



**Policy Committee Meeting Minutes  
September 17, 2018**

<http://www.fampo.gwregion.org/committees/policy-committee/>

**Adopted October 15, 2018**

**Members Present:**

Mr. Tim McLaughlin, Chair, County of Spotsylvania  
Mr. Tim Baroody, City of Fredericksburg  
Mr. Matt Kelly, City of Fredericksburg  
Mr. William Withers, City of Fredericksburg  
Mr. Kevin Marshall, Spotsylvania County  
Mr. David Ross, Spotsylvania County  
Mr. Mark Dudenhefer, Stafford County  
Ms. Meg Bohmke, Stafford County  
Ms. Cindy Shelton, Stafford County  
Mr. Chuck Steigerwald, Potomac and Rappahannock Transportation Commission (PRTC)  
Ms. Marcie Parker, Virginia Department of Transportation (VDOT)  
Ms. Nancy Long, Caroline County (Non-Voting Member)  
Mr. John Jenkins, King George County (Non-Voting Member)  
Ms. Ruby Brabo, King George County (Non-Voting Member)

**Others Present:**

Mr. Ciara Williams, DRPT  
Ms. Susan Gardner, VDOT  
Mr. Stephen Haynes, VDOT  
Ms. Michelle Shropshire, VDOT  
Mr. Dave Swan, CTAG Chairman  
Mr. Paul Milde, Fredericksburg Chamber of Commerce  
Mr. Scott Shenk, Free Lance Star  
Mr. Eric Gregory, Hefty, Wiley & Gore, P.C.

**Staff Members Present:**

Mr. Paul Agnello, FAMPO  
Mr. Nick Quint, FAMPO  
Ms. Briana Hairfield, FAMPO  
Ms. Kari Barber, FAMPO  
Mr. John Bentley, FAMPO  
Mr. Colin Cate, FAMPO  
Ms. Linda Millsaps, GWRC  
Ms. Michele Dooling, GWRC  
Ms. Diana Utz, GWRC  
Ms. Leigh Anderson, GWRC  
Ms. Kate Gibson, GWRC

## **CALL FAMPO MEETING TO ORDER**

Chairman, Mr. McLaughlin called the meeting to order at 7:19 p.m.

## **APPROVAL OF FAMPO AGENDA**

Upon motion by Mr. Kelly and seconded by Ms. Bohmke, with all concurring, the agenda for the September 17, 2018 meeting was approved as submitted.

## **PUBLIC INVOLVEMENT**

None

## **CHAIRMAN'S COMMENTS**

None

## **CONSENT AGENDA**

### **a. Approval of Policy Committee Meeting Minutes of July 16, 2018 – Mr. Paul Agnello (Action Item)**

Ms. Bohmke stated that there were a couple items in the meeting minutes from July 16, 2018 that she wanted to visit and clarify since she did not attend the meeting. On page 7, Ms. Bohmke pointed out that the sentence “Mr. Kelly who developed the prioritization process and what will be changing this time,” did not make sense and the reference to Mr. Agnello’s statement about Smart Scale changes including Economic Development as a new rating factor did not have much information.

Ms. Bohmke also pointed out that the statement “Mr. Kelly relayed that CMAQ/RSTP funding cannot be allocated to transportation or roadway projects” needed to be clarified.

Upon making the changes Ms. Bohmke suggested, there was a motion by Mr. Ross and seconded by Mr. Kelly with Ms. Bohmke abstaining and all others concurring, the Approval of Policy Committee Meeting Minutes was approved.

### **b. Approval of Resolution No. 19-06, Amending the TIP to add UPC 111980 – Mr. Nick Quint (Action Item)**

Upon motion by Mr. Ross and seconded by Ms. Bohmke, Resolution No. 19-06, Amending the TIP to add UPC 111980 was approved.

## **ACTION ITEMS/DISCUSSION ITEMS**

### **a.) FAMPO Administrator Report – Mr. Paul Agnello**

Mr. Agnello informed committee members that there was a September update posted on the FAMPO website and emailed to all committee members which included FAMPO highlights, upcoming transportation meetings, FAMPO work plan and budget and major project updates this month. Mr. Agnello informed the group that many of the items in the FAMPO highlights would be discussed in greater detail during the Policy Committee meeting. Mr. Agnello also pointed to the link under the Major Project Updated titled, “Construction Schedule for Major I-95 Corridor Projects,” which details the on-going FAMPO projects over the next five years and timeline of the conclusion for those projects.

Mr. Agnello also pointed out that there was an update from PRTC regarding the Fuel Tax Projections and Additional Revenue Above FY19 Budget After CROC Impact. Mr. Agnello reminded committee members that PRTC staff is still refining these numbers and they are subject to change.

Mr. Steigerwald informed committee members that July numbers will be finalized by the end of this month and noted that historically July is a high month for fuel usage.

Mr. McLaughlin asked for a definition of the acronym, “CROC.”

Mr. Steigerwald answered that CROC stands for Commuter Rail Operating Capital Fund, and that the estimates you see in this chart are what the jurisdictions will be left with after PRTC pays out CROC.

Mr. Dudenhefer pointed out that the fuel tax projection revenue is considerably less after CROC impact.

Mr. Kelly inquired about whether or not the VRE restrictions on what additional funding could be spent on have been clarified yet.

Mr. Steigerwald responded that they are still waiting for clarification.

Mr. Kelly stated the general thought is that even though they’re getting additional funding, it had to be transit-oriented which restricts that use of funding.

