

**WASHINGTON SUBURBAN SANITARY COMMISSION**

**MINUTES OF THE COMMISSION MEETING**

**Wednesday, November 17, 2010  
Laurel, Maryland**

Chair Antonio Jones called the meeting to order at 8:38 a.m. in the Auditorium of the Richard G. Hocevar Building, 14501 Sweitzer Lane, Laurel, MD 20707, with due notice having been given to all members of the Commission and the public. Vice Chair Dr. Roscoe M. Moore, Jr., Commissioners Prem P. Agarwal, Adrienne A. Mandel, and Joyce Starks, were present at the meeting. Also, present were General Manager Jerry Johnson, Deputy General Manager Teresa Daniell, Corporate Secretary Charlett Bundy, and General Counsel Jerry Blask. Commissioner Gene W. Counihan was unable to attend.

**PLEDGE OF ALLEGIANCE**

Chair Jones asked Retired Air Force Colonel, WSSC Deputy General Manager Teresa Daniell to lead the pledge of allegiance.

**AGENDA APPROVAL**

Commissioner Starks moved to approve the revised agenda for Wednesday November 18, 2010 that Commissioners received prior to the start of the meeting. Commissioner Agarwal seconded the motion. The vote was called by Chair Jones and the motion carried with five affirmative votes.

Later in the meeting the agenda was amended: Commissioner Starks moved to amend the agenda to add an item to the closed session pursuant to Section 10-508(a)(13) to discuss WSSC's participation in an investigation by the Montgomery County Inspector General. Commissioner Moore seconded the motion. The motion carried with five affirmative votes. Next, Commissioner Mandel moved to amend the agenda to include a closed session pursuant to Section 10-508(a)(13) to discuss a double billing problem being investigated by Montgomery County. Commissioner Moore seconded the motion. The motion carried with five affirmative votes.

**MINUTES**

Commissioner Mandel moved to approve the open session minutes as revised from the October 20, 2010 Commission meeting. Commissioner Moore seconded the motion. The motion carried with four affirmative votes as Commissioner Agarwal abstained because he was absent from the meeting.

#### **WSSC RETIREES**

There were three retirees this month and none were present to be recognized. They were: Charles S. Gaither, a Utility Technician I who retired with 22 years and 10 months of service; Homer E. Jones, a Utility Technician II who retired with 23 years and 9 months of service and Charles F. Rupprecht, a Maintenance Strategist who retired with 32 years and 1 month of service.

#### **WSSC EMPLOYEES AT WORK**

This month's video featured a public service announcement featuring Montgomery County chefs, Jim Stump and Jon Mayer aka the Feasty Boys who advise of the benefits of proper disposal of fats, oils, and grease. The video will be distributed for airing on local and cable TV stations as a public service announcement.

#### **MEDIA / PUBLIC COMMENTS**

Ms. Tammy Lane of 7402 Flower Avenue in Takoma Park, MD spoke about problems with sewer backups in her home. She presented Commissioners with a diagram of her understanding of the sewer connections to her home and her neighbors' homes, photos of the backup debris left in her home, and email messages documenting discussions with WSSC personnel.

There were no comments from the press.

#### **COMMISSIONERS' COMMENTS/INTENTIONS**

Commissioner Agarwal wished the veterans and employees a happy Thanksgiving and advised all to drive carefully in their travels over the holiday. He thanked God for what we have in this country and asked employees to donate generously to those less fortunate.

Commissioner Starks thanked the staff in this season of Thanksgiving for all the time and effort they expend to make sure the organization moves forward. She also thanked Chair Jones for his leadership of WSSC, the Commissioners for their work and Commissioner Counihan even though he was absent.

Chair Jones wished all a wonderful Thanksgiving holiday and expressed his hope that employees would have a wonderful time with their family and friends.

**GENERAL MANAGER'S OFFICE**

**Monthly Report.** The call center's achievement of having one of the highest answer rates since October 2005 was first addressed by Mr. Johnson in his summary of the month's activities. Phase I of the Interactive Voice Response System (IVR) went live on October 7<sup>th</sup>. There was a good response to this new technology. As a means to improve bill payment time, meetings with the largest WSSC customers sought to establish a more formal relationship with the person(s) responsible for paying the WSSC bill. Next Mr. Johnson reviewed the ongoing data collection for the 2010 Disparity Study and advised Commissioners the completion date has been changed to December 15, 2010. Also in order to ensure the reliability of the study's data WSSC will retain outside counsel and an economist to review data and rely on the WSSC internal auditor's review of some of the data to ensure that it was collected appropriately.

