within a certain time period, it will not happen. He said transportation issues will impact his children and grandchildren. He believes the Commission should come back and continue the discussions, but there should be a timetable to have recommendations completed.

Ms. Graziano said she believes personally that some sort of enabling legislation must be presented at some future point and funding must be determined. Timing is everything and if this opportunity to have the enabling legislation passed is missed, then she believes the position facing the region will be worse. She said she would be happy to amend her motion to include a timetable.

Mr. Holland said he feels the issue is whether something should be ready to present during this year's General Assembly versus next year's session.

Chairman Cotman said he would like to suggest that, should the motion carry, staff will make certain the discussion continues in a timely fashion

Mr. Holland said the federal responsibility to assist with transportation funding should not be alleviated, given the new administration that is coming in. He said there is the potential for a national infrastructure initiative to be developed.

Mr. Glover asked Delegate Hall if he had an idea as to when the economic situation would be better – by February or later.

Delegate Hall said the State's budget will be based on the figures received during the first part of February. He said this will be the best time for the General Assembly to determine what sorts of revenues will be generated and what the State's performance will look like. Everything he's seen so far indicates to him that revenues will be down, especially the corporate income tax. He said that coupled with daily receipts leads him to believe things will get worse.

Mr. Glover said his question is why would the Commission want to come back to the issue in February if conditions will not have improved by that time. He asked what assurance is there that once the authority is established that things will stop

with transportation. He asked if other issues, such as public safety, would then be included. Mr. Glover said local and State budgets will be set soon and he did not understand how the Commission could discuss the proposed authority before any budgets are passed.

Ms. Graziano said it was the intent of her motion that the Commission begin discussions again in February in preparation to submit something during the 2010 General Assembly.

Ms. Durfee said there was a lot of discussion last month on the proposed authority because there was some confusion on the issue. She asked Mr. Crum to develop some frequently asked questions and points for and against the authority. She said she sees three issues. Ms. Durfee said she's continued to hear that transportation is a State responsibility. At the recent VACo conference, State Secretary of Transportation Pierce Homer said cuts will be made in the amount of \$1.4 billion. It can be concluded that the transportation system in the State is broken. She said it's hard to hear this and still need to plan for how to handle transportation problems across the State and in the Richmond Region. Ms. Durfee said it was important to discuss how things would be handled in the region if the State does not live up to its obligation. She said Secretary Homer indicated some areas of the state will have more priorities than others. The Central Richmond Region was left out because of funding and/or planning. Ms. Durfee said each locality is also having to deal with its own budget shortfalls in transportation projects. She said it is important to send a message to the legislators that the localities are asking the State to live up to its commitments. She said if this challenge is not addressed, there will be less economic opportunities. Other states are committed to providing transportation funding. She said it was time for high level discussions on the transportation problems.

Delegate Hall said Senator Marsh was correct when he said other regions of the state are beginning to put together their own packages to supplement and add to what the State is doing. These areas have decided on their own that they need a higher level of service than what the State can or will provide. What Delegate Morrissey said was that many of the Commission members recognize this same public discussion was held last year. Northern Virginia has said its problems are so critical that they are willing to step up to the plate and the State should be willing to give northern Virginia the authority to do so. In the Tidewater region a consensus was not reached. Delegate Hall said the State has very different regions with very different problems and are looking for different solutions. In northern Virginia, traffic problems mean bumper-to-bumper traffic for 15-20 miles in each direction and mass transit. In Tidewater, traffic problems relate to bridges and tunnels. Here in Central Virginia traffic problems mean secondary roads that are handling primary road traffic volumes. In southwestern Virginia, their traffic needs refer to superhighways, coal trucks, and access. Delegate Hall said the State has not figured out how to address these different needs with the resources it has. He said one of the options is to decide if the Richmond Region is

satisfied with the level of service the State is willing to provide. If the region is satisfied, then that should be it. If the region feels a higher level of service is needed then a means to provide this service must be found. He said the State is going through a transition. He said what must be decided is what level of service the region would like for its citizens. His recommendation would be to develop a way to supplement what the State can provide. He said the State will not be able to send more money. The job of the General Assembly is to determine the State's level of participation, and Delegate Hall said more revenue is not available. Local self-help will be required.