Mr. Agnello shifted focus to the VDOT Hackathon event which takes place on September 28<sup>th</sup> and 29<sup>th</sup> and suggested if committee members knew someone that was interested in Computer Science or IT, this would be a great opportunity for them and for more information to consult the flyer in their meeting packets.

### **i. Major Project Updates**

Mr. Agnello stated that he had good news regarding the NB Rappahannock River Crossing Projects. Mr. Agnello mentioned that VDOT has been making good progress with all of the major projects; the SB Rappahannock River Crossing project work kicked-off on August 22, 2018 and the Route 3 Safety Improvements are on target to be completed ahead of schedule in late October. The NB Rappahannock River Crossing Project has a need for a 4<sup>th</sup> lane between Truslow Rd and Enon Road which has been added to that project which will help Stafford in their efforts to widen I-95 from 6 to 8 lanes.

### **b.) Transportation Conformity Update – Mr. Paul Agnello**

Mr. Agnello stated that FAMPO passed Conformity which will enable all the major projects to move forward. This enables all major projects to continue to move ahead as scheduled.

**c.) SMART Scale Update- Mr. Nick Quint**

Mr. Quint pointed to the list of projects that have been submitted and their final cost estimates and how those estimates changed. Mr. Quint mentioned that five of the nine projects saw a decrease in cost while four saw an increase. Mr. Quint then stated that slides 4-8 were taken from the September 2018 SMART Scale presentation to the Commonwealth Transportation Board on Round 3 applications. Mr. Quint stated that overall there were 468 projects submitted, with Fredericksburg submitting 35 and, that while most districts submitted roughly the same number of projects, surprisingly Richmond and Staunton submitted the most. Mr. Quint also noted that 468 is a higher number of applications submitted than Phase 2.

Mr. Dudenhefer inquired as to why Culpeper submitted more projects than the Fredericksburg district.

Mr. Quint responded that he believes it is due to the fact that the Eastern end of the Fredericksburg district did not submit many projects.

Ms. Parker confirmed that the Eastern end of the Fredericksburg district did not submit hardly any projects.

Mr. Quint then continues to slide 5 which categorizes the type of projects that were submitted. Mr. Quint noted that 371 projects were highway projects and 71 were bike/pedestrian projects.

On slide 6, Mr. Quint pointed out the SMART Scale request funding cost and district leverage funding and that Northern Virginia and Hampton Roads reflected the most leverage funding. Mr. Quint stated that Fredericksburg has 11.1% of leverage funding

Mr. Kelly asked about the total dollar amount that will be allocated in this round.

Mr. Quint responded that the dollar amount suggested by VDOT is subject to change.

**d.) STARS Study Update – Mr. Paul Agnello**

Mr. Agnello stated that FAMPO is currently thinking about Round 4 of SMART Scale studies and a new tool for developing new projects for SMART Scale consideration is the VDOT's STARS program. Mr. Agnello presented a map of all of the recent funding studies completed in the GWRC region. Mr. Agnello pointed out the Route 3 study in the City of Fredericksburg and the Route 17 study in the County of Stafford. Mr. Agnello explained that with STARS, VDOT develops potential candidate projects and they developed three potential projects for the GWRC region. Mr. Agnello explained that after speaking with VDOT, if FAMPO agrees to use \$100,000 in leveraged funding towards two of the three larger projects, the following three projects could move forward in time for the next Phase of SMART Scale: the Port Aquia Drive/Coal Landing Rd Corridor project in Stafford, the Mine Road/Market Street Corridor, and the Massaponax Corridor projects in Spotsylvania. The Mine Rd/Market St. Corridor project would not need FAMPO leverage funding as VDOT believes they have all the necessary resources for this project. Mr. Agnello explained that a total of \$200,000 in leveraged funding would be needed. Mr. Agnello then

stated that there is a resolution on the agenda to approve this funding that he would like members to vote on and that he is happy to take any questions.

Ms. Bohmke asked who FAMPO would use for this study.

Mr. Agnello responded that since these are VDOT studies, they would use their consultants.

**i. Approval of Resolution No. 19-05, Authorizing Staff to Transfer Fiscal Year 2019 and 2020 RSTP Funding to Support Two Potential VDOT STARS Studies.**

Upon motion by Mr. Ross and seconded by Mr. Dudenhefer, Resolution No. 19-05, Authorizing Staff to Transfer Fiscal Year 2019 and 2020 RSTP Funding to Support Two Potential VDOT STARS Studies was approved.

**e.) Draft I-95 Phase 2 Highway Study Report for Review – Mr. Paul Agnello**

Mr. Agnello pointed out that the Draft I-95 Phase 2 Highway Study Report was a major study that FAMPO has done of the last year and this final report is now available for review. Mr. Agnello also mentioned that this report has been presented to the other FAMPO Committees as well and that FAMPO is not seeking approval of this report today, but FAMPO would like the committee to review this report and submit any feedback to FAMPO Staff by September 28, 2018.

There were no comments or questions

**f.) Summary of Legislative Subcommittee Meeting – Mr. Paul Agnello**

Mr. Agnello stated that the Legislative Subcommittee for FAMPO met on September 6<sup>th</sup> with Delegates Mr. Cole and Mr. Thomas to develop its legislative priorities to submit to the General Assembly. October 15<sup>th</sup> is the target date for FAMPO approval on its legislative priorities. Mr. Agnello reminded committee members that the Legislative Committee has three members: Mr. McLaughlin, Mr. Kelly and Ms. Shelton.

