

NORTHERN VIRGINIA REGIONAL COMMISSION

Minutes of the Commission Meeting Held Thursday, November 29, 2001

8:00 p.m.

COMMISSIONERS

(The names of those present are highlighted)

Commissioner Hilda M. Barg	County of Prince William
Commissioner Charles J. Billand	County of Loudoun
Commissioner Albert J. Boudreau	Town of Vienna
Commissioner Christopher K. Brown	Town of Dumfries
Commissioner Sharon Bulova	County of Fairfax
Commissioner James C. Chesley	County of Fairfax
Commissioner William C. Cleveland	City of Alexandria
Commissioner Gerald E. Connolly	County of Fairfax
Commissioner Anna F. Dixon	County of Fairfax
Commissioner Albert C. Eisenberg	County of Arlington
Commissioner Barbara A. Favola	County of Arlington
Commissioner Jay Fisette	County of Arlington
Commissioner Robert C. Goessman	City of Manassas
Commissioner Brenda Z. Greene	County of Fairfax
Commissioner Penelope A. Gross	County of Fairfax
Commissioner Katherine K. Hanley, NVRC Chairman	County of Fairfax
Commissioner Mark R. Herring	County of Loudoun
Commissioner John F. Herrity	County of Fairfax
Commissioner Edgar B. Holley	County of Prince William
Commissioner Catherine Hudgins	County of Fairfax
Commissioner John D. Jenkins	County of Prince William
Commissioner Lyman Krekel	City of Falls Church
Commissioner Jesse Ludvigsen	City of Manassas Park
Commissioner John D. Marsh	Town of Purcellville
Commissioner Elaine N. McConnell	County of Fairfax
Commissioner Stuart Mendelsohn	County of Fairfax
Commissioner Charles Monroe	County of Arlington
Commissioner Sally B. Ormsby	County of Fairfax
Commissioner Harry J. Parrish, II	City of Manassas
Commissioner Redella S. Pepper	City of Alexandria
Commissioner J. Chapman Petersen	City of Fairfax
Commissioner Alice Keane Putman	County of Fairfax
Commissioner Robert Rapanut	City of Alexandria
Commissioner Lilla D. Richards	County of Fairfax
Commissioner Steven A. Rogers	City of Falls Church
Commissioner Thomas Davis Rust	Town of Herndon
Commissioner Kristen C. Umstattd, NVRC Treasurer	Town of Leesburg
Commissioner Don White	County of Prince William
Commissioner Edgar S. Wilbourn, III	County of Prince William
Commissioner William R. Wren	City of Manassas Park
Commissioner Scott K. York, NVRC Vice Chairman	County of Loudoun
Vacancy (1)	City of Fairfax

STAFF PRESENT

G. Mark Gibb	Executive Director
Linda Tenney	Deputy Director
Linda Summerall	Executive Secretary
Kenneth Billingsley	Director, Demographics
David L. Bulova	Director, Environmental Services
Normand Goulet	Sr. Environmental Planner/Info. Systems Mgmt. Analyst
Sue Rowland	Director, Human Services
Michelle Simmons	Deputy Division Director, Human Services
John Winston	Federal Grants Analyst

GUESTS PRESENT

Susan Allan, MD, JD, MPH
Don Harris
David Lasso, Esq.

*Director, Health Services Div., Arlington DHS
Vice President, Government Relations, Inova Health System
Veneable, Baetjer and Howard*

CALL TO ORDER Chairman Hanley called the meeting to order at 8:03 p.m.

Chairman Hanley recognized the Commission's two newest members: Robert Goessman representing the City of Manassas and Don White representing Prince William County.

Chairman Hanley also noted that two Commissioners, Messrs. Petersen and Rust, had been elected to the House of Delegates. As Commissioner Petersen had not yet arrived, she read a certificate of appreciation to Commissioner Rust, and the members and staff joined in a round of applause.

The certificate of appreciation was read to Commissioner Petersen after the presentation.

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 Richards moved approval of the minutes of the October 25, 2001, Commission meeting. The motion was seconded and the minutes were approved unanimously.