The Commission employees donated \$62,500 for the United Way campaign to date. A review of the status of WSSC's budget indicated that it is on target with the projections. The Human Resources Department completed open enrollment for benefits in October without any problems. A processing center was opened on the 6<sup>th</sup> floor during the benefits enrollment period to accommodate special questions from employees.

The strategic plan was rolled out with the plan's information shared with the media and on the WSSC web site. Employees received a tri-fold brochure that describes the strategic plan with their paycheck/deposit notice. Staff are examining how to measure the plan's progress.

On October 6<sup>th</sup> as part of the biology program at Richard Montgomery High School, a school that is part of WSSC's school partnership program, the Seneca Wastewater Treatment Plant hosted 100 students at the plant to demonstrate the process for wastewater clean-up.

J. L. Hearn has been reappointed by Governor O'Malley for a second term to the Chesapeake Bay Restoration Fund Advisory Committee.

WSSC flexed its good corporate citizen muscles and joined the Prince George's County's adopt-a-road program. By adopting Sweitzer Lane, employees will from time-to-time clear litter from the street where WSSC is headquartered.

**Internal Audit Office**

**1. Monthly Activity Report.** Ms. Bardwell provided Commissioners with an update of the monthly audit activities since the previous month's report, the status of the staffing in her office and a brief overview of the activities of the WSSC Ethics Board. Albert Lucas, a representative from Thompson, Cobb, Bazilio, & Associates,, PC, the firm that conducted the independent audit of the WSSC for the year ending June 30, 2010, provided Commissioners with an overview of the detailed audit report submitted by the firm. The firm opined that the financial statements "present fairly, in all material respects, the financial position of WSSC as of June 30, 2010 and 2009, and the results of its operations and its cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America."

**DEPARTMENT BRIEFINGS**

**Customer Care Team**

Beginning with Contract 5017, Mr. Chow advised of the need to add a change order to this contract for trunk sewer inspections and surveying, for purchase orders P72002, P72004, and P72005. Next he discussed Change Order 1 to Purchase Order 74193 for a 36-inch diameter force main sewer by-pass at the Piscataway Waste Water Treatment Plant. With the consensus of Commissioners, both items were moved to this month's Consent Calendar.

**Engineering and Construction**

Mr. Gumm presented two items: Contract CD 4258A05 for Enhanced Nutrient Removal at the Piscataway Waste Water Treatment Plant and Amendment 1 to Contract CD4258A05 for design services during construction of the ENR system. Commissioners agreed to move these two items to the consent calendar.

**Finance Office**

The Front Foot Benefits Rate and House Connection Charges for 2011 were summarized.

**Resolution 2011-1899.** Commissioner Mandel moved that the Commission adopt Resolution 2011-1899 that amends the system development charge to reflect the sunset of the youth facility exemption so that WSSC is in accordance with state law. Commission Agarwal seconded the motion. The motion carried with five affirmative votes.

**Production**

Mr. Price first briefed Commissioners on Contract 1035 for water storage tank inspections and other related services. Next he discussed the agreement WSSC would make with WARN - Water/Wastewater Agency Response Network -- an intrastate mutual aid and assistance network. Both items were moved to the consent calendar.

**DEPARTMENT BRIEFINGS FOR DECEMBER VOTE****Engineering & Construction**

Commissioners received a briefing on the Change Order 1 to Contract PM0014A08 a basic ordering agreement for water modeling and planning. Commissioner Mandel moved to approve Change Order 1 to Contract PM0014A08. Commissioner Agarwal seconded the motion. The motion carried with five affirmative votes.

**Contract CS4441A06 and CP4733A07.** After receiving the briefing on Amendment One to Contract CS4441A06 for design services during construction at the Anacostia Facility and Contract CP4733A07 for screenings at the Anacostia Wastewater Pumping Station Number 2, Commissioner Moore moved to approve both items. Commissioner Mandel seconded the motion. The motion to approve Amendment One to Contract CS4441A06 and Contract CP4733A07 passed with five affirmative votes.