Mr. Agnello pointed out the FY19 Legislative Efforts for SMART Scale potential items which are:

- a. Include traffic for all seven days in scoring > State (VDOT/OIPI) required to do this for new Federal Performance Based Planning Requirements for Congestion
- b. Use Total Cost in scoring, instead of Smart Scale Request Cost
- c. Change Accessibility measure threshold from 45 minutes to 90 minutes
- d. Restrict Statewide High Priority Program funding to Highway and Transit projects on a Corridor of Statewide Significance costing at least \$10 million

Mr. Agnello then mentioned that these items would be broken up into individual bills rather than combining them all together (as was done last year) because by combining them all together you bring more opposition against the combined bill.

Mr. Agnello then drew attention to item A regarding Traffic and the use of weekend congestion data. Mr. Agnello stated that there are new federal performance based planning requirements that state DOTs and MPOs have to follow. Mr. Agnello stated that congestion measure mandates that State DOTs look at Traffic for all seven days, so this study was done for all of the MPO's in the state and

when you look at the Travel Time Reliability Measure Baseline showing interstate metrics for all the MPOs, you notice that Fredericksburg has the worst interstate travel time reliability in the state, beating out Northern Virginia and Hampton Roads.

Mr. Agnello pointed out a concern with the SMART Scale process, some I-95 projects like the NB Rappahannock River Crossing do not appear to score well. Mr. Agnello stated that a primary reason that they do not score well is that weekend traffic is not accounted for, and that this is an issue that will continue if things remain unchanged.

Ms. Brabo asked that since this is a federal initiative that is now required that weekends be utilized, when does that take effect?

Mr. Agnello mentioned that it is mandated and has already taken effect and for SMART Scale round 4, they should make the necessary changes to include all seven days. Mr. Agnello mentioned that this topic was discussed at the CTB meeting. Mr. Agnello then mentioned that another issue with SMART Scale is regarding the funding process for the district grant allocation formula. Mr. Agnello stated that the issue is that present district grant formula was developed for a different purpose in 1986 for the primary-secondary-urban allocation and this is not what is being used today. Mr. Agnello stated that today, this could potentially go to any class of roadway, including interstates – which are not included in the formula and puts areas with major interstates at a disadvantage. Mr. Agnello also stated that the formula is also not consistent with national standards of 2010 Federal Functional Classification and that the urban component based on city & town population instead of the national standard of urbanized area puts our region at a disadvantage. Mr. Agnello stated that back in 1987 most of the urban population was in cities and towns, but that is not the case today and many counties have grown, Stafford, Spotsylvania, Loudon, Fairfax, Henrico and Chesterfield are examples of counties that have a greater population than the cities. Mr. Agnello reiterated that the way the metrics are done, they are only looking at cities and towns, so here in the Fredericksburg District they look at the City of Fredericksburg and the town of Colonial Beach and as a result our district is getting less funding than it should.

Mr. Agnello also mentioned a potential State Transportation Funding Study Request. Mr. Agnello stated that the issue is that our current system based on gas taxes is failing due to emergence of hybrid and alternative fuel vehicles and that there is a need for a new sustainable system which is less reliant on gas taxes. Mr. Agnello pointed out that now is the time to develop a new system and that many states are already studying this, the federal government is looking at this and a current house bill is proposing to phase out the federal gas tax by 2028, so Virginia is actually behind and requesting a study may help get the conversation started.

**i. Legislative Subcommittee Meeting Minutes of September 6, 2018**

**ii. Draft I-95 Widening in Stafford County Letter for the State (ACTION ITEM)**

Mr. Agnello then stated that the last item is the letter to the state requesting I-95 in Stafford between Exit 143 and Exit 133 be allowed to be widened from 6 to 8 lanes without 95 Express Lanes restrictions requiring the State to pay competition compensation. Mr. Agnello stated that the current Express Lanes go down to the Garrisonville Exit and there are restrictions on what the State can do in terms of adding additional lanes to I-95 or Route 1. Mr. Agnello stated that they did not want those restrictions reaching further south to Exit 133. Mr. Agnello also mentioned that when I-95 was

widened in the mid-1980s they widened it to the outside, making it cost-efficient to convert the hard shoulder to a travel lane today.

Mr. Agnello asked that committee members review the draft letter that is in their meeting packet as it is available for approval today.

Mr. Kelly suggested that the FAMPO Chairman, Mr. McLaughlin write a letter to the VDOT Deputy Secretary, Nick Donohue so that his concerns this could be put in writing.

Mr. McLaughlin asked that Mr. Agnello write that letter.

Mr. Agnello agreed.

Upon motion by Mr. Ross and seconded by Mr. Withers, with Ms. Parker abstaining and all others concurring, the Letter Preserving the right to widen I-95 in Stafford County between Exit 143 and 133 was approved.

## **ii. House Joint Resolutions No.580 and No 581**

Mr. Agnello stated that Delegate Cole introduced two bills at the Legislative Subcommittee meeting that he would like added to the FAMPO Legislative Agenda. Mr. Agnello stated that House Joint Resolution 580 and 581 are variations of the same concept, but that No. 580 is “Establishing a joint subcommittee to study the feasibility of widening Interstate 95 between Exit 118 and the Springfield Interchange” and No. 581 “Requests the Commonwealth Transportation Board to study the portion of Interstate 95 corridor between Exit 118 and the Springfield Interchange and financing options for improvements to the corridor.” Mr. Agnello then asked for feedback and/or comments.

Mr. McLaughlin asked for confirmation that the Legislative Agenda has not been approved.

Mr. Agnello confirmed that the Legislative Agenda is on the agenda for next month.

Ms. Shelton asked for clarification about FAMPO’s role since these items have already been introduced.