PRESENTATION

Public Health Response to Bioterrorism

Chairman Hanley introduced the two speakers, Dr. Susan Allan and Mr. Don Harris.

Dr. Allan has served as the public health officer for Arlington County since 1987. She received her medical and law degrees from Harvard University and a Master's of Public Health from Johns Hopkins. Dr. Allan serves on the National Association of County Health Officers' Bioterrorism Task Force and recently addressed the armed forces international conference on weapons of mass destruction.

Mr. Harris is the Vice President of Government Affairs for Inova Health System. He is responsible for developing public policy, coordinating federal and state government relations, and serving as liaison to local and state businesses.

Susan Allan

Dr. Allan opened by remarking that the recent anthrax incident has caused the nation to re-examine the issue of bioterrorism and how to better protect local communities. It has highlighted the interdependence of the public health system with the police and fire departments and the hospitals.

Dr. Allan concluded by stating that historically, public health has not been viewed as a high priority, and it has been eroded at the state and national levels. Public health needs to be visible in the community, actively monitoring day-to-day activities and conditions. Currently, public health departments are understaffed and unequipped to handle a major public health incident.

questions and answers

Commissioner Umstatt reported she had recently attended a briefing in Roanoke, where a physician with the Centers for Disease Control and Prevention (CDC) who is the GIS coordinator pointed out the same problems cited by Dr. Allan. That physician pointed out that the localities are all in a first-response position and are the only ones with good data as

to where there are residential buildings as opposed to commercial buildings. That physician said the CDC needs help from the localities to develop a standardized country-wide GIS system. Further, FEMA does not cover bioterrorism attacks. Dr. Allan concurred with these points.

Don Harris

Mr. Harris reported that hospitals are currently rethinking their disaster plans. Inova Health System hospitals are conducting weekly meetings and holding disaster training drills. These exercises include lockdowns (prevents public access to hospitals so the caregivers do not become infected); communications failures (what to do if the telephone system is down); and materials/supply management (fully-equipped trucks can move to the needed site).

Mr. Harris stated that important information came out of the recent anthrax situation: No one was in charge; public health lacked the mechanism to tie together all the emergency rooms, the private physicians' offices, the public health departments. Inova Fairfax Hospital created a command center using a fax machine to communicate with all emergency rooms and health departments area-wide from Fredericksburg to Winchester. In conjunction with the health department, Fairfax Hospital personnel wrote the protocols for what was presenting in Fairfax. The protocols were faxed to the emergency rooms and posted on the hospital's website. Mr. Harris stressed that the General Assembly and the federal government need to look at the mechanism for health system communications and provide the appropriate funding for same, as well as for the health system's response to chemical and bioterrorist attacks, since the Washington area is a prime target for a future attack.

Mr. Harris added in Northern Virginia, an emergency response coalition has formed, consisting of the hospitals; health departments; fire, EMS, police and rescue forces. However, regional communication is a challenge and becomes more so when the District is added to the equation.

questions and answers

Commissioner Connolly asked about a national inoculation against smallpox. Dr. Allan replied at this time, the plan is to be mobilized immediately when the very first case is identified. Immunization on a large-scale is extremely expensive and not without risks; some people will die from the vaccine.

Dr. Allan said regionally, MWCOG has a bioterrorist committee, and this issue is being looked at on the national level as well.

Commissioner Gross inquired about the need for a regionally coordinated message about bio/chemical risk. Dr. Allan replied that the area's response to the drinking water emergency in 1993 is a good model. Mr. Harris added that protocols are being developed for biological and chemical situations.

Dr. Allan replied to Commissioner Richards' inquiry by stating that the mortality rate for inhalation anthrax is extremely high and it is difficult to diagnose. Public health training has been provided for private physicians and hospital staff.

Commissioner Ormsby asked what happens to symptomatic people during a hospital lockdown. Dr. Allan replied that area hospitals will be designated as "clean," meaning they will not accept the symptomatic people, and "dirty," meaning they will treat symptomatic people. Triage sites will also be established close to the hospitals.

