

WASHINGTON SUBURBAN SANITARY COMMISSION

MINUTES OF THE COMMISSION MEETING

**Wednesday, April 15, 2015
Laurel, Maryland**

Vice Chair Adrienne A. Mandel (serving as Acting Chair) called the meeting to order at 10:10 a.m., in the Auditorium of the Washington Suburban Sanitary Commission (hereinafter "WSSC") Richard G. Hocevar ("RGH") Building, 14501 Sweitzer Lane, Laurel, Maryland, 20707, with due notice having been given to all members of the Commission and the public. In addition to the Acting Chair, Commissioners Chris Lawson, Roscoe M. Moore, Jr. and Mary Hopkins Navies, were present at the meeting, reflecting the presence of a quorum. Also in attendance were WSSC General Manager and Chief Executive Officer Jerry N. Johnson, General Counsel Jerome K. Blask, and Corporate Secretary Sheila R. Finlayson, Esq., who recorded the minutes of the meeting. Other members of WSSC management were also called upon, during certain portions of the meeting, to provide information to the Commission.

Absent: Chairman Omar M. Boulware and Commissioner Gene W. Counihan.

PLEDGE OF ALLEGIANCE

Vice Chair Mandel opened the meeting by welcoming everyone and asking Commissioner Lawson to lead the pledge of allegiance.

AGENDA APPROVAL

Commissioner Lawson moved to adopt the Commission's Public Meeting Agenda of April 15, 2015, as drafted, to which Commissioner Moore seconded the motion. The motion carried with four affirmative votes; two absent (Commissioners Boulware and Counihan were absent from the vote).

APPROVAL OF MINUTES

Commissioner Navies moved to approve the open session minutes of the March 18, 2015 Regular Commission Meeting, as drafted.

Commissioner Moore seconded the motion. The motion carried unanimously with four affirmative votes; two absent (Commissioners Boulware and Counihan were absent from the vote).

Commissioner Lawson then moved to approve the open session minutes of the March 11, 2015 Special Commission Meeting, as drafted.

Commissioner Moore seconded the motion. The motion carried with

four votes in the affirmative; two absent (Commissioners Boulware and Counihan were absent from the vote).

Commissioner Navies moved to adopt the open session minutes of the Special Commission Meeting held on March 20, 2015, as drafted.

Commissioner Moore seconded the motion. The motion carried with four affirmative votes; two absent (Commissioners Boulware and Counihan were absent from the vote).

WSSC RETIREES

Richard Baker, Executive Director of the WSSC Employees' Retirement Plan, recognized the following WSSC Retirees for the month of April 2015: Joseph Larry Cecil, Electrical Mechanical Trainer, Production Team, retired with 36 years of service; Mohammad Habibian, Environmental Group Leader, Environment Group, retired with 31 years and 3 months of service; Jeff Miller, Field Meter Mechanic, Utility Services North Group, retired with 22 years and 8 months of service; George Prather, Watershed Visitor Guide, Systems Control Group, retired with 20 years and 5 months of service; and Michael Martin (present), Principal Electrical Engineer, Technical Services Group, retired with 29 years and one month of service.

COMMUNICATIONS VIDEO

Communications and Community Relations Director Jim Neustadt presented a video highlighting the various services provided by the General Support Services ("GSS") Team (Mail Center/Print Shop). Following conclusion of the video, the Vice Chair recognized and thanked the GSS Team, who were on-hand for this segment of the meeting. Mr. Neustadt then shared some activities that WSSC is participating in to recognize "Earth Month" which included several clean-up events along the Patuxent River, Maryland Bio ATLAS ("Advancing Tomorrow's Leaders Plus STEM") Symposium at the University of Maryland, Eastern Shore, a mini-plumbing and environmental workshop in partnership with The City of Laurel and Home Depot and a host of Student Trout Releases at Brighton Dam and Little Seneca Creek.