Mr. McLaughlin responded that FAMPO will vote to endorse these bills stating that they are good for our region.

Mr. Kelly asked to make a recommendation that agenda items g-i not be discussed at this time since there is an on-going relationship between FAMPO and GWRC and there is a meeting scheduled for September 27 with legal and/or professional council to look over all of the agreements which would give committee members the baseline for which any further discussions can start. Mr. Kelly also recommended that a subcommittee of the GWRC chair, FAMPO chair, FAMPO Administrator and GWRC Executive Director be established and come back with a recommendation for this policy committee.

Mr. McLaughlin stated that there would be further discussion with those key individuals Mr. Kelly mentioned regarding the path forward to address the current conflict between GWRC and FAMPO. Mr. McLaughlin mentioned that there were several items on the agenda that could be discussed tonight

as they are not related to that discussion. Mr. McLaughlin clarified that the MOU Discussion was proposed by him and the Bylaw Discussion was proposed by Mr. Ross. Mr. Agnello was asked to research these items and place them on the September FAMPO meeting agenda so that the discussion could begin.

Mr. McLaughlin stated that if no one had an issue with the Financial Summary, we will begin with that.

**g.) FAMPO Budget Discussion – Mr. Paul Agnello**  
**i. Fiscal Year 2019 Financial Summary**

Mr. Agnello stated that he had received some questions regarding the FAMPO Budget that he wanted to address with the group tonight. Mr. Agnello stated that FAMPO has additional funding that has become available recently.

**ii. Fiscal Year 2019 Unified Planning and Work Program (UPWP) Budget**

Mr. Agnello pointed out the FAMPO Budget Document, the Unified Planning Work Program (UPWP) which is the official federally-required MPO budget document and that federal stipulations require that MPOs develop this plan annually. The approved budget for FY18 was \$1.819 million and the approved budget for FY19 was \$1.396 million. Mr. Agnello also pointed out that the UPWP website is: [www.fampo.gwregion.org/unified-planning-work-program/](http://www.fampo.gwregion.org/unified-planning-work-program/)

Mr. Agnello addressed the FY18 FAMPO Funding and how it relates to the GWRC Budget. Mr. Agnello explained that FAMPO FY18 funding equates to about \$1.8 million and 60% of the GWRC Budget. Additionally there is CMAQ money which FAMPO gives to GWRideConnect to which equates to \$226,650. So if you combine those funds, the FAMPO portion of the GWRC budget is \$2,032,608.16 and 67.5% of the GWRC Budget.

Mr. Agnello stated that in terms of a summary of the FY18 FAMPO Financials, the UPWP was \$1.819 Million, the Draft Revenue was \$1.806 Million, the Draft Expenses were \$1.665 Million and the Draft Net FY-18 Revenue is +\$141,153.00.

Mr. Agnello stated that the FY19 FAMPO Budget with recent updates was \$1.772 Million which includes a \$375,482 increase because FAMPO spent less on the 2045 LRTP consultant work than they budgeted for and some I-95 Phase 2 study work for FY18 crossed into FY19. Mr. Agnello pointed out that in the meeting packet there are handouts which give a detailed account of the FAMPO budget.

Mr. Agnello then addressed the Summary of the FY19 Staff Budget and Cost, pointing out that the FY19 Staff Budget was \$1,081,401 and that the existing staff cost \$632,838 for 5 full-time equivalent positions. Mr. Agnello stated that therefore FAMPO has a staff funding surplus of \$448,561. Mr. Agnello also stated that the approved UPWP from May approves 7 fulltime employees, but FAMPO currently only has 5. Mr. Agnello stated that the reasons for the surplus are that the FY19 FAMPO funding levels increased compared to FY18, VDOT and DRPT carryover funds were a little higher than expected, \$125k FY19 Lafayette Blvd Study Grant from DRPT and we have less staff. Lloyd Robison's position has not been filled and FAMPO used to have an employee, Danny Reese, who was full-time and FAMPO hired Kari Barber into his position as a part-time employee.

iii. **Creation of a FAMPO Finance Subcommittee**

Mr. Agnello stated that in regards to the FAMPO Budget process, FAMPO first proposes the creation of a Finance Subcommittee which would be comprised of FAMPO elected officials and would oversee FAMPO financials, FAMPO consultant procurement process and FAMPO staff salary modification.

Mr. Agnello stated that the second potential improvement to the FAMPO Budget process is in regards to on-call consultants. Mr. Agnello states that the two consultants, Michael Baker International and Cambridge Systematics expire on July 31, 2019 and these are three year contracts with 2 potential one-year extensions that are currently in their 4<sup>th</sup> year. Mr. Agnello stated that there was an expectation with the last extension that FAMPO would move toward hiring new consultants and that is what they are doing, so they would like to initiate the consultant procurement process this fall. Mr. Agnello mentioned that there is an action item tonight, Resolution 19-07, Authorizing Staff to Issue a Request for Proposals to Hire New On-Call Planning Service Consultants. Mr. Agnello mentioned that this process could take up to 6 months and there is a goal of selecting three teams rather than two to promote competition on task orders.

Mr. Ross asked if there was a task order, would FAMPO put it out to each of the three consultants to bid on?

Mr. Agnello responded, yes.

Mr. McLaughlin stated that this is why it is important to move forward now with this resolution to get ahead of the curve. Mr. McLaughlin stated that having three prequalified vendors would ensure they're getting the best deal with each bid. Mr. McLaughlin stated that in Spotsylvania County their lawyer said they could not do this, but that if FAMPO can, they should.

