<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>Commissioner Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>SUMMARY</td>
<td>The purpose of this legislation is to alter the terms of compensation for Commissioners of the Washington Suburban Sanitary Commission</td>
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<tr>
<td>SPECIAL COMMENTS</td>
<td></td>
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<tr>
<td>CONTRACT NO./REFERENCE NO.</td>
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<tr>
<td>COSTS</td>
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<tr>
<td>AMENDMENT/CHANGE ORDER NO. AMOUNT</td>
<td>N/A</td>
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<tr>
<td>MBE PARTICIPATION</td>
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<tr>
<td>PRIOR STAFF/COMMITTEE REVIEW</td>
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<tr>
<td>RECOMMENDATION TO COMMISSION</td>
<td>As per Commissioner’s request</td>
</tr>
<tr>
<td>COMMISSION ACTION</td>
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</table>
Public Utilities Article

17-107. Compensation; benefits; staff.

(a) Compensation.

(1) The members of the Commission are entitled to the following annual salaries:

(i) chair..............................................$13,500.00

(ii) vice chair.......................................$13,000.00 and

(iii) commissioners..............................$13,000.00

(2) In the discretion of the Montgomery and Prince George’s County Councils, the Montgomery or Prince George’s County Council may authorize whatever supplementary salary as may be deemed appropriate for their respective members.

(3) The salary shall be paid every two weeks
**AGENDA CATEGORY:** Intergovernmental Relations Office  
**ITEM NUMBER:** 2  
**DATE:** January 18, 2011

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| PRIOR STAFF/COMmitTEE REVIEW | GMCEO  
Director, IRO  
Chief ECT |
| PRIOR STAFF/COMmitTEE APPROVALS |  |
| RECOMMENDATION TO COMMISSION | Support |
| COMMISSION ACTION |  |
A BILL ENTITLED

AN ACT concerning

Washington Suburban Sanitary Commission – High Performance Buildings

FOR the purpose of requiring certain buildings owned by the Washington Suburban Sanitary Commission to be high performance buildings under certain circumstances; exempting certain building types from certain high performance building standards; authorizing the Commission to request a certain waiver from certain high performance building standards from a certain county; authorizing a certain county council, with approval of the county executive, to issue a certain waiver under certain circumstances; expressing a certain intent of the General Assembly; defining certain terms; and generally relating to the Washington Suburban Sanitary Commission and high performance buildings.

BY adding to

Article – Public Utilities
Section 21–104
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Article – Public Utilities

21–104.

(A) (1) In this section the following words have the meanings indicated.

(2) “High performance building” means a building that:

(i) meets or exceeds the current version of the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) Green Building Rating System Silver rating; or

(ii) achieves at least a comparable numeric rating according to a nationally recognized, accepted, and appropriate numeric sustainable development rating system, guideline, or standard approved by the Secretary of Budget and Management and the Secretary of General Services.

(3) “Major renovation” means the renovation of a building where:

(i) the building shell is to be reused for the new construction;

(ii) the heating, ventilating, and air–conditioning (HVAC), electrical, and plumbing systems are to be replaced; and

(iii) the scope of the renovation is 7,500 square feet or greater.

(B) It is the intent of the General Assembly that, to the extent practicable:
(1) The Commission shall employ green building technologies when constructing or renovating a Commission–owned building not subject to this section; and

(2) High performance buildings shall meet the criteria and standards established under the “High Efficiency Green Building Program” adopted by the Maryland Green Building Council.

(C) Except as provided in subsections (D) and (E) of this section, if a capital project includes the construction or major renovation of a building that is 7,500 square feet or greater, the building shall be constructed or renovated to be a high performance building.

(D) The following types of unoccupied buildings are not required to be constructed or renovated to be high performance buildings:

(1) Warehouse and storage facilities;

(2) Garages;

(3) Maintenance facilities;

(4) Transmitter buildings;

(5) Pumping stations; and

(6) Other similar types of buildings, as determined by the Commission.

(E) (1) The Commission may request from the county where the proposed capital project is located a waiver from complying with subsection (C) of this section.

(2) On receipt of a written request of a waiver under this subsection, with approval of the county executive, the county
COUNCIL OF THE COUNTY WHERE THE PROPOSED CAPITAL PROJECT IS LOCATED MAY ISSUE A WAIVER UNDER THIS SUBSECTION IF THE COUNTY COUNCIL DETERMINES THAT THE USE OF A HIGH PERFORMANCE BUILDING IN A PROPOSED CAPITAL PROJECT IS NOT PRACTICABLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.
Fiscal Impact PG/MC110-12 High Performance Buildings

Bill Summary

The purpose of this legislation is to require certain buildings owned by the WSSC to be high performance buildings under certain circumstances; exempting certain building types from certain high performance building standards; authorizing the Commission to request a certain waiver from certain high performance building standards from a certain county; authorizing a certain county council, with approval of the county executive, to issue a certain waiver under certain circumstances; expressing a certain intent of the General Assembly; defining certain terms; and generally relating to the WSSC and high performance buildings.

