

WASHINGTON SUBURBAN SANITARY COMMISSION**MINUTES OF THE COMMISSION MEETING**

**Wednesday, October 21, 2020
Laurel, Maryland**

Chair Howard Denis called the virtual¹ meeting of the Washington Suburban Sanitary Commission (hereinafter "WSSC Water"), 14501 Sweitzer Lane, Laurel, Maryland, 20707, to order at 10:00 a.m., with due notice having been given to all members of the Commission and the public. In addition to Chair Denis, Commissioners Fausto R. Bayonet, Keith E. Bell, Chris Lawson, T. Eloise Foster and Sandra L. Thompson, were present virtually, reflecting a quorum. Also, in attendance were WSSC Water General Manager and Chief Executive Officer ("GM") Carla A. Reid, General Counsel Amanda Stakem Conn and Acting Corporate Secretary Julianne M. Montes de Oca, Esq., who recorded the minutes of the meeting. Other members of WSSC Water management were called upon, during certain portions of the meeting, to provide information to the Commission.

APPROVAL OF PUBLIC COMMENT PERIOD

Chairman Denis opened the meeting by welcoming everyone and informing everyone that, as permitted by the Open Meetings Act, Commissioners will recess to a closed session to brief a few preliminary items, after which the Commissioners will reconvene to the open session. Due to the length of the agenda, Chairman Denis entertained a motion to limit the public comments for the meeting to three minutes per speaker.

Commissioner Foster moved to limit the length of time for public comments to three minutes per person for the October 21, 2020 Commission Meeting to which Commissioner Lawson seconded the motion. The motion carried five to zero with one absence (Vice Chair Bell).

AGENDA APPROVAL

Commissioner Thompson moved to adopt the Commission's Public Meeting Agenda of October 21, 2020, as drafted, to which Commissioner Bayonet seconded the motion. The motion carried five to zero with one absence (Vice Chair Bell).

CLOSED SESSION

Whereby, at approximately 9:02 a.m., Commissioner Lawson moved and Commissioner

¹ Virtual meeting conducted due to the global COVID-19 pandemic public health emergency and the Social Distancing Orders in place in Maryland as well as all other parts of the region and country.

Foster seconded, that the Commission go into Closed Session, pursuant to Maryland Code Annotated, General Provisions Article, Title 3, Open Meetings Act, Subtitle 3, Open Meetings Requirements - Closed Sessions: Sections 3-305(b) (7), to consult with counsel to obtain legal advice.

The motion carried unanimously with six affirmative votes.

FIRST CLOSED SESSION

Whereby Chairman Denis declared the meeting closed at 9:06 AM. The Chair called for the Commission to reconvene in Closed Session via Teams Meeting. At 9:12 AM Chairman Denis called the Closed Session to order.

Attendees: Chairman Howard Denis, Vice Chair Bell, Commissioners Bayonet, Foster, Lawson, and Thompson. Staff present: GM/CEO Carla Reid; DGMS Jay Price, Joe Beach, and Monica Johnson; General Counsel Amanda Conn; Deputy General Counsel Russel Beers; and Acting Corporate Secretary Julianne M. Montes de Oca.

Legal Advice: General Counsel Amanda Conn presented and answered questions on two legal advice memoranda.

Upon completion of the discussion, Commission Foster motioned, and Commission Thompson seconded, that the Commission recess the closed session and reconvene in open session. **The motion carried unanimously with six affirmative votes.**

Whereby at 9:59, Chairman Denis declared the closed session in recess and that the open session would reconvene.

SECOND OPEN SESSION PLEDGE OF ALLEGIANCE

At 10:05 AM, Chairman Denis declared the open session resumed and asking Commissioner Lawson to lead the pledge of allegiance.

APPROVAL OF MINUTES

Having no corrections to the open session minutes of the September 16, 2020

Regular Commission Meeting, the minutes stood approved.

COMMISSIONER COMMENTS

Commissioner Comments. Chairman Denis provided comments to honor the recent passing of former WSSC Water Chairman, Lew Helm. Chairman Denis requested that upon the time of adjournment that meeting be adjourned in honor and in the memory of Lew Helm.