Mr. Kelly inquired as to the reason Spotsylvania's lawyer told them they could not give the bid out to all three consultants to compete for best price.

Mr. McLaughlin responded that there is a State law that prevents this.

Mr. Ross added that in Spotsylvania, they have three consultants but they always have to give the task to one consultant and if that consultant turns it down, the other two can make a bid.

Mr. Kelly suggested going through Bob Thomas to get the Attorney General's opinion.

Mr. McLaughlin stated that they would get a legal review contingent upon approval of this resolution.

iv. **Resolution No. 19-07, Authorizing Staff to Issue a Request for Proposals to Hire New On-Call Planning Service Consultants (ACTION ITEM)**

Upon motion by Mr. Ross and seconded by Ms. Shelton and all others concurring, the Resolution Authorizing Staff to Issue a Request for Proposal to Hire New On-Call Planning Service Consultants was approved.

Mr. Agnello asked the committee if they had any other questions regarding the creation of a FAMPO Finance Subcommittee.

Mr. Kelly responded that he still believes the FAMPO Administrator, GWRC Executive Director and Chairs of FAMPO and GWRC need to meet first.

Mr. McLaughlin pointed out that the Finance Subcommittee would be a FAMPO-specific committee

Mr. Kelly then stated that actually by creating this FAMPO Finance Subcommittee, you would be taking some of what is usually done by the GWRC Executive Director and turning it over to the FAMPO Administrator which gets into situations of delineation of control. Mr. Kelly mentioned that much of that occurs between King George and Caroline County because they're not in FAMPO but this money swirls around them also. Mr. Kelly concluded that this needs more discussion.

Mr. McLaughlin responded that goes back to one of the big issues that he wanted to discuss which is the MOUs. Mr. McLaughlin pointed out that the MOU discussion will help address the roles of each organization. Mr. McLaughlin inserted that he believes FAMPO and GWRC are separate organizations.

Ms. Shelton commented that a precedence has been set to have non-voting members on subcommittees, so if the FAMPO committee wants to continue that trend, they could.

Mr. Kelly pointed out again that is a discussion that needs to be had.

Ms. Shelton asked if that discussion was currently being had

Mr. Kelly questioned whether the discussion should be had tonight

Ms. Shelton pointed out that the discussion is on the agenda.

Mr. McLaughlin stated that this is an issue because this is a FAMPO budget and a FAMPO Subcommittee. Mr. McLaughlin stated that on the MOU, one of the discussions is about the Bylaws changes, the Bylaw that Mr. Ross brought up in regards to weighted voting. Mr. McLaughlin explained that there's a question because VDOT votes, PRTC votes and these votes have equal votes as elected officials. Mr. McLaughlin stated that Spotsylvania was voted down on an issue years ago by VDOT. Mr. McLaughlin stated that this bylaw would go to weighted votes with each FAMPO jurisdiction having three votes and PRTC and VDOT having one vote, and also looking into giving Caroline and King George a vote based on population size, and grandfathering in Fredericksburg even though the population is small. Mr. McLaughlin stated that that is an issue the board can talk about if they want to have that discussion and that they do not have to vote on it, but they can discuss it.

Mr. Ross stated that FAMPO is federally mandated and they have set the guidelines as to who can vote.

Mr. Kelly stated that this reiterates his point, the committee does not know enough to vote

Ms. Brabo stated that she and Mr. Agnello have had a conversation that for Caroline and King George to be a voting member, both FAMPO and the Governor would have to approve a redesignation of the FAMPO planning area.

Ms. Shelton stated that she wants it to be clear that she does not want the conversations about the oversight of the procurement process, FAMPO budget and FAMPO personnel to go into four people deciding for the committee as a whole.

Mr. Kelly stated that they wouldn't be deciding.

Ms. Shelton stated that she wasn't talking about the FAMPO Subcommittee, but that it sounded like these decisions would be taken off the table and privately discussed between four people and she isn't okay with that.

Mr. Kelly explained that they would only be reviewing the items.

Mr. McLaughlin stated that there have been some issues between GWRC and FAMPO and the two chairs would like to get together with the two directors to discuss these issues. Mr. McLaughlin stated that since he has been on the FAMPO board, he has no doubt that FAMPO is separate from GWRC, but that GWRC is the fiscal agent for FAMPO because FAMPO needed someone to handle the money and now Stafford or Spotsylvania could be the fiscal agent and then GWRC and FAMPO could be separate and just focus on the good work that they each do.

Ms. Long asked how much of the FAMPO money is from local contributions?

Mr. Agnello responded that he did not know that information off the top of his head but can get that answer to her. Mr. Agnello then responded that the total matching funds for FAMPO is approximately \$75,000 and he can look into the per-county contribution.

Ms. Brabo stated that King George does not currently pay towards FAMPO, but they do contribute to GWRC.

Ms. Long stated that she was not sure if Caroline County contributed and then asked if GWRC puts money in the bank for FAMPO.

Ms. Brabo responded that FAMPO puts money into GWRC, it's not the other way around.

Dr. Millsaps responded that the total portion of the local dues that are currently designated for FAMPO are \$74,802. Dr. Millsaps responded that that's the budget that was passed by GWRC and the total amount that is allocated from all five jurisdictions is \$247,000. Dr. Millsaps responded that the charge to each of the jurisdictions is 63.44 cents per person and that each jurisdiction is the same rate.

Mr. McLaughlin responded that Spotsylvania County and Stafford then contribute close to \$100,000, so where does the \$74,802 come from?