The Acting Chair followed with some historical information on Earth Day (April 22, 2015), which she explained originated on April 22, 1970 when 20 million Americans took to the streets and auditoriums to demonstrate for a healthy, sustainable environment, thanking WSSC employees for the work they do to continue honoring

this rich tradition of protecting and maintaining a healthy environment.

COMMISSIONER COMMENTS

Dr. Moore shared some interesting facts on historically-black institutions and the percentage of African-American students that graduate from these institutions.

PUBLIC COMMENTS

Ronald MacNab of TROT stopped by to thank the Commission for use of the "beautiful watersheds" on behalf of TROT and other users of the Triadelphia and Rocky Gorge Reservoirs, thanking Commissioners and the General Manager "for the privilege of enjoying them." Mr. MacNab also provided Commissioners and the General Manager with a framed montage of photos of the watershed and equestrians, as a semblance of the group's appreciation.

GENERAL MANAGER'S REPORT

General Manager ("GM") Jerry Johnson was recognized to provide his monthly report. The General Manager's full report can be found in the corresponding segment of the archived meeting video and the written "General Manager's Report" provided in the meeting materials, and both are referred to for that purpose. However, highlights are as follows:

Call/Contact Center answer rate at 93% for the month (up from 87% last month); strong comeback from poor weather conditions last month and inability of employees to get to work during that time.

Sharp decline in water main breaks for the month; 115 in March as opposed to over 400 in February.

Water main construction is slightly ahead for the month for both in-house and contractor crews due to WSSC's ability to deploy personnel back to these efforts. Sewer construction continues to lag as a result of NPS permitting issues. Laterals remain on target.

All plants and facilities are operating well within permit parameters. WSSC also remains in solid financial condition with no budget issues; continue to monitor and evaluate financing needs and refunding options.

SLMBE outreach activities can be found on page 17 along with other outreach activities on pages 20-24.

Annual Water Quality Report was issued on April 1, 2015 (distributed to Commissioners at meeting); pleased to report that WSSC, for the 96th year, has met or gone beyond the federal standards for water quality under the Safe Drinking Water Act as set by the U.S. Environmental Protection Agency. The report was released electronically for the third consecutive year, reducing the amount of printed copies from 450,000 to just 2,500. Go-Green effort is working well.

On March 10th, WSSC officially opened its satellite permitting office in partnership with Montgomery County Executive Ike Leggett to enhance the one-stop-shop concept for permitting at Montgomery County's Department of Permit Services. The new office will provide support and coordination to customers dealing with private, new development, or redevelopment projects by facilitating and coordinating the process of obtaining WSSC water and/or sewer plan approvals and permits. WSSC has signed an MOU with Prince George's County to open a similar office; office build-out in progress - should be completed in a few months.

WSSC was recognized for its Supply Chain Management Transformation by receiving a Procurement Award from the Institute of Supply Management.

WSSC distributed updated Emergency Action Plans (EAPs) to all stakeholders for Duckett, Brighton and Little Seneca Dams, as required by the Maryland Department of the Environment (MDE). The purpose of the EAP is to reduce risk of human life and injury, and to minimize property damage during an unusual or emergency event at any of the dams.

WSSC conducted its 11th "How to Do Business with WSSC" event on March 31st; largest ever with 165 attendees. WSSC also hosted a Vendor Fair on March 25, 2015.

WSSC opened the Triadelphia and T. Howard Duckett Watersheds for the season on March 28, 2015.

WSSC is continuing its relationship with the Woodland Job Corps, a program of the Department of Labor designed to teach young people the skills needed to become employable and independent.

WSSC Annual Strategic Performance Report for Fiscal Year 2014.