Public Comments.

The following individuals provided testimonies regarding their concern and or opposition of AMI Smart Meters, each having various concerns including but not limited to its health effects, costs, or impact to human resources:

Marcus Wilson, Prince George's County

Theodora Scarato, Montgomery County

Anna Pritchard, Montgomery County

Lisa Kline, Montgomery County

Molly Hauck, Montgomery County

Kevin Matthews, Prince George's County

Their full comments are available in the live recording of the meeting.

The following individual provided a testimony affirming the use and or the implementation of AMI Smart Meters stating various benefits including but not limited to its ability to quickly diagnose system leaks, improved billing process, lower customer service call ratio, system tracking improvements and the opportunity to repurpose one-third of the Meter Department staff to other critical positions.

Joe Mantua, General Manager of Buford Jasper Water Sewer Authority

Mr. Mantua's full comments are available in the live stream recording of the meeting.

Acting Corporate Secretary, Julianne Montes de Oca reported that there were two other members of the public who had trouble joining the virtual meeting. The Commission Office has contacted them to request their written testimony. Their names were as follows:

Katherine Katzin, Montgomery County

Natalie Rosser, Prince George's County

GENERAL MANAGER'S REPORT

Monthly Report. GM Carla Reid provided her monthly report, reporting from a power point presentation displayed at the meeting and incorporated herein by reference. The GM's Report included but not limited to an update on the New Normal Taskforce, an update on the Triadelphia Reservoir Water Contact Health Advisory, and a special presentation in recognition of J.C. Langley and the entire Production Office. The team was recognized for receiving the Peak Performance Award and the Partnership for Safe Water President's Award from the National Association of Clean Water Agencies. The GM's full

report can be found in the presentation handout and corresponding segment of the archived meeting video, and both are referred to for this purpose.

Following Commissioner questions/comments, the GM's Report was received as information.

INSPECTOR GENERAL REPORT

Monthly Activity Report. Inspector General ("IG") Arthur Elkins reported on the monthly activities of the Office of the Inspector General (OIG), for the month of September 2020. Mr. Elkins presented from a power point presentation displayed at the meeting and incorporated herein by reference. The full report can be found in the presentation handout and corresponding segment of the archived meeting video and both are referred to for this purpose.

OTHER REPORTS

General Counsel's Office (GCO) Ethics Program Update. The Ethics program update was included in the advance materials.

Intergovernmental Relations Office (IRO)

Sponsored Legislation: Board of Ethics - Financial Disclosure Statements - Late Fees. Director of Intergovernmental Relations, Karyn Riley and Government Affairs Manager, Guy Andes briefed the Commissioners on the sponsored legislation for financial disclosure statements late fees. The legislation would allow the Board of Ethics to assess a \$5 per day, \$500 max, late fee for individuals that are late or fail to file their required annual disclosure.

Following Commissioner questions/comments, a motion was made by Commissioner Foster and seconded by Commissioner Thompson, that the Commission support the 2020 Maryland General Assembly Session the WSSC Water sponsored legislation that allows the WSSC Water Board of Ethics to impose a fine of for failure to file a timely required financial disclosure statement, as recommended by management.

The motion carried unanimously with six affirmative votes.

Information Technology (IT)

Monthly Project Cornerstone Update. Chief Information Officer, Christopher Carter, IT Chief Governance Officer, Stacey Chisolm, IT Project Manager, Anthony Ferrara, and Director of Customer Service, Krystal Knight-Lee provided the monthly update on Project Cornerstone, reporting from a power point presentation contained in the advance materials and incorporated herein by

reference. Commissioner Thompson asked the following questions directed to Director of Utility Services, Damion Lampley:

1. What is the life span of the existing meters and what is the life span of AMI meters?
2. What would be the life span of a new non-AMI replacement meter that is similar to the existing meter? What is the cost of that?
3. What is the cost of AMI meter replacement?
4. Is there a replacement project underway for existing meters or is it on hold until the decision is made on the utilization of AMI?
5. How long will it take?