Dr. Millsaps responded that of the larger pot of \$247,000, FAMPO receives \$74,802 and much of the additional funding goes to match funding for federal grants and some state grants and then there are portions that go to GO Virginia, Continuum of Care and several other items like the Environmental work that GWRC does.

Mr. McLaughlin asked that Dr. Millsaps send a copy of that breakdown to all members of the Policy Committee.

Dr. Millsaps agreed.

Mr. Kelly mentioned that the problem with having this discussion now is that there is a learning curve and for Policy members to look at these issues in the proper light, they need more information.

Mr. McLaughlin stated that the intention of the meeting tonight was to bring it to light tonight and that the committee needs to look at the contracts to see what the actual federal mandate is for establishing MPOs.

Ms. Bohmke pointed out that there has been a lot of banter of the last 60 days regarding the structural organization and regarding the MOUs. Ms. Bohmke then stated that there are many new people on the FAMPO and GWRC board and as the chair of GWRC, she is trying to figure out how FAMPO and GWRC work together. Ms. Bohmke stated that in Stafford, they always try to look at what their peer localities are doing, not because that's always the right answer, but because it gives you another lens for looking at things. Ms. Bohmke then stated that she would need a lot more information before making any decisions.

Mr. McLaughlin stated that these discussion points did not just come up today. Mr. McLaughlin directed Mr. Agnello to draft these MOUs awhile ago and they have been on your reading material for quite some time and everybody had the opportunity to review them and come here tonight ready for discussion, agree with it or disagree and make comments. Mr. McLaughlin stated that right now the committee is just kicking the can down the road because nobody did their homework. Mr. McLaughlin concluded that everyone needs to look at the paperwork and come prepared to the next meeting.

Ms. Parker asked for the applicable federal and state codes that control the rules so that committee members can read that to understand because they currently have a before and after but they don't know the rules.

Ms. Bohmke asked for a legal opinion

Mr. McLaughlin responded that these are good comments.

Ms. Brabo stated that the general crux is that its difficult for anyone to want to put forth any comments without all of the information and she believes Mr. McLaughlin is asking them to make a decision in a sense by giving comments and feedback without having all the information

Mr. McLaughlin stated that he assumed if people needed more information to make a decision, they'd ask for or get it themselves. Mr. McLaughlin stated that the questions regarding Caroline and King George and bringing them into FAMPO are part of the bylaw discussions and that information is in the packets.

Ms. Brabo commented that is the legal questions that they need answered.

Mr. McLaughlin questioned how many people read the MOUs and how many of them had questions. Mr. McLaughlin then stated that he was frustrated that people were unprepared for this discussion today.

Ms. Bohmke stated that her number one question is that since she's been a part of GWRC, FAMPO and GWRC have worked together and now she's hearing that they may split off and she doesn't know if that's a good thing and until she has all the information she can't make a decision.

Mr. Ross stated that he's been on the FAMPO Board for several years and on GWRC for at least four years and what he saw was what they were going over at GWRC was a repeat of what they were talking about at the FAMPO Board meetings. Mr. Ross said it is key for GWRC and FAMPO to come up with separate information statements.

Mr. Kelly asked what would change if the organization were separated? FAMPO Board currently makes decisions about the execution and spending of FAMPO money, GWRC and FAMPO share staff, GWRC is the Executive Director of the overall administrative work and everything has worked fine, so what really changes when you separate the organizations? Mr. Kelly stated that nothing fundamentally changes.

Ms. Shelton mentioned that since the MOUs were originally established, Stafford has grown significantly in population. When you look at peer MOUs, many that have split off as the jurisdictions have grown. Ms. Shelton stated that in the past all jurisdictions were all relatively the same size, but perhaps Stafford should now have more votes now because they are larger than other jurisdictions in the FAMPO region.

Mr. Kelly stated that this is not the first time the FAMPO Policy Committee has had this discussion

Mr. Dudenhefer stated that decisions need to be methodical and no matter what is proposed, there will be opposition. Mr. Dudenhefer mentioned that Dr. Millsaps is looking into resolutions for some of the current issues between FAMPO and GWRC and the committee needs to allow that process to move forward and that the lawyer is reviewing the MOUs. Mr. Dudenhefer stated that this process may take several months, but the conversation needs to begin now.

Mr. Ross agreed with Mr. Dudenhefer that an approximate timeline for this decision could be 6 months.

Mr. Dudenhefer asked if a formal request from Caroline County or King George County to join FAMPO had been submitted.

Ms. Brabo responded no.

Ms. Long asked why Caroline County would want to be a part of FAMPO.

Mr. Dudenhefer responded that once you're a voting member, the committee has a moral obligation to direct more funds to your county.

Mr. Kelly stated that GWRC and FAMPO each need to do research about the MOUs, not just FAMPO.

Ms. Bohmke commented that FAMPO does not currently have a law firm and that GWRC has a lawyer on retainer that FAMPO uses, so FAMPO cannot employ that lawyer and this is why Dr. Millsaps and Mr. Agnello need to be working together.

Mr. McLaughlin stated that he agrees that discussion needs to be had

Ms. Bohmke stated that she wants to have that conversation right now.

**v. Resolution No. 19-08. Staffing Modification: 1 part-time to 1 full-time (ACTION ITEM)**

Mr. Agnello stated that FAMPO is looking to shift some work from consultants to FAMPO staff to save on cost. Mr. Agnello stated that for the 2040 LRTP there was more extensive use of the consultants than for the 2045 LRTP and with the upcoming 2050 LRTP we could do even more additional tasks in house which would save costs. Mr. Agnello stated that they would like to convert one current part-time employee to a full-time employee. Mr. Agnello reiterated that the current UPWP allows for 7 staff members and currently FAMPO has 5. Mr. Agnello stated that this is an action item this evening and he is happy to take any questions.