Fiscal Note

The State of Maryland endorses the cost estimates for construction of high performance buildings provided by the USGBC as “2 to 5%” higher than that of non-high performance buildings. This is consistent with the limited experience of the State through its own construction and that of its local jurisdictions utilizing State Funds (primarily school construction). The State emphasizes that these methods of construction should yield substantial operational savings over the lifetime of the asset through reduced energy and water consumption.

This legislation parallels legislation passed in 2008 that required buildings constructed in part by funds provided by State grant or through the States capital budget to seek through design and construction a “Silver” rating for efficiency as defined by the United States Green Building Councils’ (USGBC) “LEED” (Leadership In Energy and Environmental Design) rating system. Further legislation was passed in 2010 defining “High Performance Building” for the purposes of clarifying the Legislature’s intent and providing further guidance.

PG/MC 110-12 closely follows last year’s bill in substance. This specific legislation applies to WSSC and its building of or major renovations of certain structures. The legislation provides for several exceptions for industrial/non occupied buildings that would exempt virtually all WSSC facilities. Should a building not be specifically exempted, there is a waiver process that the Commission can utilize through the respective county’s governing body where the structure is located.

Currently the Commission has no project that meets the criteria under this proposal so there is no immediate fiscal impact. If enacted, the bill would require modification of A/E or Design contracts such that our consultants would be required to submit designs that meet these standards but this would have minimal or no fiscal impact until a project was proposed and budgeted.
Legislative Update – January 18, 2011
Note: The Maryland General Assembly will begin its 2012 Session on January 11, 2012

WSSC’s Legislative Proposals

PG/MC 102-12- WSSC Minority Business Enterprise Utilization Program-Termination Extension

For the purpose of continuing until a certain date certain provisions relating to procurement from minority business enterprises by the Washington Suburban Sanitary Commission; and generally relating to procurement by the Washington Suburban Sanitary Commission from minority business enterprises.

This WSSC proposed legislation has received a local public hearing in both Montgomery and Prince George’s counties. The Montgomery County Executive has taken a position of favorable on this WSSC legislation.

PG/MC 103-12-WSSC Human Resources

For the purpose of repealing a requirement that the Washington Suburban Sanitary Commission submit changes of certain regulations to the Secretary of Budget and Management; repealing a provision stating that failure of the Secretary to act within a certain time period on receipt of a certain regulation constitutes approval; repealing a requirement that the Commission file a certain list of positions and salaries with the Secretary; repealing a requirement that the Commission submit for approval certain position classifications to the Secretary; repealing provisions requiring the Secretary to approve or disapprove certain changes; repealing certain provisions relating to competitive examinations held by the Commission; clarifying that certain honorably discharged veterans shall receive a certain credit in certain competitive selection processes; and generally relating to the human resources practices of the Washington Suburban Sanitary Commission.

This WSSC proposed legislation has received a local public hearing in both Montgomery and Prince George’s counties. The Montgomery County Executive has taken a position of favorable on this WSSC legislation.

PG/MC 104-12-WSSC Pipeline Construction-Contracts

For the purpose of expanding the definition of a “facilities construction contract” to include the construction of a pipeline in order to authorize the Washington Suburban Sanitary Commission to enter into a certain design/build contract for pipeline construction; repealing a prohibition on the Commission from entering into a design/build contract for a pipeline; and generally relating to the authority of the Washington Suburban Sanitary Commission to enter into construction contracts.

This WSSC proposed legislation has received a local public hearing in both Montgomery and Prince George’s counties. The Montgomery County Executive has taken a position of favorable on this WSSC legislation.
PG/MC 105-12-WSSC Residential Rental Property-Delinquency-Receiver

For the purpose of authorizing the Washington Suburban Sanitary Commission or certain persons to institute an action for receivership in certain cases of delinquency in accounts for water and sewer usage provided to a residential rental property in the sanitary district under certain circumstances; establishing a certain procedure for petitioning a circuit court for appointment of a receiver; requiring a certain court to issue a certain show cause order to certain persons under certain circumstances; requiring the show cause order to be posted and served in certain manners; requiring the court to conduct a certain hearing within a certain period of time; authorizing a receiver to receive certain money and to take certain actions; requiring a receiver to establish an escrow account for certain purposes; requiring a receiver to pay certain charges from the escrow account; providing that certain persons are liable for certain fees and costs; providing for the termination of a receivership under certain circumstances; providing that certain actions may not be maintained against certain persons for a certain period under certain circumstances; providing for the application of certain rules to a receivership under this Act; defining certain terms; and generally relating to the Washington Suburban Sanitary Commission and delinquencies involving residential rental property.