Following Commissioner questions/comments, Cornerstone monthly update, was received as information.

Finance

Resolution 2021-2266 - Appointment of Member to the Employees' Retirement Board of Trustees. Retirement Division Manager, Richard Baker presented on the proposed appointment of Jaime Garcia to the WSSC Employees' Retirement Plan Board of Trustees. Commissioner Thompson moved, and Commissioner Lawson seconded, that the Commission adopt Resolution 2021-2266, appointing Jaime Garcia to serve as an Employee Representative to the Board of Trustees of the Washington Suburban Sanitary Commission Employees' Retirement Plan for a four-year term expiring October 20, 2024, as recommended by management.

The motion carried unanimously with six affirmative votes.

Utility Services

Advanced Metering Infrastructure (AMI) Customer Survey Results. Director of Communications and Community Relations, Chuck Brown presented a summary of the two virtual AMI Public Hearings conducted on Tuesday, September 29 and Wednesday, September 30 - both at 6:30 p.m. Michelle Finzel from Maryland Marketing Source, Inc., joined to present the results of the customer survey study.

Commissioner Foster asked the following question with a request for follow-up relative to slide entitled "Opt-Out Fee": What would the number be if the percentages were extrapolated out into the WSSC Water customer base?

Following the questions and discussion, the Commission received the report as information.

Advanced Metering Infrastructure (AMI) Options and Recommendation. Director of Utility Services Damion Lampley presented from a power point explaining the opt-out approaches. The power point presentation was contained in the advance materials and is incorporated herein by reference. Following the presentation, the following questions were received from Commissioners:

1. Are the meters being relocated beyond the property line always underground? (Bayonet)
2. Are the meters subject to damages by homeowners? (Bayonet)
3. Can you explain how the cost benefit is the same for both opt-out options 3 &
4. (Thompson)
5. Can you expound upon the read option? (Foster)
6. What are the costs to re-instate the analog meters? (Foster)
7. What outreach efforts have we explored for customers receiving estimated meter reads?
8. Can you explain how AMI complicates Oracle as stated in management's PowerPoint presentation? (Denis)

Dr. David O. Carpenter. Dr. David O. Carpenter, Director of the Institute for Health and the Environment, which has been designated as a Collaborating Center of the World Health Organization, presented from a PowerPoint provided information including but not limited to electromagnetic spectrum, radio frequency and the current safety standards and the possible health risks. The PowerPoint presentation was contained in the advance materials and is incorporated herein by reference. Following the presentation, the following questions were received from Commissioners:

1. Why did you accept our invitation to speak? (Bell)
2. Can you explain "cumulative effect"? (Bell)
3. Do you know Dr. Kheifets and have you read the report she wrote for WSSC? (Bell)
4. Do you agree with Dr. Kheifets' final conclusion?
5. How do you handle your cell phone? (Denis)
6. If you had to pick an opt-out option, which would you pick? (Denis)
7. Is this too much the small part of a big problem? (Denis)
8. Even if we talk about reducing exposure, it should or could be less? (Foster)
9. Can you explain the underground reference? (Bayonet)

The Commissioners thanked Dr. Carpenter for all the time and effort he put in to

preparing and for his thoughtful and thought-provoking presentation. The Commissioners then allowed Commission Staff to ask Dr. Carpenter questions. Commission Staff's questions were from Damion Lampley and Jay Price. Mr. Lampley's questions focused on the peer review nature of Dr. Carpenter's studies and on meter functioning. Mr. Price asked Dr. Carpenter about the length of transmission from the meters being milliseconds a day.

CONSENT CALENDAR

Contracts for Approval

Following Dr. Carpenter's presentation, Chairman Denis turned to the Consent Calendar and gave the Commissioners a second opportunity to request that a contract be removed. No request was made.