The General Manager distributed the 2014 WSSC Annual Report and WSSC Annual Strategic Performance Report Fiscal Year 2014 to Commissioners. Specific details can be found in both reports, incorporated herein by reference. The General Manager also recognized Strategic Systems Management Office Director Crystal Knight-Lee who presented a high level summary of WSSC's annual strategic performance which can be found in the corresponding segment of the archived meeting video. The purpose of the report is to highlight the progress WSSC is making within its strategic plan along with the accomplishments WSSC is making based on the mission, vision, priorities and performance objectives, as established by the Commission five years ago.

WSSC Disparity Study. WSSC advertised RFP solicitation in December 2014 and received 5 proposals; conducted oral interviews in February 2015 and evaluation team recommended MGT of America, Inc. (MGT) to conduct the study. MGT was present at the meeting to provide an overview of the study, along with WSSC Program Manager Stacy Bradner. MGT presented from a power point presentation incorporated herein by reference. Specific details can be found in the corresponding segment of the meeting video. Prior to the consultant's presentation, General Counsel Jerry Blask provided a summary of the purpose for the study. In summary, MGT provided background information on the firm and its experience in conducting disparity studies, the disparity study team, the expected time table and project schedule, the primary objective and legal framework, legal challenges and the key work plan elements.

Following discussion and Commissioner questions, the General Manager and Chief Executive Officer's Overall Report, was received as information.

INTERNAL AUDIT REPORT

Monthly Activity Report. Senior Internal Auditor Dana Whiting, acting in Maxene Bardwell's absence due to illness, reported on the monthly activities of the Internal Audit Office (IAO) for the period of March 6, 2015 through April 3, 2015. The fiscal year-

to-date System Development Charge (SDC) Audits total \$254,310.97 in actual financial savings. No SDC audit reports were issued during the reporting period. IAO currently has nine SDC audit requests in process with six active and three inactive. With respect to Fiscal Year 2015 Audit Projects - Auditors performing preliminary work for the Regulatory Services Group Operational Audit and have completed field work for the Technical Services Group Special Audit. For Fiscal Year 2014 Carryover Audit Projects, lead auditor is reviewing DC Water's responses to the Blue Plains Audit. IAO expects to issue final report later this month for the Customer Relations Group Operational Audit. Audit has been placed on hold for the Construction Contracts Change Orders Special Audit and the lead auditor is preparing final report for the Physical Inventory Observation Audit with an exit conference scheduled for April 7, 2015. Under internal audit follow-up activities, five management action items have been closed since last report with thorough review underway for three implemented-pending verification action items. No management action plans are delinquent.

Hotline. Next report to be presented at the May Commission meeting.

External Auditors. The external auditors BCA Watson Rice, LLC are expected to commence work in May 2015.

Audit Committee Meeting. Next quarterly meeting of the Audit Committee will be held during the May Commission meeting.

Ethics Office. Ethics Officer Kim Neal provided an overview of the Ethics Office activities for March 2015. The Board of Ethics held its regularly-scheduled meeting on March 12, 2015; several open and closed items were reviewed. 2015 Annual Disclosure Reporting Cycle went live on April 1, 2015 - all employees must file by April 30, 2015. Code of Ethics training was held on two dates in March with 30 new employees trained. Annual Ethics Training for total workforce at 99% completion rate.

Following discussion, the Internal Audit Office and Ethics Office Monthly Reports were received as information.

OTHER REPORTS/BRIEFINGS

WSSC BOARD OF ETHICS

Resolution 2015-2080 - Approval of Ethics Annual Report. WSSC Board of Ethics Chair George E. Pruden, II, along with WSSC Ethics Officer Kim Neal, presented the 2014 WSSC Annual Ethics Report to the Commission. Such report, which addresses conflicts of interest matters brought before the WSSC Board of Ethics in 2014 and lobbying activities before WSSC for the same time frame, is required, under the Maryland Public Ethics Law and the WSSC Code of Ethics, to be transmitted to the County Governments of Prince George's and Montgomery, annually (on or about April 15th of each year). A copy of the Annual Report is also provided to the Maryland State Ethics Commission.

