



Policy Committee Meeting Minutes September 17, 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 was approved.

ACTION/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’s work plan and budget, and major project updates. Mr. Agnello informed the group that many of the items in the FAMPO highlights would be discussed in greater detail during tonight’s meeting.

Mr. Agnello also pointed out that there was an update from PRTC regarding the Fuels Tax Projections and Additional Revenue Above Fiscal Year (FY) 2019 Budget After CROC (Commuter Rail Operating Capital Fund) 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. Steigerwald stated 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 the Virginia Railway Express (VRE) restrictions about how additional funding can be spent has been clarified. 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 28th and 29th 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 Northbound (NB) Rappahannock River Crossing Project. Mr. Agnello mentioned that VDOT has been making good progress with all the major projects; the Southbound 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 fourth lane between Truslow Road and Enon Road, and this improvement has been added to that project.

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. Mr. Quint stated that overall there were 468 projects submitted, with the Fredericksburg District submitting 35. 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 because 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 many projects.

Mr. Kelly asked about the total dollar amount that will be allocated in this round. Mr. Quint responded that the latest estimate is between \$900 and \$950 million.

d.) STARS Study Update – Mr. Paul Agnello

Mr. Agnello stated that FAMPO is already thinking about SMART SCALE Round 4 applications, and a tool for developing new projects for SMART SCALE is VDOT's STARS program. Mr. Agnello pointed out the Route 3 study in Fredericksburg and the US 17 Business study in the Stafford County are recently completed STARS studies. Mr. Agnello explained that with STARS, VDOT develops potential candidate projects, and they developed three potential projects for the GWRC region that were submitted for SMART SCALE Round 3. 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 in Stafford, and the Mine Road/Market Street and Massaponax corridors in Spotsylvania. The Mine Rd/Market St. Corridor would not need leveraged 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 to make the other two studies competitive. Mr. Agnello then stated that there is a resolution on the agenda to approve this funding.

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 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 worked on over 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. Mr. Agnello stated he would like the committee to review this report and submit any feedback to FAMPO staff by September 28, 2018.

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

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

Mr. Agnello pointed out the FY2019 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 Departments of Transportation (DOT) and MPOs must follow. Mr. Agnello stated that the congestion measure mandates that State DOTs look at traffic for all seven days, 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 Mr. Agnello to write the letter, and 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 recommended 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 the 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 Bylaws Discussion was proposed by Mr. Ross. Mr. Agnello was asked to research these items and place them on the September agenda, so the discussion could begin.

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

g.) FAMPO Budget Discussion – Mr. Paul Agnello

i. Fiscal Year 2019 Financial Summary

Mr. Agnello stated that he 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 is contained within FAMPO's UPWP, which is the official, federally-required MPO budget document. The approved budget for FY2018 was \$1.819 million, and the approved budget for FY2019 was \$1.396 million.

Mr. Agnello addressed the FY2018 FAMPO funding and how it relates to the GWRC budget. Mr. Agnello explained that FAMPO FY2018 funding equates to about \$1.8 million (60%) of the GWRC budget. Additionally, there is CMAQ money which FAMPO gives to GWRideConnect, which equates to \$226,650. If you combine those funds, the FAMPO portion of the GWRC budget is \$2,032,608.16 (67.5%).

Mr. Agnello stated that in terms of a summary of the FY2018 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 FY2018 revenue is +\$141,153.00.

Mr. Agnello stated that the FY2019 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 FY2018 crossed into FY2019. 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 FY2019 staff budget and cost, pointing out that the FY2019 staff budget was \$1,081,401 and that the existing staff cost \$632,838 for five full-time equivalent positions. Mr. Agnello stated that FAMPO has a staff funding surplus of \$448,561. Mr. Agnello also stated that the approved UPWP from May approves seven full time employees, but FAMPO

currently only has five. Mr. Agnello stated that the reasons for the surplus are that the FY2019 FAMPO funding levels increased compared to FY2018, VDOT and DRPT carryover funds were a little higher than expected, there was a \$125k FY2019 Lafayette Blvd Study grant from DRPT and there are less staff. Lloyd Robison's position has not been filled, and FAMPO used to have a full-time employee, Danny Reese, whose position was filled by a part-time employee.

iii. Creation of a FAMPO Finance Subcommittee

Mr. Agnello stated that regarding 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 regarding on-call consultants. Mr. Agnello stated that the current contracts expire on July 31, 2019, with an optional one-year extension. Mr. Agnello stated that there was an expectation with the last extension that FAMPO would move toward hiring new consultants, so he would like to initiate the consultant procurement process. Mr. Agnello mentioned he would like the Committee to take action on this tonight. Mr. Agnello stated that this process could take up to six 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 that they would.

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. 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, Resolution No. 19-07 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 stated that 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 this is an issue because this is a FAMPO budget and a FAMPO Subcommittee. Mr. McLaughlin stated that one of the discussions is about the Bylaws changes Mr. Ross brought up regarding weighted voting. Mr. McLaughlin explained that there's a question because VDOT and PRTC vote, 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 bylaws change would go to weighted votes with each FAMPO jurisdiction having three votes and PRTC and VDOT having one vote, looking into giving Caroline and King George a vote based on population, and grandfathering in Fredericksburg even though the population is small. Mr. McLaughlin stated that is an issue the board can talk about if they want to have that discussion.

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 re-designation of the FAMPO planning area.

Ms. Shelton stated that she wants it to be clear that she does not want decisions about the oversight of the procurement process, FAMPO budget and FAMPO personnel to be decided by the FAMPO Chair, GWRC Chairman, FAMPO Administrator and GWRC Executive Director. Mr. Kelly stated that they wouldn't be deciding; 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 Policy Committee, he has no doubt that FAMPO is separate from GWRC. However, GWRC is the fiscal agent for FAMPO because FAMPO needs someone to handle the

money, and Stafford or Spotsylvania could be the fiscal agent and then GWRC and FAMPO could be separate and just focus on their work.

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 he can get the answer. 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 is 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, according to the budget 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 each jurisdiction is the same rate.

Mr. McLaughlin responded that Spotsylvania and Stafford counties 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 and 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 Committee members, and 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 boards, 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 the changes to the MOU a while ago, and they have been on the Committee's

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 do not 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 it is 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, 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 bylaws discussions and that information is in the packets. Ms. Brabo responded that it is the legal questions they need answered.

Mr. McLaughlin questioned how many people read the MOUs and how many of them had questions. Mr. McLaughlin then stated 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. 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 Policy Committee 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 Policy Committee meetings.

Mr. Kelly asked what would change if the organization were separated? The FAMPO Policy Committee 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. Mr. Kelly stated that nothing fundamentally changes when you separate the organizations.

Ms. Shelton mentioned that since the MOUs were originally established, Stafford has grown significantly in population. When you look at peer MOUs, many 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. 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 six months.

Mr. Dudenhefer asked if a formal request from Caroline County or King George County to join FAMPO has 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 jurisdiction.

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 therefore 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 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 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 project 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 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 must 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 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 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 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.

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 regarding 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 25th 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 95 Express Lanes and raised a concern over the lack of a SB 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.