



**VETERAN
REPORTERS**

**HAMPTON ROADS TRANSPORTATION ACCOUNTABILITY
COMMISSION
MASTER TOLLING AGREEMENT ADVISORY COMMITTEE
MEETING**

**TUESDAY, JULY 7, 2020
10:56 A.M.**

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SENATOR T. MONTGOMERY "MONTY" MASON

CHUCK WALL, **SPECIAL COUNSEL**ERIC BALLOU, **BOND COUNSEL**LIANG SHAN, **PFM**

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HAMPTON ROADS TRANSPORTATION
ACCOUNTABILITY COMMISSION
MASTER TOLLING AGREEMENT ADVISORY
COMMITTEE MEETING
TUESDAY, JULY 7, 2020

10:00 A.M.

CHAIR JOHNSON: Well, good morning, everyone. I will call the meeting to order and I'm going to ask Tom Inglima to read the declaration and purpose for the meeting and to do the roll call.

MR. INGLIMA: The declaration is that in light of the Governor's Declared State of Emergency due to COVID-19, it is impracticable and unsafe for the Committee to assemble in a simple location, so the meeting will be held electronically, by telephone, pursuant to the 2020 Appropriation Act. The purpose of the meeting is to discuss or transact the business statutorily required or necessary to continue operations of the Commission and the Committee and the discharge of their lawful purposes, duties, and responsibilities. The Commission will make available a recording or a transcript of the meeting on its website in accordance with

1 the timeframes established in Sections 2.2-3707
2 and 2.2-3707.1 of the Code of Virginia. I will
3 now take roll. Mayor Johnson?

4 **CHAIR JOHNSON:** Here.

5 **MR. INGLIMA:** Mayor Alexander?

6 **MAYOR ALEXANDER:** Here.

7 **MR. INGLIMA:** Supervisor Hipple?

8 **MR. HIPPLE:** Here.

9 **MR. INGLIMA:** Senator Mason?

10 **SENATOR MASON:** Here.

11 **MR. INGLIMA:** Mayor Tuck?

12 **MAYOR TUCK:** Present.

13 **MR. INGLIMA:** You have a forum.

14 **CHAIR JOHNSON:** Thank you very
15 much. Could everyone mute their phones? And
16 also for everyone's benefit on the call, could we
17 identify everyone else that is on the call, Tom?

18 **MR. INGLIMA:** Chair, I know we
19 have, Kevin, do you want to take the rundown of
20 the staff that's on?

21 **MR. PAGE:** Sure, thank you. So we
22 have General Counsel Tom Inglima, Special Counsel
23 Chuck Wall, Jennifer Hodnett is the Executive
24 Assistant to the Commission, myself Kevin Page,
25 and I don't, I'm not aware of any others that

1 have joined us. Anyone else on the phone may
2 want to identify themselves at this time.

3 **MR. INGLIMA:** Other than the court
4 reporter.

5 **MR. PAGE:** Yes, court reporter.

6 **MR. BALLOU:** Eric Ballou, bond
7 counsel, has joined the call.

8 **MR. PAGE:** Hi, Eric.

9 **MR. BALLOU:** Good morning.

10 **CHAIR JOHNSON:** Okay.

11 **MS. SHAN:** Liang Shan with PFM.
12 Good morning.

13 **CHAIR JOHNSON:** Good morning.

14 **MR. PAGE:** And Liang Shan.

15 **CHAIR JOHNSON:** Okay. Thank you
16 very much. We'll next move for an approval of
17 the agenda, and I would need a motion for that.

18 **MR. HIPPLE:** Motion for approval,
19 Supervisor Hipple.

20 **CHAIR JOHNSON:** Do I have a
21 second?

22 **(WHEREUPON, there was no verbal response.)**

23 **CHAIR JOHNSON:** Do we have a
24 second?

25 **MAYOR TUCK:** Second, Mayor Tuck.

1 **CHAIR JOHNSON:** All right, thank
2 you. Call the roll, please.

3 **MR. INGLIMA:** Mayor Johnson?

4 **CHAIR JOHNSON:** Yes.

5 **MR. INGLIMA:** Mayor Alexander?

6 **MAYOR ALEXANDER:** Yes.

7 **MR. INGLIMA:** Supervisor Hipple?

8 **MR. HIPPLE:** Yes.

9 **MR. INGLIMA:** Senator Mason?