Whereupon, a motion was duly made by Commissioner Navies and properly seconded by Commissioner Moore, to adopt Resolution 2015-2080, approving the transmittal of the 2014 Ethics Annual Report to the County Governments of Prince George's and Montgomery Counties. The motion carried by a vote of four-to-zero with two absent (Commissioners Boulware and Counihan were absent from the vote).

Resolution 2015-2081 - Appointment of Board of Ethics Chairperson. On motion made by Commissioner Navies and properly seconded by Commissioner Moore, the Commission approved, by a vote of four-to-zero (with two absent), Resolution 2015-2081, reappointing George E. Pruden, II, as Chairperson of the WSSC Board of Ethics for a one year term, to be effective April 16, 2015, as recommended by the WSSC Board of Ethics (Commissioners Boulware and Counihan were absent from the vote).

FINANCE

Setting Public Hearing Dates for Proposed Fiscal Years 2017-2022 Capital Improvements Program (CIP). Following management's recommendation, Commissioner Navies moved that the Commission set its public hearing dates on the Proposed CIP for FYs 2017-2022, as follows:

Montgomery County

Wednesday, September 9, 2015, at 7:30 p.m.

Stella B. Werner Office Building - 7th Floor Hearing Room

100 Maryland Avenue, Rockville Maryland

Prince George's County**Thursday, September 10, 2015, at 7:30 p.m.****RMS Building - Room 308****1400 McCormick Drive, Largo, Maryland**

Commissioner Moore seconded the motion. The motion carried with four affirmative votes, two absent (Commissioners Boulware and Counihan were absent from the vote).

UTILITY SERVICES

Utility Services Contract 6815. Chief of Utility Services Hak Kwon, along with Acting Chief Operating Officer Gary Gumm, presented Contract 6815, Pre-stressed Concrete Cylinder Pipe (PCCP) Condition Assessment and Monitoring Services. Prior to discussing the contract details, Mr. Kwon walked through a power point slide, incorporated herein by reference, which captures how the PCCP sourcing team has been working on the PCCP inspection and repair contract and program through supply chain management. General Manager Johnson also distributed a report to Commissioners last evening highlighting the five year projection for the PCCP Inspection Program which included inspection mileage and estimated costs for repairs and monitoring.

Following discussion of Utility Services Contract 6815, the Commission, by general consensus, decided to defer consideration of this item until a later time.

CONSENT CALENDAR*Contracts for Approval*

The Acting Chair announced that Commissioners had an opportunity to review the contracts provided in the advance board materials, and included on the Meeting's Consent Calendar, and that no one had requested that any contracts be removed prior to consideration; the Acting Chair therefore called for the vote.

Whereupon, a motion was made by Commissioner Navies, and seconded by Commissioner Moore, to adopt Resolution 2015-2078, approving the nine contracts included on the Consent Calendar for the April 15, 2015 Commission Meeting, as follows:

A. Engineering and Construction (Architect/Engineer Contracts)

1. CD4260A05/B05, Change Order No. 2, Amendment No. 1, Seneca WWTP ENR Expansion, Design Services During Construction, to Atkins North America, Inc., in the amount of \$485,358.00, for a total contract amount of \$10,630,045.00.

Construction Contracts

1. CT4231F05, Broad Creek Augmentation Project Conveyance System-North to Northeast Remsco Construction, Inc., in the amount of \$22,358,160.00.
2. LC5796A14, Area Water and Sewer Connection Renewals to Rivers Construction Group, Ltd., and Midas Utilities, Inc. The contract to be awarded in a not to exceed amount of \$5,000,000 with a base term of one (1) year for both vendors. The contract to also contain one (1) option term, with one (1) year in duration.
3. BRCR5708A14, Bartlet Park Water Main Replacement to Fort Myer Construction Corporation, in the amount of \$2,491,086.75.
4. BRLR5695A14, Takoma Langley Crossroads Water Main Replacement to Sagres Construction Corporation, in the amount of \$5,537,319.00.
5. BR5623A13, Cedar Heights II Water Main Replacement to Rivers Construction Group, Ltd., in the amount of \$1,581,969.00.