Dr. Allan stated that there is no definitive answer as to whether or not an adult who was vaccinated against smallpox several decades ago will be immune. There is a general belief that a certain number of those people will have immunity or would have a milder case of smallpox if they contracted it today. The vaccine process was dismantled in the 1970s. It is not a simple procedure to develop a vaccine that is non-toxic. Dr. Allan stated that no

political framework exists for deploying scarce resources. She added that the national pharmaceutical stockpile will become a political football because potentially, there will not be enough serum for everyone in the U.S. This needs to be looked at on the federal level. The good news is that if one has been exposed to smallpox, the vaccine is effective if given within the first four days of exposure.

On behalf of the Commission, Chairman Hanley thanked Dr. Allan and Mr. Harris for a very informative presentation.

CONSENT AGENDA Commissioner Connolly moved the consent agenda, consisting of the items outlined below. The motion was seconded and carried unanimously.

- A. Financial Reports for October 2001
- B. Resolution No. P02-15: Authorization for the Executive Director to Submit a Proposal to the Chesapeake Bay Local Assistance Department to Provide Comprehensive Planning Assistance to Fairfax County
- C. Resolution No. P02-17: Authorization to Apply for, Accept, and Subcontract Title I Funds for 2002-2003 for Services Under the Ryan White CARE Act of 1990 as Amended
- D. Resolution No. P02-18: Authorization to Apply for, Accept, and Subcontract Title II Funds for 2002-2003 for Services Under the Ryan White CARE Act of 1990 as Amended
- E. Resolution No. P02-19: Authorization to Continue to Administer the Northern Virginia Single Family Regional Loan Fund.
- F. Resolution No. P02-20: Authorization for the Executive Director to Submit an FY 2002 U.S. Environmental Protection Agency Wetland Program Development Grant Proposal

EXECUTIVE
DIRECTOR'S
REPORT

*2002
Census*

Mr. Billingsley, NVRC's Director of Demographics, explained that the Census data must be repackaged into a usable format, and he has organized the Virginia data released so far and has written programs to present tabulated information in a pdf format for the web. He has also converted the 1980 and 1990 Census data into a pdf format for the web. He provided a brief presentation on the types of information that will be posted on NVRC's website, www.novaregion.org. Mr. Billingsley advised the Commissioners that the Northern Virginia Data Book is being updated to include 2000 Census data and will be placed on the web.

*Vienna
Workshop*

Mr. Gibb reported that the Vienna Workshop, held November 1-3, was very well attended. Commissioner Boudreau added that the consultants conducting the workshop were terrific, and the Town Council members and residents were very enthusiastic.

*Home Guide
to
Emergency
Preparedness*

Mr. Gibb reported that the brochure will be distributed in the Sunday supplements of the December 16 edition of *The Washington Post*. It will be mailed on December 14 to Northern Virginia households that do not subscribe to the Sunday *Post*. Mr. Gibb asked the Commissioners to publicize the brochure in their localities and to let people know it will be posted on NVRC's website.

CHAIRMAN'S
REPORT

Chairman Hanley introduced David Lasso, the Commission's counsel.

Chairman Hanley called attention to the Commission's proposed meeting schedule for calendar year 2002. Commission Greene noted that Passover begins on March 28. It was agreed that staff will try to find an alternate meeting date for the March Commission meeting.

FY 2002 DRAFT
LEGISLATIVE
PLATFORM

Commissioner Connolly, Chairman of the Legislative Committee, noted that the final draft 2002 Legislative Platform was included in the meeting package. Additionally, a statement on public health funding was distributed at the table for consideration. Commissioner Connolly moved adoption of the NVRC FY 2002 Legislative Platform, including the new position (distributed) on funding for response to bioterrorist attacks on public health. Further, Commissioner Connolly stated that he would like to add the following to the end of the last sentence under this position: "...and expansion of communication capability for public health, hospital, and private medical communities." The motion was seconded.