Mr. Glover asked at what point would the Commonwealth Transportation Board (CTB) be equalized so that each region has equal representation. Mr. Glover said that each region doesn't necessarily receive its fair share of funding. He said this is because the CTB controls all transportation funding that comes into the State. Mr. Glover said he was asking that the Richmond Region have the same representation on the CTB as other parts of the State have.

Delegate Hall said this was an excellent question. He said this is the beginning of the relaxation of the Dillon Rule. He reminded members that this rule was put in place because localities could not take care of themselves. It made sense during that time, but today a transformation is taking place. Delegate Hall said he believed the State would be willing to make concessions in terms of revenue sources and revenue going directly to localities if the locality is willing to accept certain responsibilities. He said he couldn't define what these responsibilities would be. He said the opportunity should not be passed by unless members were satisfied with what they are now receiving.

Senator Marsh said that if it turns out that some areas of the State are united while the Richmond area is not, it will be difficult for the General Assembly to make sure the Richmond area receives what it is entitled to receive. He said if the community is divided, there is no pressure to make sure the fair share is given out. Senator Marsh said it is important to continue a dialogue in order to present a united front. If this does not happen, there is no incentive for the General Assembly to do anything. The General Assembly will respond to where they see the greatest pressure to have something done. He said the Commission should work toward some sort of consensus on this issue.

Chairman Cotman said he would like to suspend discussion on the motion at this time unless someone felt a strong need to speak.

Mr. Gordon said he does not see the Commission divided as a body today. He believes everyone is united in the statement that the body is not ready to endorse a specific program. He also believes that the group is united in its commitment to discuss the matter and offer other solutions. Mr. Gordon sees this as a positive thing and hopes everyone will leave the meeting today not feeling that time had

been wasted and that a good investment has been made to continue to work until a solution has been reached.

Mr. Glover called for the question.

Chairman Cotman asked for a vote on the motion. Mr. Butler voted nay saying he needed to hear the motion restated.

Chairman Cotman said the motion is to continue the discussion on the proposed transportation authority to develop other vehicles and methods to address the transportation issues.

Mr. Butler said the motion should have been read before the vote was taken due to the fact that several amendments were made to it.

Chairman Cotman said he believed the only amendment had been to broaden the options available to deal with the transportation issue.

Mr. Amos said another amendment had been offered to have the discussions continue through the Transportation Funding Strategies Work Group. Ms. Graziano asked Mr. Amos if he had the motion written down in a final form.

Mr. Amos said he thought he'd heard Ms. Graziano say that the matter would be continued until February on the formation of a regional transportation authority to include discussions concerning the broader regional transportation issues pertaining to planning strategies and funding with all discussions to be coordinated by the PDC Transportation Funding Strategies Work Group.

Mr. Kaechele moved that the previous motion be rescinded. Mr. Butler seconded the motion. The question was called and the vote was unanimous to rescind the previous motion.

Ms. Graziano moved that the Commission revisit the idea of solutions to the transportation problems being faced in the region and that the Transportation Funding Strategies Work Group look at various ways to find solutions to the problem to in turn be presented to the General Assembly during the 2010 session.

Ms. O'Bannon asked if the motion could be what was read by Mr. Amos. Mr. Trout agreed that wording was perfect.

Mr. Amos restated the motion to continue this general matter to February regarding the formation of a regional transportation authority to include discussions concerning the broader regional transportation issues pertaining to planning strategies and funding with all discussions to be coordinated through the PDC Transportation Funding Strategies Work Group.

Ms. Graziano confirmed this would be her motion; it was seconded by Mr. Walton. The question was called. Chairman Cotman asked if there was any concern regarding the motion. There being none, the vote was unanimous to accept the motion.