B. Utility Services

1. Contract 1100, Pre-stressed Concrete Cylinder Pipe (PCCP) Engineering Services, Basic Ordering Agreement (BOA), to Black & Veatch Corporation. The contract to have a base term of two (2) years, with two (2) option terms each with a two (2) year duration. The base term not to exceed \$6,000,000.00.
2. Contract 1101, Locating and Identifying Underground Facilities (Water and Sewer), to Pinpoint Underground, LLC. The Contract has a base term of two (2) years in an amount not to exceed \$3,000,000.00, plus two (2) additional two-year option terms for \$3,000,000.00 each.

C. Information Technology

1. Contract 4194000, Change Order No. 2, Hardware, Equipment, Maintenance, Licenses, Support and Services, to CDW-Government, Inc., in the amount of \$600,000.00, for a total contract amount of \$1,500,000.00.

The motion carried with four affirmative votes, two absent (Commissioners Boulware and Counihan were absent from the vote).

ADDITIONAL BRIEFINGS

Consent Decree Quarterly Update. Acting Chief Operating Officer Gary Gumm provided Commissioners with a quarterly update on the status of projects being undertaken to comply with the Consent Decree. Mr. Gumm circulated copies of the presentation he reported from, which is incorporated herein by reference. Detailed information can be found in the presentation handout and the corresponding segment of the archived meeting video. In summary, Mr. Gumm reported on schedule status, projected/actual costs to date and areas of concern. Cumulative projected design and construction costs at \$941.8 million (increase since last briefing) with total program costs estimated at \$1.422 billion; \$700 million has been spent-to-date. Areas of concern continue to center around: Joint Permitting; Rights of Entry (ROE); National Park Service (NPS); Stream Stabilization Permits; Contractor Capacity Limitations; Modifications to Approved Permits and Consent Decree Modification.

The Commission received the Consent Decree Quarterly Update as information.

Resolution 2015-2079 - Adoption of 2015 Plumbing and Fuel Gas Code. Acting Chief Engineer Craig Fricke, along with Code Planning & Cross Connection Coordinator Thomas Buckley, presented the proposed changes to the 2015 Plumbing and Fuel Gas Code. In summary, management is proposing twenty-three changes to the 2013 Plumbing and Fuel Gas Code. Within the changes are specific sections which will adopt the 2015 International Plumbing and Fuel Gas Codes. In addition, various sections of the Code will be amended to bring clarity to the regulations. The changes have proven to be non-controversial to the regulated community and the general public. WSSC staff presented and discussed the proposed changes with the WSSC Plumbing and Fuel Gas Board and the Board voted on March 17, 2015 to recommend approval of the proposed changes to the Commission. Specific details can be found in the Commission Board Report and the corresponding segment of the archived meeting video and both are referred to for this purpose.

Whereupon, on motion made by Commissioner Navies and seconded by Commissioner Moore, the Commission voted four-to-zero (with two absent) to approve Resolution 2015-2079, adopting the 2015 WSSC Plumbing and Fuel Gas Code, as recommended by management, to be effective July 1, 2015 (Commissioners Boulware and Counihan were absent from the vote).

Standard Procedure/Regulation - Notification and Posting

Requirements Regarding Sewage Leaks. General Counsel Jerry Blask, along with Utility Management Group Leader Calvin Farr, presented this Regulation for Commission consideration. In summary, the proposed Regulation is required by Sections 24-202 and 24-203 of the Public Utilities Article, which include statements requiring the Commission to adopt implementing regulations. The purpose of the regulation is to provide clear guidelines as to the process for posting sewage leaks and notifying County and Municipal Corporations. The regulation is in compliance with the new Maryland law which requires WSSC to notify the Counties and Municipal Corporations of sewage leaks.

