

WASHINGTON SUBURBAN SANITARY COMMISSION

MINUTES OF THE COMMISSION MEETING

**Wednesday, January 16, 2013
Laurel, Maryland**

Chair Chris Lawson called the meeting to order at 8:45 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 Gene Counihan, Commissioners Adrienne A. Mandel, Antonio L. Jones, Melanie Hartwig-Davis, and Roscoe M. Moore, Jr. were present at the meeting. Also, present were General Manager Jerry Johnson, General Counsel Jerry Blask, and Corporate Secretary Charlett Bundy.

PLEDGE OF ALLEGIANCE

Chair Lawson asked Commissioner Jones to lead the pledge of allegiance.

AGENDA APPROVAL

Vice Chair Counihan moved to approve the agenda for the WSSC Commission meeting for Wednesday January 16, 2013. Commissioner Mandel seconded the motion. The motion carried with five affirmative votes as Commissioner Hartwig-Davis had not arrived when the vote was taken.

MINUTES

Commissioner Mandel moved to approve the open session minutes of the December 19, 2012 Commission meeting. Vice Chair Counihan seconded the motion. The motion carried with five affirmative votes as Commissioner Hartwig-Davis had not arrived when the vote was taken.

WSSC RETIREES

All three retirees this month were absent from the meeting. They were: Carol F. Hockersmith, a Wastewater Plant Operator, Seneca/Damascus/Hyattstown Group who retired with 24 years and 1 month of service; Juan A. Cruz, a Utility Technician II, Customer Care North retired with 23 years and 4 months of service; and Jacob E. Piper, a Maintenance Contracts Inspector, Industrial Assets Management Group/Anacostia who retired with 31 years and 11 months of service.

COMMUNICATIONS

The January Service Award Ceremony was the topic of this month's video from the Communications Department. It featured some of the 80 employees who have been employed at WSSC from 10 to 35 years.

MEDIA/PUBLIC COMMENTS

Freddie Winston of F & L Construction. Mr. Freddie Winston has been in business since 1991 in Prince George's County. He spoke in favor of the bill requiring prevailing wage applied to WSSC contracts above \$2000.

Christine Williams of Beltway Paving. Ms. Williams is President of the company and asked Commissioners for support of MC/PG 112-13. Her company is a minority and woman-owned business. She gave her personal reasons for asking WSSC to support the prevailing wage bill.

There were no comments from the media.

COMMISSIONER COMMENTS

Commissioner Moore noted that Martin Luther King, Jr. Day was Monday. His mother-in-law, Mrs. V. Rita Haywood taught Coretta Scott King in the Marion School in Lincoln, Alabama in 1938. Dr. Moore noted he was one of the marchers with Dr. King to Montgomery, Alabama.

Chair Lawson recognized the WSSC Mentor Program. As a coach and manager of Boys and Girls Clubs he called to note the importance of mentoring youth. He expressed his gratitude to Angela Ballard-Landers for managing the WSSC Mentor Program.

Commissioner Jones thanked Mr. Johnson and his colleagues for their kind thoughts and prayers in the loss of his mother-in-law.

GENERAL MANAGER'S OFFICE

Monthly Report. Mr. Johnson advised Commissioners that WSSC continues to make progress with the call answer rate of 91% and 8 or 9 days at 98%. Delinquencies are down slightly over the previous month primarily because of a major payment made by Government Services Administration (GSA) (close to one million dollars) due to the efforts of customer care. All plants are well in compliance with no violations. Water production is slightly down from where it was last year. This month WSSC met its annual requirement to submit the WSSC Water Audit to the State of Maryland showing a 17.42% loss for unmeasured water and as this is above the 10% threshold required by the state, there will have to be a lost water reduction plan submitted.

Mr. Johnson referenced the monthly update on the consent decree in his report. Breaks and leaks numbered 302, an increase from the previous month and year. A number of weather variations occurred which accounted for the uptake in the number of breaks. Water main and sewer construction and reconstruction and water construction and rehabilitation activities are ahead of planned

goals and will remain so as long as the weather remains moderate. He referenced the graphs in the workforce management section which had been updated from the previous month to provide more clarity to the report.

Soon the WSSC will implement new computer software, i.e., People Admin, to assist the Human Resources Department with receiving and tracking on-line applicants' applications. It will allow for acknowledging receipt of applications and allow hiring managers to review application tasks on-line. According to Mr. Johnson, overall it will greatly reduce the time to fill positions.

Mr. Johnson referenced the many activities of the SLMBE Office. He noted that the budget is on target with budget projections and he expects the budget year will finish well.

Next Mr. Johnson announced that WSSC had received the highest award from the industrial coatings industry's Steering Committee on Surface Penetration and Coatings for the exterior paint scheme of the National Geographic Globe that is painted on a water tank in Montgomery County. The award was made at their annual meeting.

Minor technical changes in the Intermunicipal Agreement necessitate that it be re-circulated for a second approval by the signatories. It is expected to be sent to WSSC for approval in February.

The Patuxent Water Filtration Plant is one of the seven such plants in the United States and only one in Maryland who received the Director's Award from the American Water Works Association's Partnership for Safe Water for 2012. Mr. Johnson advised that last year Potomac Filtration Plant received the award.