Commissioner Fisette moved to amend the Land Conservation position statement by adding a period after "...\$50 million per year." The motion was seconded. The motion passed 15 in favor, 12 opposed, with Commissioner Herrity abstaining.

Commissioner Barg moved to consider the following items separately: Priority Positions on *income taxes and local revenues*; *regional referendum on sales tax rates*; *planning and land use authority*; and the position statements on *land conservation* and *statewide waste management planning*. The motion was seconded.

The priority position on *income taxes and local revenues* carried. Commissioner Herrity abstained, explaining that he believed the legislative platform contained too many positions and the platform would be ignored by the legislators.

The priority position on *regional referendum on sales tax rates* carried. Commissioner Herrity abstained.

The Prince William representatives expressed concern over the inclusion of the phrase "adequate public facilities" in the priority position on *planning and land use authority*. Commissioner Connolly confirmed that this was the Commission's position last year. After discussion, Commissioner Favola moved that the phrase "adequate public facilities ordinances" be removed. The motion was seconded. The motion to amend carried with Commissioner Herrity abstaining. The priority position on planning and land use authority carried. Commissioner Herrity abstained.

The position statement on *land conservation*, as previously amended, carried, with Commissioner Herrity abstaining.

Regarding *statewide waste management planning*, Mr. Bulova confirmed for Chairman Hanley that the Northern Virginia Waste Management Board is comfortable with this

position. The position statement on statewide waste management planning carried, with Commissioner Herrity abstaining.

The Northern Virginia Regional Commission's 2002 Legislative Platform, as amended, was adopted. Commissioner Herrity abstained.

Commissioner Connolly thanked the members of the Legislative Committee for their work and he also thanked Ms. Rowland, saying that she makes a difficult task look easy. He added that it is challenging to set priorities for a region as large and diverse as Northern Virginia, and setting seven priorities shows discipline. This is an improvement from past years.

The Legislative Platform will be posted on NVRC's website.

COMMITTEE
REPORTS
Operations

Chairman Hanley read Commissioner Herrity's November 20 letter to her requesting a list of the auditors employed by NVRC for the past ten years, as well as information on outside accountants used during that time. Chairman Hanley responded to this request, and in turn received a proposed resolution from Commissioner Herrity. Copies of the correspondence and the proposed resolution were distributed at the meeting. Chairman Hanley explained that resolutions should go through committees and she had referred this one to the Operations Committee.

Commissioner Umstattd, NVRC Treasurer and Chairman of the Operations Committee, reported that the Operations Committee met earlier this evening in a special meeting with the Commission's counsel Mr. Lasso. Commissioner Umstattd added that the resolution was not clear in what further information was being sought.

The Operations Committee takes seriously the apparent allegations in the resolution. Mr. Lasso was asked if there had been any statutory violations by having the same accountants for three to five years; he could find no statute prohibiting that. The Virginia Society of CPAs was contacted as to what is common practice. Commissioner Brown reported that organization has had the same auditors longer than NVRC has used any firm as its auditors. The ethical guidelines of the VSCPA state it is a requirement for a CPA firm to determine whether it is independent.

The committee reviewed the past ten years and determined that the practice has been, and it has been adhered to, to issue a competitive solicitation every three to five years to handle the Commission's audit. Typically, the engagement has been three years with an option for two one-year extensions.

Commissioner Umstattd requested that this issue be referred back to the Operations Committee for further consultation with the Commission's attorney, as some of the allegations in Commissioner Herrity's resolution could be libelous, if unfounded. As an attorney, she expressed concern that neither the Commission nor any of its members be jeopardized.

Commissioner Herrity stated the issue is whether it is a problem if accounting services are provided by the firm providing auditing services. He added that he believes auditing services should be put out to bid every year. Commissioner Herrity then moved his resolution. The motion was seconded.

Commissioner Jenkins asked the value of the auditing contract and was told it is approximately \$5,000. Commissioner Wilbourn asked if there are additional billings over the contracted amount. Mr. Gibb replied that the audit is a flat fee, but the accounting consultant has been paid a monthly consulting fee of \$950. The monthly fee was recently reduced, as staff has taken on more accounting responsibilities.