Following the briefing, a motion was made by Commissioner Navies, seconded by Commissioner Moore, to adopt the Standard Procedure/Regulation - "Notification and Posting Requirements Regarding Sewage Leaks to Counties, Municipal Corporations and the General Public," as recommended by management. The motion carried with four affirmative votes, two absent (Commissioners Boulware and Counihan were absent from the vote).

2015 Legislative Agenda Final Report. Intergovernmental Relations Office (IRO) Director Michael Stroud provided an update of the IRO activities over the past month. He also provided a final report on the proposed legislation that went before the 2015 Maryland General Assembly (which concluded its business on April 13, 2015). The WSSC-sponsored Customer Assistance Program (CAP) bill passed and the WSSC-legislator-sponsored Polybutylene Connection Pipe ("Blue Pipe") Replacement Program bill did not pass. Mr. Stroud also reported on the status of other proposed bills of interest to the Commission, providing a summary matrix (incorporated herein by reference) to the Commission of what bills passed and which bills did not.

The Commission received the report of the Intergovernmental Relations Office on the 2015 WSSC Legislative Final Report, as information.

COMMISSION OFFICE

Corporate Secretary Report. Corporate Secretary Sheila Finlayson provided an overview of her activities for the month, which included an update on the ongoing support she is providing to the Search Committee and Commission with regard to the current General Manager search, along with an update on the progress of the 2015 Commissioners' Engineering Scholarship Program which kicked off in March with an application deadline of June 1, 2015. This year's Essay topic is as follows: *What does climate change mean to WSSC, a water/wastewater utility in the Mid-Atlantic region, over the next 25 years...* Scholarship is open to college engineering students who permanently reside in the Washington Suburban Sanitary District - two scholarships for \$1000 each to be awarded to one student in Prince George's County and one in Montgomery County. Scholarship Awards to be presented at the July 2015 Commission Meeting.

The Commission received the Corporate Secretary's report as information.

WSSC Employees' Retirement Plan Board of Trustees. Commissioner Lawson reported on the January/February investment results, noting that, as of February 28, 2015, the Plan's assets were \$764.9 million, which represents a year-to-date investment gain of \$21.7 million or an increase of 3.0% from December 2014 to February 2015. Domestic, Global and International equities represented 56.7% of the Plan's invested assets, while Domestic Fixed Income represented 24.5%, Global Tactical 15.2% and Real Estate Investments 3.6% of the Plan's total investment portfolio. As of February month-end, all asset classes were within the range limits for their respective asset allocation ranges. In terms of the overall market, International stocks outperformed U.S. stocks in January and February. However, U.S. stocks did outperform U.S. bonds in February (the reverse of January) and growth stocks continued to outperform value stocks in both January and February. In February, U.S. equity gains were recorded in 9 of 10 sectors in the S&P 500, with defensive sectors like utilities not faring as well. By February month-end, U.S. equities had recovered from January losses and the Federal Open Market Committee reiterated it

would be flexible about raising rates. The U.S. employment outlook continued to improve, as more than 200,000 jobs were added by the U.S. economy for the eleventh consecutive month, and the unemployment rate was 5.7%. The next meeting of the Board of Trustees is scheduled for Wednesday, April 29, 2015.

The Commission received the report of the WSSC Employees' Retirement Plan Board, as delivered by Commissioner/Trustee Lawson, as information.

Personnel and Governance. Commissioner Mandel provided an update of the Committee's activities for the month, noting that the Committee continues to monitor personnel activities involving the Commission Office direct reports, including working in concert with the Search Committee on the current General Manager search.

The Commission received the Personnel and Governance Committee report, as information.

Legislation. The Acting Chair indicated there was nothing additional to report outside of the IRO Director's briefing.