Mr. Warren said he did not think there was anyone present who was not interested in the future of protecting the interests of the infrastructure in the region. If anyone leaves today's meeting thinking that the Commission is not trying to deal with the issue, then they would be wrong. The elephant in the room is the fact that transportation has always been a State responsibility. The Commission is trying to address something that has always been a State responsibility. The Commission is trying to be a partner in this. The problem did not just occur since the recession; it has been a problem for a very long time. This impacts the region's economic development; the way of life; the quality of life; and the citizens. He does not want anyone to think that the Commission should rush into a solution simply because it appears that the body is being considered to be less than cooperative. This is not the case. He thinks the fact that the vote just taken was unanimous is a positive thing to move the body in the right direction but doesn't rush the Commission. The Commission believes that transportation is a State responsibility that is not being met. Mr. Warren said he believes the Commission can now move forward into the future.

Ms. Jaeckle said it was very helpful to have members of the General Assembly present during the discussion and she thanked the members for being present.

Mr. Padgett asked if the region's representation on the CTB was something that could be addressed.

Mr. Glover said this issue was taken up by the Commission several years ago and a letter was written to the CTB asking that membership be balanced. He said he believes another request should be made.

Mr. Gordon pointed out that the next item on the agenda was the Regional Legislative Agenda and he thought this issue could be raised at that time. Chairman Cotman agreed with Mr. Gordon's suggestion.

### **C. Update on RRPDC Legislative Agenda**

Chairman Cotman asked Mr. Crum to introduce this item.

Mr. Crum reminded members of the Commission that Ms. Evans had presented information on a draft regional legislative agenda to members during last month's meeting. Comments made at that time had been incorporated into the agenda. He said he hoped the Commission would be able to reach a consensus on the agenda today. He asked Ms. Evans to make a brief presentation.

Ms. Evans said this would be a review of what the Commission members had discussed last month. Apart from the Regional Transportation Authority, members had asked for six (6) issues to be included.

The first deals with Impact Fees and Cash Proffers. During last year's General Assembly session, the joint Athey-Vogel subcommittee was formed to study this issue. It will be a two-year study with a final report made to the General Assembly in 2010. A member of the RRPDC staff serves on one of the committee work groups. There is an indication that legislation may be introduced during the 2009 session. A Statement of Principals (handout distributed) was developed through the jurisdictional committees and presented to the Commission a couple of months ago. During last month's Commission meeting, it was suggested that the Statement of Principals be used as the Commission's statement to the General Assembly. Ms. Evans said she would continue her review and members could return to this issue later if they so desired.

The next issue is the Homestead Exemption. Legislation had been passed in a previous legislative session to have a voter referendum on how property taxes should be handled. In 2008 the issue was not moved forward. Last month members of the Commission indicated that the Commission would like for the local governments to determine how changing the tax structure would be handled. There is no policy statement at this time. Ms. Evans said a statement will be developed for the Commission's review during the December meeting.

Environmental Regulations is the next issue. There is a policy statement on this issue that the RRPDC supports environmental regulations and programs that are founded on sound science, can be implemented in a cost-effective way in a reasonable time period, and will result in meaningful and demonstrable improvements to the environment.

Next on the list is Broadband Infrastructure. There had been legislation last year that would make it easier for broadband carriers to enter localities. Funding for the rural broadband initiative was canceled. The Commission stated during last month's meeting that the region would ask for the State to commit to a rural broadband initiative as it has done in the past for other regions of the State. Staff can refine the wording of this policy statement for review in December.

An Emergency Response Communications policy statement would be that the RRPDC supports interoperability programs directed toward improving interjurisdictional communications, flowing resources efficiently, expanding radio coverage areas, and providing system redundancy.

With regard to Public Safety Funding (599), there was a reduction in 2008 to funding sources that impacts four jurisdictions – Town of Ashland, City of Richmond, Chesterfield County, and Henrico County. Last month members of the Commission asked for a policy statement that will say the RRPDC supports

reestablishing 599 funding levels for public safety in accord with statutory requirements of the Code of Virginia, Section 9.1-165 and sequential.

Ms. Evans asked if there were any questions.

Mr. Padgett said he would like to add proportionate representation to the Commonwealth Transportation Board for the Richmond Region. There was a motion duly made and seconded to add this item to the legislative agenda. There being no further discussion, the motion carried.