10 **(WHEREUPON, there was no verbal response.)**

11 **MR. INGLIMA:** Mayor Tuck?

12 **MAYOR TUCK:** Aye.

13 **MR. INGLIMA:** Motion carried.

14 **CHAIR JOHNSON:** Thank you. Do we
15 have any public comments this morning?

16 **MR. PAGE:** Madam Chair, we do not
17 have any public comments nor did we have anyone
18 sign up to speak either.

19 **CHAIR JOHNSON:** All right, thank
20 you very much. Then we'll move to Item 4, which
21 is our consent agenda, and the only item there
22 would be an approval of the meeting, minutes of
23 the meeting of the June 30, 2020, Advisory
24 Committee Meeting. Do I have a motion?

25 **MAYOR TUCK:** Mayor Tuck, so moved.

1 **MR. HIPPLE:** Second, Supervisor
2 Hipple.

3 **CHAIR JOHNSON:** Thank you. We
4 have a motion and a second. Please call the
5 roll.

6 **MR. INGLIMA:** Mayor Johnson?

7 **CHAIR JOHNSON:** Yes.

8 **MR. INGLIMA:** Mayor Alexander?

9 **MAYOR ALEXANDER:** Yes.

10 **MR. INGLIMA:** Supervisor Hipple?

11 **MR. HIPPLE:** Yes.

12 **MR. INGLIMA:** Senator Mason?

13 **(WHEREUPON, there was no verbal response.)**

14 **MR. INGLIMA:** Mayor Tuck?

15 **MAYOR TUCK:** Aye.

16 **MR. INGLIMA:** Motion carried.

17 **CHAIR JOHNSON:** Thank you and
18 we'll next move to Item 5, which is our action
19 item this morning and that is the schedule of
20 date negotiation on any open issues concerning
21 the Master Tolling Agreement, and I'll turn that
22 over to our Executive Director and anyone who you
23 need to fill in here.

24 **MR. PAGE:** Yes, sure. Thank you,
25 Chair Mayor Johnson, and thank you, Commissions,

1 for joining us today. What we would like to do
2 is provide you an update. Including myself,
3 Kevin Page, we have Tom Inglima who is our
4 general counsel, Chuck Wall will be our special
5 counsel on the phone today as well as Bond
6 Counsel Eric Ballou. We have Liang Shan on board
7 from PFM. What we would like to do is to provide
8 an overview of where we are with the negotiations
9 and open issues with the Master Tolling Agreement
10 since our last meeting of the MTA Advisory
11 Committee last week, and for the positioning and
12 discussion of potential information and the
13 negotiations of this rather large agreement, I
14 would recommend to the Commissioners that they go
15 into closed session at this time so that we could
16 have open discussion and dialogue and provide
17 information and receive feedback on the
18 negotiations in this agreement.

19 **MR. INGLIMA:** Mayor Johnson, would
20 you like me to read the closed session motion?

21 **(WHEREUPON, there was no verbal response.)**

22 **MR. INGLIMA:** Are you still there?

23 **MR. PAGE:** Counsel, I hear you so
24 I know the line is open. Yes, the line is still
25 open. I think we lost the Chair.

1 **MAYOR TUCK:** Oh my. Would you go
2 ahead? I think, am I the backup? Am I still the
3 Vice Chair?

4 **CHAIR JOHNSON:** Are you there?

5 **MAYOR TUCK:** Okay.

6 **CHAIR JOHNSON:** Can you hear me
7 now?

8 **MR. PAGE:** Yes, we can.

9 **CHAIR JOHNSON:** Okay. I just had
10 to dial back. I don't know what happened. All
11 right.

12 **MR. INGLIMA:** The motion would be
13 that a closed session be held for discussions
14 regarding the proposed terms of the Master
15 Tolling Agreement including a provision stating
16 rights, obligations and risk allocation, in
17 accordance with Virginia Code Section 2.2-
18 3711(A)(8) for the purpose of consulting with
19 legal counsel regarding specific legal matters
20 requiring the provision of legal advice by such
21 counsel.

22 **CHAIR JOHNSON:** Do I have a
23 motion?

24 **MR. HIPPLE:** Motion, Supervisor
25 Hipple.

1 **MAYOR TUCK:** Second, Mayor Tuck.

2 **CHAIR JOHNSON:** Okay. Call the
3 roll, please.