The Commission received the report of the Legislation Committee, as information.

Audit. The next meeting of the Audit Committee will be held on May 20, 2015.

The Acting Chair announced that the morning business has concluded and called for a motion to go into Closed. Following the vote, the Commission will take a lunch recess and reconvene in Closed Session in the Commissioners' Conference Room.

CLOSED SESSION

Whereby at 1:18 p.m., Commissioner Navies moved that the Commission go into Closed Session pursuant to Maryland Code Annotated, General Provisions Article: Section 3-305(b)(13) to approve the March 11, 2015, March 18, 2015 and March 20, 2015 Closed Session Minutes; Section 3-305(b)(7) to consult with counsel to obtain legal advice on a pending contract; Section 3-305(b)(8) to consult with counsel to obtain legal advice on pending or potential litigation; and, Section 3-305(b)(1) to

discuss personnel matters relating to the General Manager Search/Transition Plan.

Commissioner Moore seconded the motion. The motion carried with four affirmative votes, two absent (Commissioners Boulware and Counihan were absent from the vote).

The Acting Chair declared the meeting was Closed (1:18 p.m.). The Chair then called for a lunch recess. The meeting reconvened in Closed Session at 2:15 p.m.

ATTENDEES: Acting Chair Adrienne Mandel; Commissioners Chris Lawson, Roscoe Moore, Jr. and Mary Hopkins Navies. Staff present: General Manager Jerry Johnson, General Counsel Jerry Blask, Corporate Secretary Sheila Finlayson, Acting Chief Operating Officer Gary Gumm, Associate Counsel Matthew Gallagher and Outside Counsel Robert Carney of Whiteford, Taylor and Preston, LLP.
Absent: Commissioners Omar Boulware and Gene Counihan.

Closed Session Minutes - The Corporate Secretary advised that the Closed Session Minutes of March 18, 2015 were still in preparation and recommended adoption of the March 11, 2015 and March 20, 2015 Special Commission Closed Session Minutes.

On motion made by Commissioner Navies and properly seconded by Commissioner Moore, the Commission voted four-to-zero, to adopt the closed session minutes of its March 11, 2015 and March 20, 2015 Special Commission Meetings, as drafted. Commissioners Boulware and Counihan were absent from the vote.

Settlement Agreement. Counsel reported on a pending legal matter between WSSC and Balfour Beatty Infrastructure, Inc., whereby certain claims had been filed by Balfour against WSSC. Pursuant to court-ordered mediation, the parties have reached a proposed settlement which requires Commission approval.

Whereby, a motion was made by Commissioner Lawson and seconded by Commissioner Moore, to approve the proposed settlement of certain claims in the matter of *Balfour Beatty Infrastructure, Inc. v. WSSC*, as proposed by Counsel. The motion carried with four affirmative votes, two absent (Commissioners Boulware and Counihan were absent from vote).

Messrs. Gallagher and Carney were excused at 2:41 p.m.

Pending Litigation/Legal Advice - Commissioners were briefed by the General Counsel on other pending litigation and confidential/privileged legal matters affecting the Commission, including the status of negotiations with the MDE relating to the Clean Water Act lawsuit filed by the Potomac Riverkeeper environmental group. The Commission also received legal advice pertaining to a pending contract before the Commission.

At 3:06 p.m., Commissioner Navies moved to end the Closed Session. Commissioner Moore seconded the motion. The motion carried with four affirmative votes, two absent (Commissioners Boulware and Counihan were absent from vote).

OPEN SESSION RESUMED

ADJOURNMENT

There being no additional business, the Acting Chair called for a motion to adjourn, to which Commissioner Navies moved to adjourn the meeting. Commissioner Moore seconded the motion. The motion carried with four affirmative votes.

At 3:07 p.m., the meeting was declared adjourned.

Respectfully submitted,

//signed//

Sheila R. Finlayson, Esq.
Corporate Secretary