Mr. Graziano said with regard to Environmental Regulations, she would like to add that there would be no additional fiscal impact on the localities. Ms. O'Bannon noted the policy statement indicates that regulations would be in a cost-effective manner. Ms. O'Bannon said she thought this could be done with instruction to the staff person who would be advancing the agenda during the General Assembly (Mr. Crum). Mr. Crum said he believed this instruction was clear. Ms. Graziano said some environmental regulations can have a major fiscal impact on localities and she is interested in making sure this would not be an issue.

Mr. Gordon said he believes any regulation would have some sort of fiscal impact. He said he thinks the Commission would ask that the impact be minimized wherever possible. Ms. O'Bannon said any of the issues have a potential to have an impact. She asked if there was a need for an over-arching statement to say what Ms. Graziano was asking. Ms. O'Bannon said she thought it would be understood.

Mr. Crum said he appreciated the comments and said staff understands the point being made.

Mr. Donati said he believed the issue should be taken further to include the 599 item or any unfunded mandates. The localities should be relieved of any mandates if there is no funding. He said VACo adopted this statement as part of its legislative package: "VACo opposes unfunded mandates by the Commonwealth. When funding for a mandated program is altered, the mandate should be suspended until full funding is restored." Mr. Donati moved that this be included in the Commission's legislative agenda. Ms. Graziano seconded the motion. There being no further discussion, the motion carried. Ms. Snyder voted against the motion.

Mr. Gordon made a motion that the Commission adopt the legislative package as amended. Mr. Butler said he thought action was to be taken during the December Commission meeting.

Mr. Crum indicated that if members of the Commission would give staff direction on what they would like to add or change, it will be included in the December agenda for final action by members of the Commission.

Mr. Gordon said he would withdraw his motion.

Mr. Padgett asked if the Commission asked for enabling legislation to create a transportation authority, would this commit the Commission to anything other than asking for the authority.

Chairman Cotman said he thought that was what the Commission had been asking for from the beginning.

Mr. Padgett said he was afraid the Commission would lose a year's work if this was the case. He wanted to know what the down side would be if the Commission asked for and got the authority but decided not to use it.

Ms. O'Bannon said it would imply that the authority would become a taxing authority and the next step would be to ask for such authority. Mr. Gecker said the authority could not tax. The citizens would take on the burden of the tax and the taxing authority would rest with the General Assembly.

Mr. Gordon said he personally would support asking for enabling legislation but that is not the consensus of the Hanover Board.

Mr. Gecker asked if a policy statement on enabling legislation could be prepared to use in discussions with the local governments. He said there have been some misunderstandings in what was being asked for in the proposal. He asked if staff could do this so that the localities could discuss this at the local level and perhaps bring it back to the December Commission meeting.

Mr. Butler said he thought the Commission had just voted to delay any further discussions until the February meeting. He said some localities have not voted on the proposal.

Ms. O'Bannon said she thought the issue was being kept alive by deferring it to the February meeting.

Mr. Gordon said the issue may be put at risk if members were asked to vote on enabling legislation.

Mr. Gecker noted that as Delegate Hall had stated, if something is done for Tidewater and/or northern Virginia during the 2009 session, it may be the last time for a while that this type of legislation is considered. He said this was echoed by Senator Marsh. Mr. Gecker feels that if the Richmond Region is not included at this time, it may be left out.

~~Mr. Walton said that was also what Senator Watkins had said back in the spring and it had not held true.~~ Mr. Walton said that sentiment about this being the year, quote-unquote, was what Watkins had said initially back in the spring and should be taken for whatever it's worth. [correction approved 12/11/08]

Mr. Kaechele said this is not the year to be asking for additional revenues.

Mr. Gordon said there was nothing that had been done today that would discourage Delegate Hall or Senator Marsh from proposing enabling legislation this year. He would suggest that the action taken earlier today by the Commission would actually encourage them to take that initiative in their role as legislators. While he would like for the Commission to take the steps to ask for enabling legislation, he feels it is risky to do that at this time, especially following the vote just taken.

Mr. Gecker said he was only asking staff to prepare a generic policy statement so it could be brought up in December when the legislative package is discussed.

Mr. Kaechele said if language was included to identify funding sources, he thought this would be a bad idea.

Mr. Gecker said he felt it would send a message that if the General Assembly was going to allow northern Virginia and Tidewater to have the legislation, he would like for the Richmond Region to be kept in the loop. He said he thought the message today had been that the Commission is not ready to go to the General Assembly.