A motion was then made by Commissioner Bayonet and seconded by Commissioner Lawson, to adopt Resolution 2021-2267, approving the four contracts on the Consent Calendar for the October 21, 2020 Commission meeting, as follows:

A. Engineering and Construction

1. BF1582E91, 48" Raw Water Pipeline Phase I and Phase II.

B. Production

1. 1114, Plumbing and Mechanical Services (Change Order No. 4)

C. General Services

1. 7335, Various Water Meter Replacement (Change Order No. 1)

D. Information Technology

1. 7250, Hardware and Software Maintenance Veritas NetBackup Appliances (Change Order No. 3)

The motion carried unanimously with six affirmative votes.

ADDITIONAL BRIEFINGS

COMMISSION OFFICE

Corporate Secretary Report. Acting Corporate Secretary Julianne M. Montes de Oca started by recognizing Sr. IT Support Analyst, Aloys Mbida for going above and beyond the call of duty and for his continued proactive customer service and assistance. Acting Corporate Secretary Julianne M. Montes de Oca submitted an overview of her activities for the prior month in a report distributed to Commissioners in the advance materials.

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

WSSC Water Employees' Retirement Plan Board of Trustees. Commissioner Lawson reported on the WSSC Water Employees' Retirement Plan Board of Trustees Meeting was held September 30, 2020 where it was discussed the August 2020 results. He reported the plan remains in good shape with assets at \$825,000,000. This represents a year to date investment gain of \$3,000,000 for an increase of 0.8% from December 31, 2019 to August 31, 2020.

The Commission received the report of the WSSC Water Employees' Retirement Plan Board of Trustees Committee Chair Lawson, as information.

Governance & Strategic Visioning Committee.

Commissioner Foster reported on the Governance & Strategic Visioning Committee and reported that the Governance Consultant submitted a draft of the Corporate Governance Handbook, which was in turn shared with the Acting Corporate Secretary and General Counsel for their review and comments. Vice Chair Bell and Commissioner Foster met with the consultant to discuss revisions and are expecting a revised version in the coming weeks. Commissioner Foster ended by reporting that the General Manager submitted a response to the Commissioners July memo which was received on October 6, 2020.

The Commission received the report of the Governance Committee Chair Foster, as information.

Legislative & Compliance Committee. No report.

Audit Committee. No report.

CLOSED SESSION

Whereby, at 2:45 p.m., Vice Chair Bell moved and Commissioner Bayonet seconded, that the Commission go into Closed Session, pursuant to Maryland Code Annotated, General Provisions Article, Title 3, Open Meetings Act, Subtitle 3, Open Meetings Requirements - Closed Sessions: Section 3-305(b)(13) to approve the July 15, 2020 and September 16, 2020 Closed Session Minutes; Section 3-305(b)(1) to discuss personnel matters affecting one or more specific individuals; and 3-305(b)(7) and (8) to consult with counsel to obtain legal advice and discuss pending or potential litigation.

The motion carried unanimously with six affirmative votes.

The Chair declared the meeting was closed at 2:46 p.m. The Chair then called for a short recess.

The Commission reconvened in Closed Session by conference call at 2:57 p.m.

ATTENDEES: Chair Howard Denis, Vice Chair Keith Bell, Commissioners Fausto Bayonet, Chris Lawson, T. Eloise Foster and Sandra Thompson.

Staff present: Acting Corporate Secretary Julianne M. Montes de Oca, General Counsel Amanda Conn, Deputy General Counsel Russel Beers, Associate Counsel Stephanie Epps, GM/CEO Carla Reid, DGMS Jay Price, Joe Beach, and Monica Johnson, Director of Homeland Security Dave McDonough.

Closed Session Minutes - Approved the August 19, 2020 Closed Session Minutes.

Approved the Closed Session Minutes of the July 15, 2020 Closed Session.

Legal Matters - Settlement authority given to GCO to settle a particular claim.

Legal Matters - PSC Rate Case update.

Legal Matters - Update on the completion of a legal matter.

Personnel Matters - Discussion on certain personnel action.

ADJOURNMENT

There being no additional business, **the Commissioners voted unanimously to end the Closed Session and adjourn.**

At approximately **3:20** p.m., the meeting was declared, adjourned.

Respectfully submitted,

//signed//

Julianne Montes De Oca
Corporate Secretary (Acting)