This WSSC proposed legislation has received a local public hearing in both Montgomery and Prince George’s counties. The Montgomery County Executive has taken a position of favorable on this WSSC legislation.

PG/MC 106-12- WSSC Unpaid Water and Sewer Charges-Collection and Liens

For the purpose of altering a provision to authorize, rather than require, the collection of a certain unpaid bill for water and sewer services within the Washington Suburban Sanitary District to be collected against the owner of the property served in a certain manner; providing that if a certain bill for water and sewer services within the District is not paid within a certain time period the charges, interest, and penalties constitute a lien in favor of the Washington Suburban Sanitary Commission that extends to certain property and rights to property belonging to a certain person or fiduciary estate; requiring the Commission to file a notice of a certain lien with the clerk of the circuit court for the county in which the property is located; providing that, from the date that a certain lien is filed, the lien has the full force and effect of a judgment lien; providing that the provision of this Act that creates a lien in favor of the Commission may not be construed to invalidate an existing contract between the Commission and a municipality located within the Washington Suburban Sanitary District without the consent of the municipality; and generally relating to the collection of and liens for unpaid water and sewer charges in the Washington Suburban Sanitary District.

This WSSC proposed legislation has received a local public hearing in both Montgomery and Prince George’s counties. The Montgomery County Executive has taken a position of favorable on this WSSC legislation.
Other Proposed Legislation

PG/MC 101-12- System Development Charge-Replacement of Existing Single-Family Dwelling Unit
(Senator Benson)

For the purpose of prohibiting the Washington Suburban Sanitary Commission from imposing a certain system development charge for a single-dwelling unit that is to be built or subcontracted by an individual owner to replace on the same property a previously existing single-family dwelling unit under certain circumstances; providing for the termination of this Act; and generally relating to the system development charge imposed by the Washington Suburban Sanitary Commission.

This proposed legislation has received a local public hearing in both Montgomery and Prince George’s Counties. Neither County has published a position as of this date. The Commission has not yet taken a position on this proposed legislation.

PG/MC 107-12-The Washington Suburban Sanitary Commission Transparency and Rate Relief Act of 2012

For the purpose of altering the terms of the Washington Suburban Sanitary District bonds and refunding bonds that may be issued by the Washington Suburban Sanitary Commission to decrease the number of years that a bond may mature from the date of issuance; requiring the Commission to reduce a certain sum owed for the extinguishment or redemption of a front foot benefit charge by a certain amount under certain circumstances; requiring certain information regarding the number of payments of a front foot benefit charge to be printed on property tax bills in Prince George's County; prohibiting the Commission from assessing a benefit charge against certain real property for longer than a certain number of years under certain circumstances; prohibiting the Commission from recalculating or increasing any benefit charge assessed against property because of a reduction of the revenues collected by the Commission as a result of this Act; prohibiting the Commission from assessing a benefit charge for longer than a certain number of years against any new residential real property constructed in Prince George's County or Montgomery County on or after a certain date; requiring the Commission to use money in a certain bond fund to offset any reduction of revenues collected by the Commission as a result of this Act; providing that a property owner against whose property a benefit charge has been assessed by the Commission for a certain number of immediately preceding years shall be deemed as having paid the benefit charges in full; prohibiting the Commission from assessing a front foot benefit charge against certain property during a certain fiscal year; prohibiting the Commission from raising a certain service rate for water or sewer usage by more than a certain amount in a certain fiscal year; and generally relating to water and sewer usage service rates of and bonds issued and benefit charges assessed and collected by the Washington Suburban Sanitary Commission.

The Commission has taken a position of opposition to this legislation. The Montgomery County Executive has taken a position of opposition to this proposed legislation.
For the purpose of requiring certain buildings owned by the Washington Suburban Sanitary Commission to be high performance buildings under certain circumstances; exempting certain building types from certain high performance building standards; authorizing the Commission to request a certain waiver from certain high performance building standards from a certain county; authorizing a certain county council, with approval of the county executive, to issue a certain waiver under certain circumstances; expressing a certain intent of the General Assembly; defining certain terms; and generally relating to the Washington Suburban Sanitary Commission and high performance buildings.

*The Commission has not yet taken a position on this legislation.*