Commissioner Brown stated that there are a number of governing bodies that discuss what independent certified public accountants (CPAs) do. They must be independent in order to audit. He reported he has checked with the Virginia Society of CPAs and the State Board of Accountancy and found that on the surface, everything that has been done here is appropriate. In reply to Chairman Hanley's inquiry, Commissioner Brown said he is a CPA and also performs audits from time to time.

Commissioner Bulova expressed concern that if the Commission acts on this resolution, it may give the appearance that the members believe there was a problem. She moved that this issue be referred to the Operations Committee to review the policies, and report back to the Commission with recommendations on proposed policies. The motion was seconded.

Commissioner Connolly stated that this resolution is guilty by innuendo. If the resolution is not addressed, it will give the appearance that the executive director and, by implication, the auditing firm and the accountant have "appeared to do something ethically and legally wrong." Commissioner Connolly said there is no basis for believing that to be true. He then urged Commissioner Bulova to withdraw her motion.

Commissioner Brown informed the members that CPAs decided a number of years ago that being professionals, they ought to be able to police themselves. Other CPAs audit the work of auditors.

Commissioner Herrity said the point of his resolution is to determine what are duties of the accountant and what are the duties of the auditor.

Commissioner Brown read section 101-3 — Accounting Services [part 2] of the American Institute of Certified Public Accountants' Professional Standards:

A member providing such services to a client must meet the following requirements to be considered independent:

2. The member [the accountant performing a services] must not assume the role of employee or of management. For example, the member shall not consummate transactions, have custody of assets, or exercise authority on behalf of the client. The client must prepare the source documents on transactions in sufficient detail to identify clearly the nature and amount of such transactions. The member should not make changes in such basic data without the concurrence of the client.

After further discussion, Commissioner Bulova withdrew her motion.

Commissioner Monroe moved to table the motion. The motion was seconded. Counsel was asked for his opinion. Mr. Lasso stated that if the motion to table carries, the resolution would, in effect, be set aside but could come up again; voting on the resolution would decide its disposition. Commissioner Monroe withdrew his motion to table.

The motion failed. Commissioner Herrity requested a recorded vote:

Commissioner Herrity voted in favor. Commissioners Hanley, Wilbourn and Wren abstained. Commissioners Barg, Boudreau, Brown, Bulova, Chesley, Connolly, Favola, Fisette, Goessman, Greene, Gross, Holley, Hudgins, Jenkins, Ludvigsen, Monroe, Ormsby, Parrish, Pepper, Petersen, Putman, Rapanut, Richards, Rust, Umstattd and White voted against.

Commissioner Bulova moved that the issues raised by the failed resolution be referred to the Operations Committee for review and a report back to the Commission, perhaps with recommendations for policy changes; that the Operations Committee obtain information

from the Commission's counsel or organizations regarding the appropriateness of the Commission's existing policies; and that the Operations Committee make a recommendation on whether to bid the audit for FY 2002. The motion was seconded.

Commissioner Barg moved to call the question. The motion was seconded and carried, with Commissioner Herrity abstaining.

Commissioner Bulova's motion carried, with Commissioner Herrity abstaining.

OTHER BUSINESS

Bias Crimes

Commissioner Gross reported she recently met with Ben Lieu with the Community Relations Office of the Department of Justice, Philadelphia office. The Department of Justice has developed a training module for first responders (police, fire, social workers, etc.) to bias crimes. The first training will take place in Baltimore in early December. She and Mr. Lieu discussed the possibility of having a training session held in Northern Virginia, and she suggested holding it at the office of the Northern Virginia Regional Commission.

Military Liaison

Commissioner Chesley raised the issue of representation from the military bodies in Northern Virginia on the Commission. He moved consideration of how the Commission can have military contact. The motion was seconded and carried unanimously.

ADJOURNMENT There being no further business, Chairman Hanley adjourned the meeting at 9:58 p.m.

Respectfully submitted:

Approved by:

G. Mark Gibb
Executive Director

Katherine K. Hanley
Chairman