4 **MR. INGLIMA:** Mayor Johnson?

5 **CHAIR JOHNSON:** Yes.

6 **MR. INGLIMA:** Mayor Alexander?

7 **MAYOR ALEXANDER:** Yes.

8 **MR. INGLIMA:** Supervisor Hipple?

9 **MR. HIPPLE:** Yes.

10 **MR. INGLIMA:** Senator Mason?

11 **SENATOR MASON:** Aye.

12 **MR. INGLIMA:** Mayor Tuck?

13 **MAYOR TUCK:** Aye.

14 **MR. INGLIMA:** Motion carried.

15 **CHAIR JOHNSON:** Thank you.

16 **MR. PAGE:** Madam Chair, at this
17 time we need to disconnect from this line and
18 then use the call-in line like we did last week,
19 and that number was provided yesterday by me in
20 an email to you.

21 **CHAIR JOHNSON:** All right, thank
22 you.

23 **(WHEREUPON, the Committee members disconnected to**
24 **go into a closed session from 10:09 a.m. to 10:51**
25 **a.m.)**

1 **CHAIR JOHNSON:** This is Mayor
2 Johnson.

3 **MAYOR TUCK:** Mayor Tuck.

4 **MAYOR ALEXANDER:** Kenny Alexander.

5 **SENATOR MASON:** Monty Mason.

6 **MR. HIPPLE:** Hipple.

7 **MR. PAGE:** Page.

8 **MR. INGLIMA:** You've got Counsel
9 Inglima.

10 **CHAIR JOHNSON:** Thank you. Okay,
11 Counsel Inglima, could you please read the
12 certification of the closed session?

13 **MR. INGLIMA:** Yes, Chair. The
14 certification reads as follows: The Master
15 Tolling Agreement Advisory Committee of the
16 Hampton Roads Transportation Accountability
17 Commission hereby certifies that, to the best of
18 each member's knowledge: (i) only public
19 business matters lawfully exempted from open
20 meeting requirements under the Virginia Freedom
21 of Information Act, and (ii) only such public
22 business matters as were identified in the motion
23 by which the closed meeting was convened, were
24 heard, discussed, or considered in the closed
25 meeting just concluded. I'll read the roll so we

1 can have each of you affirm that certification.

2 Chair Johnson?

3 **CHAIR JOHNSON:** Yes.

4 **MR. INGLIMA:** Mayor Alexander?

5 **MAYOR ALEXANDER:** Yes.

6 **MR. INGLIMA:** Supervisor Hipple?

7 **MR. HIPPLE:** Yes.

8 **MR. INGLIMA:** Senator Mason?

9 **SENATOR MASON:** Aye.

10 **MR. INGLIMA:** Mayor Tuck?

11 **MAYOR TUCK:** Aye.

12 **CHAIR JOHNSON:** All right, thank
13 you. The discussion at this point would be that
14 we would, our thoughts on having another MTA
15 Committee Meeting either on Thursday or Friday of
16 this week. I'll ask our Executive Director if
17 you have any preferences on those days, and also
18 to the folks on the Committee as to where we are
19 as far as our timelines and who can do what.

20 **MR. PAGE:** Yes, thank you, Madam
21 Chair. Thursday or Friday is convenient for me.
22 Counselor Inglima?

23 **MR. INGLIMA:** That would work for
24 me, as well. I would suggest that maybe either
25 we look at early Thursday or early Thursday

1 afternoon.

2 **CHAIR JOHNSON:** Okay. Does anyone
3 on the Committee have anything they know of at
4 the moment that would preclude that from being
5 able to participate?

6 **MAYOR TUCK:** I have a commitment
7 early Thursday morning that may be over by 11:00,
8 so I should be available in the afternoon. I
9 think Friday I'm probably okay.

10 **CHAIR JOHNSON:** Okay. How about
11 we look at Thursday afternoon? Does that...

12 **SENATOR MASON:** I have a 2:00 but
13 would be free after that and could cut that.

14 **CHAIR JOHNSON:** Okay.

15 **COURT REPORTER:** Could you please
16 state your names? This is the court reporter,
17 I'm sorry. Can you please state your names when
18 you speak?

19 **CHAIR JOHNSON:** Yes, that would...

20 **SENATOR MASON:** My apologies.
21 Monty Mason.

