

VGIN Advisory Board Meeting

Tuesday, October 11, 2016

10:00 AM, CESC

Draft Minutes

MEMBERS PRESENT	Delegate Richard Anderson	Senator David Suetterlein
	Senator Adam Ebbin	Christopher Knights
	Delegate Lashrecse Aird	Delegate James A. Leftwich
	Charlie Donato	Murali Rao for VDOT
	Clyde Cristman	John Palatiello
	Nelson Moe	Douglas Richmond
MEMBERS ABSENT:	Sunny Sanders for VEDP	Dr. Hua Liu
	Elaine Roop	Connie Brennan
	Delegate Scott Lingamfelter	
STAFF PRESENT:	Dan Widner, VGIN Coordinator	April Branton
	Dorothy Spears-Dean, PSC Coordinator	Wendy Stout
	Stephen Barbie	Gerry Bernhardt
	Steve Marzolf, ISP Director	Michael Vojta
	Terry Mayo, Board Assistant	John Scrivani
	John Westrick OAG	Anthony Bessette OAG

1. **CALL TO ORDER**

Delegate Richard Anderson started the meeting at 10:07 AM. Chairman Anderson asked everyone to introduce themselves. Chairman Anderson then turned to approval of the minutes. He stated that the Board will entertain a motion to approve the minutes and then we can have any discussion if there are any amendments to be made to the minutes. He then asked for a motion to approve the minutes of July 12, 2016. Mr. Nelson Moe made a motion to approve the Minutes of July 12, 2016, and Mr. Charles Donato 2<sup>nd</sup> the motion to approve the Minutes. The Minutes of July 12, 2016 were approved; **11-0-0** (Senator Ebbin had not yet arrived). Chairman Anderson then asked if there was any discussion. Mr. John Palatiello stated that given the discussion at the last meeting on the orthophotography issues, he would like to have three documents, the VAS Letter of Concern, Douglas Richmond's talking points from the July 2016 meeting, and the previous APELSCIDLA Board meeting minutes

related to the matter be appended to the minutes of July 12, 2016. The Chair summarized that Mr. John Palatiello was moving to amend the minutes by appending the three documents that he cited, and asked if there was a second to that motion. Mr. Douglas Richmond 2nd the motion to append the three documents to the Minutes. Chairman Anderson called for a vote on the motion to append the documents. All approved; **11-0-0** (Senator Ebbin had not yet arrived). The Chair then stated that we now have before us the amended motion to approve the minutes with the three appended items, and called for a vote. All approved the appended minutes; **11-0-0** (Senator Ebbin had not yet arrived).

## 2. **UPDATE ON VIRGINIA’S NEXT GENERATION 9-1-1 EFFORTS**

Dr. Dorothy Spears-Dean, Coordinator of the 911 Service Board, gave the VGIN Advisory Board a brief update on the Next Generation 911 efforts. Dr. Spears-Dean said that GIS is an important part of the NG911 efforts and is being addressed by staff. After Dr. Spears-Dean’s presentation, Chairman Anderson asked for questions. Senator Ebbin asked if VML and VACo were on board – Dr. Spears-Dean said they will be engaging them. Mr. Cristman asked about the NoVa costs and also about the transfer of 9-1-1 funds to the State Police. Chris Knights, Vice Chairman of the Advisory Board, stated that with GIS being a critical factor for NG9-1-1, he encourages everyone to research and follow this topic. Mr. Palatiello asked is the supply of GIS data was sufficient. Senator Ebbin asked if Dr. Spears-Dean could get some additional information for the Advisory Board at its next meeting in January.

## 3. **ORTHOPHOTOGRAPHY PROCUREMENT AND LICENSED LAND SURVEYOR DISCUSSION**

Delegate Anderson began the discussion by first asking if there was any public comment on the agenda item – there was none. Mr. Palatiello informed the Chairman that Kate Nobsch from the DPOR Licensing Board and Mike Zmuda from the APELSCIDLA Board were in the audience. The Chairman introduced the Attorney General Office representatives John Westrick and Anthony Bessette. The Chairman noted that this is a complex issue for which we need their input. Mr. Westrick said that this agenda item may involve legal issues and advice from the OAG, for which the Board could choose to go into executive closed session. He provided the Advisory Board with information regarding executive closed session and the proper procedures that need to be considered if the Board chose to do so. Procedures such as specifically identifying the matter to be discussed in executive closed session and a roll call of each Board member’s vote on whether or not to go into closed session. Upon exiting an executive closed session, all Board members individually certify that only the identified matter was discussed. In addition, Mr. Westrick discussed the term “personal interest” and

how that could relate to this or any item being discussed by the Board, for any Board member. Such items as does one provide a service and is an income of greater than \$5,000 received for that service. If these apply, the Board member is required to disqualify themselves from voting and from participating in the discussion of a matter.

A lengthy discussion ensued. Mr. Palatiello asked about the internal organization structure of OAG counsels for both VGIN Advisory Board and the APELSCIDLA Board, and about how might two different opinions be reconciled within OAG if that were to occur. Ms. Kate Nosbisch from APELSCIDLA spoke to the Board about when the APELSCIDLA Board discussed the matter, that their counsel did not speak and that their Board inferred that silence was consent. Mr. Westrick stated that silence was not concurrence and that their approach was to speak up at Board meetings only when requested to do so. Mr. Palatiello stated that the VITA contract was not a new issue. He also referenced the minutes of the VGIN Advisory Board and stated that VITA was not following what the minutes stated.

The Chairman asked Mr. Westrick about the process of getting a formal opinion from the OAG. Mr. Westrick stated that it takes longer than getting advice from the Board counsel. Mr. Cristman stated that he preferred getting informal advice from Board counsel prior to seeking a formal opinion. Mr. Palatiello asked if the counsel advice can be public. Mr. Westrick stated that it is not but the Board can choose to make it public. He also noted that if the Chairman Request advice, it is not considered advice to the Board and that only he can decide to make it available to the Board. Mr. Marzolf provided input about the current VITA contract.

The Chairman then asked for input from the Board on how they want to proceed. Mr. Palatiello stated his preference was to follow the July minutes direction. The Chairman then asked the Board for input on if he could proceed, without objection, on asking the APELSCIDLA, VAS and VGIN for input on the wording of the question(s) in the next 7-10 days, and then for him to seek informal advice. John Westrick said that he is available to help articulate what the wording would be in the document. Chairman Anderson said he would move forward with the drafting of the document.

#### 4. **NEW BUSINESS/OPEN DISCUSSION/CONCLUSION**

Delegate Anderson asked if anyone from the audience have anything to discuss, and there were none. Chairman Anderson called for discussions from the VGIN Advisory Board. Mr. Palatiello asked to include in the next VGIN Advisory Board an agenda item that included a representative from the National Geodetic Survey to discuss the impending update to the geoid that will impact the United States. Doug Richmond said that he agrees with Mr. Palatiello's request. Chairman Anderson asked that the VGIN Coordinator coordinate with getting this presentation to the Advisory Board. Mr. Widner stated that there is a State

Geodetic Engineer that resides within VDOT and that he has spoken to him recently about the update to the geoid and that they were in a waiting mode.

A date was set for the next VGIN Advisory Board meeting: January 9, 2017, 3:00 PM somewhere near the General Assembly building complex. Ms. Terry Mayo will be sending out future dates to the Board to schedule the remainder of the calendar year 2017.

The VGIN Advisory Board Meeting was adjourned at 11:57 AM.

Respectfully Submitted: \_\_\_\_\_

**Terry D. Mayo**

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**Date**