Ms. Bohmke stated that she believes this is very premature and she doesn't have a handle on the financials of GWRC or FAMPO and there is a brand new Financial Director. Ms. Bohmke stated that she is not in a position to make an educated vote.

Ms. Shelton stated that she actually asked for this study to be done by FAMPO to look at the cost of doing more work in-house rather than using consultants, so she is happy they did this study and likes having this discussion, but that she agrees it may be premature.

Mr. Agnello stated that regarding the FAMPO budget, they do have handouts and information in the presentation regarding how much funding is available and that currently there is a \$448,000 staffing surplus and the cost of converting a staff member from part-time to full-time is \$41,000. Mr. Agnello stated that that would reduce the surplus from \$448,000 to \$407,000. Mr. Agnello further stated that FAMPO is currently planning for the 2050 LRTP and will not have a choice to delay hiring consultants if FAMPO does not have additional staff. Mr. Agnello stated that FAMPO needs to make a decision now.

Mr. Kelly and Ms. Bohmke agreed that a decision could be made at the October meeting.

Ms. Bohmke stated that for items that require compensation, the items need to be on the agenda and there needs to be an opportunity for the committee members to gather information and think about their decision. Items that have financial impact shouldn't require action during the first meeting where the topic is discussed.

Mr. Ross inquired about the impact of not making a decision on this evening.

Mr. Agnello stated that with the 2050 LRTP there is a May, 2019 deadline to satisfy federal requirements for performance based planning, so we cannot delay on beginning work and will need to develop a new plan to properly develop consultant resources. The LRTP requires a long public

involvement process and that public involvement process takes several months, so work must begin this fall.

Mr. Ross stated that this issue is being clouded by the issues with GWRC and FAMPO and had it come up on its own, committee members would look at the financials and agree that it's a wise decision to do more work in-house rather than hire consultants. Mr. Ross asked how much more would it cost to hire a consultant versus doing more work in-house?

Mr. Agnello responded that it would easily cost double, or possibly quadruple the cost in some cases.

Ms. Long asked if you could hire this staff member for a few months and then fire them?

Mr. Kelly stated that this would be a permanent full-time position.

Ms. Long stated, so this will be an on-going cost with added insurance and benefits cost, so perhaps FAMPO should consider hiring another part-time employee to come in and do this projects specifically then leave.

Mr. Kelly stated that if FAMPO is considering reorganization, they need to consider staff funding over the next five years and where that funding needs to go. Mr. Kelly stated that there is a bigger issue that needs to be resolved before the committee makes any decisions regarding funding.

Ms. Brabo stated that if FAMPO splits, they're going to need a lot more staffing and they're own lawyer.

Ms. Shelton asked if there was an opportunity to make the current part-time staff a full-time staff member until the work is done with the understanding that after the work is done they may revert back to a part-time staff member.

Mr. McLaughlin responded that you can't do that.

Ms. Bohmke asked why this wasn't in the budget that was approved in June.

Mr. Agnello stated that this was in the FAMPO Budget and should have been in the GWRC budget and he's not really sure why it was not.

Ms. Bohmke asked Dr. Millsaps her opinion concerning the staffing issue.

Dr. Millsaps stated that the employee this committee is speaking about does excellent work and that is not in question. Dr. Millsaps explained that GWRC funding comes from several places like GO Virginia money, Continuum of Care money, and several other places which requires that employee and herself sit down and talk about what work has to be done because of where the funding is coming from. Dr. Millsaps explained that she sat down with Mr. Agnello, Mr. Quint, Ms. Dooling this morning to have a funding discussion, but they did not go further than that because she was not aware they needed to go further than that, candidly. Dr. Millsaps explained that the distinction is that there is a budget, that Mr. Agnello alluded to, and there are initial budget decisions that have been made by this FAMPO committee, but ultimately there is also a budget that is passed by GWRC that includes line items for all of the FAMPO budget items and therefore the GWRC budget would need to be

revised to reflect these additional changes. Dr. Millsaps explained that Ms. Dooling ran reports last week that show that if there are no additional changes to the staffing, FAMPO will come in at \$175 over their staffing budget for the year- that is not reflective of the additional funds Mr. Agnello was talking about, but those funds are also not reflected in the GWRC budget.

Dr. Millsaps explained that there are a lot of things that the GWRC staff could do more cooperatively, candidly, than has happened historically. Dr. Millsaps pointed out the GWRC Annual report is an example of how the entire staff, no matter who they reported to, cooperatively participated in a significant way to complete a task. Dr. Millsaps reiterated that there is a lot of opportunity moving forward to work together at a staff level and an organizational level and that the concept of MPOs and PDCs working together makes sense because all of the planning: transportation, economic, environmental, etc, is done together, aligns and is the most effective and efficient use of public dollars. Dr Millsaps explains that FAMPO staff has slow times and really busy times as an ebb and flow.

Mr. Dudenhefer pointed out that much of the animosity stems from statements like, “FAMPO doesn’t really have any staff,” because when you talk about FAMPO not having staff, then you’re talking about FAMPO doesn’t really have control. Mr. Dudenhefer pointed out that the staff is paid for by FAMPO. Mr. Dudenhefer then explained that in the military there is operational control and administrative control and GWRC has administrative control, but FAMPO has operational control of the FAMPO staff and they should work together, but ultimately the FAMPO Administrator should have the authority to tell the GWRC Executive Director that their operational priorities take precedence. Mr. Dudenhefer explained that if the GWRC Executive Director has 100% control over the FAMPO staff, it’s human nature for the FAMPO priorities to be minimized at times and only the FAMPO Administrator would ensure that FAMPO priorities remain top priority for FAMPO staff.