22 **COURT REPORTER:** Thank you.

23 **SENATOR MASON:** My bad. Monty
24 Mason, and I am tied up Thursday morning, as
25 well.

1 **CHAIR JOHNSON:** Okay, so it needs
2 to be...

3 **MAYOR TUCK:** And Donnie...

4 **CHAIR JOHNSON:** Yes, Mayor Tuck
5 couldn't do Thursday morning early, correct?

6 **MAYOR TUCK:** Right.

7 **CHAIR JOHNSON:** So it needs to be
8 later on Thursday afternoon so that Senator Mason
9 can do, and this is Mayor Johnson speaking. So
10 Kevin, can we look at something toward the late
11 afternoon on Thursday?

12 **MR. PAGE:** Sure. I'm available.
13 Counsel Inglima?

14 **MR. INGLIMA:** Yes.

15 **CHAIR JOHNSON:** All right, so...

16 **MR. PAGE:** They had said...

17 **CHAIR JOHNSON:** Go ahead.

18 **MR. PAGE:** I'm sorry. Chair
19 Johnson, do we want to do 3 o'clock or 4 o'clock?

20 **CHAIR JOHNSON:** Senator Mason,
21 what works best for you there?

22 **SENATOR MASON:** Either is fine. I
23 can make 3:00.

24 **CHAIR JOHNSON:** Okay. Mayor Tuck,
25 are you okay with...

1 **MR. PAGE:** Let's shoot for 3
2 o'clock.

3 **CHAIR JOHNSON:** Okay.

4 **MAYOR TUCK:** I think I'm good.
5 I'm actually babysitting my daughter after a
6 procedure, so I don't know. I probably can do a
7 phone call, yes.

8 **CHAIR JOHNSON:** Okay. Well, this
9 would be a call for sure. All right, so I
10 believe that concludes our business for this
11 morning. Anything else, Director Page, that you
12 can think of?

13 **MR. PAGE:** No, ma'am. Chair
14 Johnson, I'd like to thank everyone for all of
15 your time and effort on this, and I really
16 appreciate and I know that the team that's
17 supporting HRTAC really appreciates your-all's
18 involvement through the MTA Advisory Committee.
19 It's been very good to have these conversations
20 with you-all, especially the productivity we were
21 able to get out of the comments that we carried
22 into the document the last meeting. So again, I
23 would like to thank everyone on the MTA Advisory
24 Committee for their efforts and also your
25 continued support as we look head on into the

1 July 16th decision.

2 **CHAIR JOHNSON:** All right. Thank
3 you very much. So we will look forward to
4 Thursday at 3:00 p.m. and we'll stand adjourned
5 this morning. Thank you.

6 **COMMITTEE MEMBERS:** Thank you.

7 **(WHEREUPON, the HRTAC MTA Advisory Committee**
8 **Meeting was concluded at 10:56 a.m.)**

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1 CAPTION

2
3 The foregoing matter was taken on the date, and at
4 the time and place set out on the title page hereof.

5
6 It was requested that the matter be taken by the
7 reporter and that the same be reduced to typewritten
8 form.

1 **CERTIFICATE OF REPORTER AND SECURE ENCRYPTED**
2 **SIGNATURE AND DELIVERY OF CERTIFIED TRANSCRIPT**

3 I, **CHERYL RENEE LANE**, Notary Public, do hereby
4 certify that the foregoing matter was reported by
5 stenographic and/or mechanical means, that same was
6 reduced to written form, that the transcript prepared
7 by me or under my direction, is a true and accurate
8 record of same to the best of my knowledge and ability;
9 that there is no relation nor employment by any attorney
10 or counsel employed by the parties hereto, nor financial
11 or otherwise interest in the action filed or its outcome.

12 This transcript and certificate have been digitally
13 signed and securely delivered through our encryption
14 server.

15 IN WITNESS HEREOF, I have here unto set my hand
16 this 8th day of July 2020.

17 TECHNOLOGY COURT REPORTER
18 AND INFORMATION MANAGER
19 **CHERYL RENEE LANE, CTR**
20 REPORTER@VETERANREPORTERS.COM
21 SPOUSE OF A UNITED STATES NAVY VETERAN



22 

23 **CHERYL RENEE LANE**

24 Court Reporter / Notary

25 Notary Registration Number: 7864242

My Commission Expires: 05/31/2024

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