**CONSENT CALENDAR**

Commissioner Agarwal moved to approve Resolution 2011-1900 that approves items briefed October 20, 2010:

**A. Logistics**

Contract 5509, Ductile Iron Pipe and Accessories to Acorn Supply and Distributing Inc., for \$8,501,724.00; and items briefed November 17, 2010

**B. Customer Care**

1. Change Order to increase Contract 5017 contract total by \$1,050,000.00 for:

- a. Trunk sewer inspections and surveying per Purchase Orders P72002, P72004, and P72005; and
- b. Purchase Order 74193, Change Order 1 for a 36-inch diameter force main sewer by-pass for the Piscataway Waste Water Treatment Plant

**C. Production**

1. Contract 1035, Water Storage Tank Inspections & Other Related Services to World International Testing, Inc. (\$475,000) and Tank Industry Consultants (\$323,600) for \$798,600 total;
2. WSSC joining Mutual Aid and Assistance Agreement for Intrastate WARN -- Water/Wastewater Agency Response Network

D. Engineering & Construction

1. Contract CD4258A05, Design Services During Construction at Piscataway Waste Water Treatment Plant Enhanced Nutrient Removal (ENR) and
2. Amendment One to Contract CD4258A05, Design Services During Construction, Piscataway WWTP Enhanced Nutrient Removal (ENR) for a total of \$1,462,367.00 to O'Brien and Gere Engineers, Inc.

Commissioner Moore seconded the motion. The motion to adopt the Consent Calendar for the November 18, 2010 meeting passed with five affirmative votes.

**COMMISSIONERS CONFERENCE ROOM**

**COMMISSIONER REPORTS**

**Working Group Reports**

**Governance/Personnel.** The Committee asked to delay a vote on the Standard Procedure for paying legal fees for Commissioners when outside counsel is needed. The General Manager was asked to have the Intergovernmental Relations Staff draft bills for consideration by the county legislatures on staggered terms, effect of vacancy (to add a provision for an alternate) and for amending salaries of Commissioners.

**Institutional Processes Oversight**

**Report of the WSSC Employees' Retirement Board of Trustees Meeting.** In her report of the status of the Employee's Retirement Plan Accounts, Commissioner Mandel provided a summary as of September 30, 2010. The Plan has a net gain of 36% that yielded a total asset of \$617.4 million. As of October 27, 2010 the fund had \$632 million. All investment strategies are within allocation range limits as of that date. Overall the plan's investment performance is up 11.8%. As of November 12, 2010 the Plan's estimated value is \$634 million.

**Infrastructure Funding & Fiscal Budget**

There was no formal report from this committee this month just that a sub-committee had met to review and hire a third party to provide specialized assistance to the committee.

**Corporate Secretary**

**Monthly Report.** Ms. Bundy briefed Commissioners on the status of her monthly activities.

**Continued Business**

Matters under continued business were carried over to the next meeting.

Chair Jones then recessed the meeting for lunch at 12:00 p.m. The meeting resumed at 12:52 p.m.

**CLOSED SESSION**

At 1:30 Commissioner Starks moved to close the meeting pursuant to Maryland State Government Article 10, Subtitle 5, Section 10-508(a)(13) to approve the October 20, 2010 Closed Session Minutes and to discuss three matters not subject to the Open Meetings Act: 1) the WSSC's participation in the Montgomery County Inspector General's Investigation, the investigation of billing practices of a developer, and some information on contracting costs expended by the Corporate Asset Management Organization; and Section 10-508(a)(1) to discuss a personnel matter involving a direct report. Commissioner Agarwal seconded the motion. The motion carried with five affirmative votes. At 2:32 p.m. Chair Jones declared the meeting was closed.

**COMMISSIONERS' CONFERENCE ROOM**

**ATTENDEES:** Chair Antonio Jones, Vice Chair Dr. Roscoe Moore; Commissioners Prem P. Agarwal, Adrienne A. Mandel, and Joyce Starks; General Manager Jerry Johnson, General Counsel Jerry Blask, Internal Auditor Maxene Bardwell, Sr. Counsel Russell Beers, Greg Boykin, Group Leader for the Corporate Asset Management Organization (CAMO) and Corporate Secretary Charlett Bundy.

**Montgomery County Investigation.** Ms. Bardwell advised to the best of her information, knowledge, and belief what was the subject of the investigation (a contractor who billed Montgomery County and WSSC for the same project) and provided some information about her assistance in the investigation. At 1:52 p.m. Ms. Bardwell left the room.