Mr. Kelly stated that GWRC has had people in and out of the organization for years that have worked for FAMPO on projects then shift gears and work for other projects GWRC has. Mr. Kelly explained that GWRC does much more than transportation.

Mr. Kelly moved to defer taking action on Resolution No. 19-08. Ms. Bohmke

Mr. Agnello concluded with his belief that this staffing decision doesn’t have anything to do with the MOUs and FAMPO has the funding and plenty of work that needs to be done. Mr. Agnello explained that this position used to be Mr. Daniel Reese’s position when FAMPO had a lot less work than it has today. Mr. Agnello explained that the amount of work FAMPO has with Performance Based Planning Requirements, Air Quality Control and all the issues on I-95, its an unprecedented amount of work and this decision implies the FAMPO board would prefer we continue using consultants rather than hire capable staff.

Mr. Ross stated that this board is clouded by the issues going on between GWRC and FAMPO and the FAMPO Administrator has made it clear to the FAMPO board that he has work to be done and the cost to hire a current part-time employee to full-time is not that much and if he can’t hire that employee to work full-time, he will have to use consultants at a higher cost.

Ms. Brabo stated that she agrees with Mr. Agnello that in today’s world, the studies require much more planning and it’s a valid and good point to be brought to the FAMPO Committee’s attention. Ms. Brabo suggested hiring another part-time planner that could work up to 29 hours in peak time then could be scaled back when the work load is not as demanding.

Ms. Bohmke mentioned that she wasn't here for the July FAMPO meeting, but was under the impression the board went into closed session to talk about personnel and wondered why this matter was not also being done during closed session.

Mr. McLaughlin responded that he did not believe this issue warranted a closed session as they were not discussing the performance of an employee.

Mr. Dudenhefer asked if the part-time employee that is asking to go full-time is qualified to do this study and once finished with the current study, will this employee be able to do the next study? Mr. Dudenhefer explained that with contractors and consultants, FAMPO has the option of hiring for specific expertise in a specific area.

Mr. Agnello explained that transportation planning work is on-going and never-ending, so just because FAMPO will finish the LRTP in the spring, does not mean that there will not be other studies and plenty of other work this staff member will be capable of doing. With I-95 there are plenty of interchange studies.

Ms. Bohmke asked if this employee currently does any work for GWRC.

Mr. Agnello stated that this employee does not currently do work for GWRC because this person is currently only part-time and FAMPO has a lot of work.

Ms. Bohmke asked if this employee can be hired in October and what the impact of not hiring this employee tonight would be.

Mr. Agnello responded that we may lose the ability to fully utilize this employee for use in the LRTP and other planning work and as a result, need to use additional consultant resources.

Dr. Millsaps clarified that in regards to timing, the GWRC budget would first have to be amended and that can not happen until the October meeting, so this employee would not be hired full-time until after that budget amendment.

Mr. Ross asked if FAMPO cannot move forward with hiring a staff member when they have the money in the budget because GWRC has to wait a month to check a box and adjust their budget, then we do need to consider separating these organizations because GWRC is administratively controlling FAMPO and impacting their operations as well.

Mr. McLaughlin stated that if the FAMPO board approved this hire, then that's it. Mr. McLaughlin stated that GWRC does not have the authority over denying that promotion if FAMPO made a decision based on the budget.

Ms. Long pointed out that GWRC is responsible for the finances and if this position has already been budgeted for and you're asking for approval to hire, that's different than asking for additional funding outside of what was budgeted for. Ms. Long stated that it's GWRC's responsibility to ensure the money is handled properly.

Upon motion by Mr. Kelly and seconded by Ms. Bohmke with Ms. Shelton, Mr. Ross and Mr. Marshall voting in opposition and all others concurring, the Resolution Authorizing Staffing Modification of 1 part-time to 1 full-time employee was deferred until the October meeting.

- h. Updating FAMPO/GWRC Memorandum of Understanding (MOU) – Mr. Paul Agnello**
- i. Existing 2010 FAMPO/GWRC MOU**
  - ii. Draft 2018 FAMPO/GWRC MOU**
    - i.) FAMPO Policy Committee Bylaws Discussion – Mr. Paul Agnello**
    - i. Proposed Bylaws Change**
- j. FAMPO Fiscal Year 2019 Committee Meetings Calendar – Mr. Nick Quint**

Mr. Quint mentioned the change to the November meetings to align with the CTB meetings since new information will be coming out regarding SMART Scale.

### **STAFF AND AGENCY REPORTS –**

Mr. Agnello mentioned that FAMPO is celebrating its 25<sup>th</sup> Anniversary this year and is planning to celebrate in December- stay tuned.

### **MEMBER REPORTS –**

Mr. Dudenhefer mentioned a recent meeting with Stafford County, Transurban and VDOT over the Express Lanes and raised a concern over the lack of a SB Express lane access point at Exit 140. Mr. Dudenhefer would like FAMPO to partner with Stafford County in expressing this concern to the state and develop a letter for consideration at the next meeting.

### **CORRESPONDENCE**

None.

**ADJOURN FAMPO MEETING/NEXT MEETING, OCTOBER 15, 2018** – The September 17, 2018 meeting adjourned at 9:09 p.m. & the next meeting date will be on October 15, 2018 at 7:15 p.m.