Mr. Walton said he agrees with what is being said and that staff should come up with a benign policy statement to take back to the local boards for approval. Then it could be brought back up with this body.

Mr. Gecker said he would like a specific policy statement.

Mr. Butler said he would not vote for this in December if he has not had a chance to discuss it with his board.

Ms. Durfee said she thought what was now being discussed was in direct conflict with the motion that was passed. She said she thought the procedure as outlined in the motion should be followed.

Mr. Glover noted that the General Assembly does not decide which projects are funded. They only impose the tax. The CTB determines which projects receive the funding.

Mr. Crum reviewed what he heard as a consensus on revisions for the legislative package as discussed during the meeting today:

- consensus on proportional representation on the CTB
- consensus on cost-effective environmental regulations
- an over-arching goal of minimizing fiscal impact on localities
- policy statement on Homestead Exemption

Chairman Cotman asked for clarification on the Homestead Exemption. Ms. Evans said during last month's Commission meeting, it was determined by the members that no changes should be made to property taxation or that it should be put up for voter referendum; it should be left to the localities since it is a significant source of revenue to the localities. She said if this was correct, a policy statement will be developed for the December meeting.

Mr. Crum said to clarify the issue on environmental regulations, it was heard that there was concern that any environmental regulations be cost effective and the impact on the localities' budgets should be considered. Mr. Gecker said that was correct.

### **III. NEW BUSINESS**

#### **A. VRS Resolution to Affirm Employee Contributions Paid by Employer**

Chairman Cotman asked Ms. Evans to review this item.

Ms. Evans reported that VRS had sent a letter, received last Friday, asking for reaffirmation from all of its participating employers on how they handle the employee contributions to the retirement system. The agency pays the 5% contribution on behalf of employees as do all other VRS participating employers. This was approved by the Commission in 2001 when the agency joined VRS.

This is in response to a new IRS revenue ruling. The resolution was provided by VRS and is a standard resolution being sent to all VRS employers. VRS wants all responses by December 1, 2008 so they can in turn respond to the IRS prior to January 1, 2009. The resolution was distributed earlier in today's meeting.

Chairman Cotman said the resolution reaffirms what the Commission has previously approved.

Mr. Butler made a motion that the resolution be approved. The motion was seconded by Ms. Graziano.

Ms. O'Bannon asked for a few minutes to read through the resolution.

Mr. Crum apologized for the short notice; however, the staff had only received this from VRS this past week.

Mr. Glover asked about a similar item that had been discussed by the Commission in the past.

Ms. Evans said a resolution to join VRS had been brought to the Commission in 2001. This also had a clause that the employer would pick up the employee contribution. The resolution before members now is a reaffirmation of that previous resolution.

Mr. Holland said he had researched this resolution for Chesterfield County and confirmed that it must be approved by December 1. He said Chesterfield had approved their resolution last month.

Mr. Glover said there was another issue he was referring to and wanted to know about that.

Ms. Evans said she thought what Mr. Glover was referring to was action taken two or three years ago to approve allowing employees of the Commission who had been employed prior to the agency's joining VRS to use their own funds to buy back prior years of service in VRS. Mr. Glover asked if this had been done. Ms. Evans said the employees in question had only had a six-month window of time to do this and they had.

There being no further discussion the motion carried.

#### **IV. OTHER BUSINESS**

##### **A. Committee Reports**

There were no other committee reports.

##### **B. Announcements**

There were no announcements.

##### **C. For Your Information**

Items included in this section were:

1. Article from the *Richmond Times-Dispatch* dated October 12, 2008: Officials Still Discussing Transit Plan
2. Letter from Constance McGeorge, Commonwealth Interoperability Coordinator, to Jackie Stewart regarding her participation in the Fifth Annual Virginia Interoperable Communications Conference

V. **ADJOURNMENT**

There being no further business to come before the Commission, on motion duly made and seconded, Chairman Cotman adjourned the meeting at approximately 3:00 p.m.

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Robert A. Crum, Jr.  
Executive Director

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Timothy W. Cotman, Sr.  
Chairman