WSSC received a "Keep Prince George's County Beautiful Award for 2012" to commemorate WSSC's work on Sweitzer Lane as a participant in the county's Adopt-a-Road program.

A WSSC engineering academy established at the Anacostia Depot allowed 15 middle school students to learn about careers in the water and the wastewater industry. Channel 4 (Washington, D.C.) broadcast a story about this activity which further demonstrates how WSSC meets its responsibilities as a good corporate citizen.

About 12 meetings were held with a variety stakeholders interested in learning more about the report on the Watershed.

Miscellaneous Discussion

Commissioners in asking questions of Mr. Johnson about the annual report it became apparent that Commissioners wished to have

a regular report from WSSC boards. Whereupon, Vice Chair Counihan moved that the Commission require an annual report from the Citizens Advisory Board and the Dispute Resolution Board to be scheduled for a regular Commission September meeting every year unless different dates are established in other governing documents. Commissioner Jones seconded the motion. Commissioner Mandel asked Vice Chair Counihan to amend his motion such that the language be changed to require all Commission Advisory Boards provide a report rather than naming the boards individually. Vice Chair Counihan accepted the amendment to his motion. However, the Dispute Resolving Board is expected to report in March this year. The motion carried with six affirmative votes.

PUBLIC COMMENTS CONTINUED

Gene Pinder of A Pind Construction. Mr. Pinder arrived late but requested and was granted time to give his statements encouraging WSSC to adopt MC/PG 112-13, the bill requiring WSSC to mandate prevailing wages on contracts over \$2000. A Pind Construction is a minority firm operating in the Metropolitan Washington area since 2007. He was joined by his wife and business partner, Quiana Pinder. He opined that the bill does not harm minority contractors but strengthens the community.

ADDITIONAL COMMISSIONER COMMENTS

Internal Audit Office

Monthly Activity Report. Ms. Maxene Bardwell provided an update on the activities in the Internal Audit Office. The report covered the period December 10, 2012 to January 4, 2013. System Development Charge savings for the period were unchanged from last month, at approximately \$864,000. She attempted to review the status of FY 2013 audit plan items but she lost her voice and Dana Whiting continued the report of the status of current projects and the Board of Ethics.

Board of Ethics. The Board of Ethics held its regularly-scheduled meeting on December 13, 2012. Several closed and open items were reviewed. Code of Ethics training was provided to 13 new hires by the Ethics Officer. The fulltime, shared administrative assistant position that will report to the Ethics Officer has been re-advertised.

Resolution 2013-1995. Commissioner Jones moved to adopt Resolution 2013-1995 that appoints George Pruden, II as a regular member of the WSSC Board of Ethics. Commissioner Moore seconded the motion. The motion carried with six affirmative votes.

Resolution 2013-1996. Commissioner Mandel moved to adopt Resolution 2013-1995 that appoints Wayne R. Keeler as an alternate member of the WSSC Board of Ethics. Commissioner Hartwig-Davis seconded the motion. The motion carried with six affirmative votes.

DEPARTMENT BRIEFINGS

Finance Office

Mr. Traber presented these items explaining that the bond sale had been split - some sold last November and the current sale -- to save the Commission interest expense.

Resolution 2013-1990. Commissioner Mandel moved to adopt Resolution 2013-1990 that provides for the public sale, and publication of the notice of sale, of the water supply bonds, the sewage disposal bonds and the general construction bonds, and providing for the consolidation of such bonds for issuance, sale and delivery as a single series of bonds. Commissioner Jones seconded the motion. The motion carried with six affirmative votes.

Resolution 2013-1991. Commissioner Jones moved to adopt Resolution 2013-1991 that authorizes the issuance of Water Quality Bond Series 2013A. Vice Chair Counihan seconded the motion. The motion carried with six affirmative votes.

Engineering and Construction

Architect/Engineer Contract. Mr. Gary Gumm, Chief Engineer presented one architect/engineer contract for approval this month. It was Contract BF2028I97 for the Potomac submerged channel intake, a project to study the feasibility of moving the intake to a more optimum position and complying with the National Environment Policy Act.

Construction Contracts. Commissioners received a briefing from Mr. Gary Gumm on four construction contracts: BTBR5240A11 for water main replacement (24") on Veirs Mill Road; BR5231C11 for water main replacement in Chapel Oaks III; BR5398A12 for water main replacement in Bel Pre Woods and Aspen Hill Road; and BR5356A12 for water main replacement in Chevy Chase Village South.

CONSENT CALENDAR

Commissioner Jones requested that Contract BF2028I97 be removed from the Consent Calendar until the cost of the prior contract could be determined.

Vice Chair Counihan moved that the Commission approve Resolution 2013-1989 that adopts the Consent Calendar for the January 16, 2013 Commission meeting (with the exception of Contract BF2028I97) containing the following items:

Architect/Engineer Contract
BF2028I97, Potomac Submerged Channel Intake Project
to Black & Veatch Corporation in the amount of
\$1,241,238.00.

Construction Contracts

1. BTBR5240A11, Water main replacement (24") on Veirs Mill Road to Civil Construction, LLC, in the amount of \$3,323,460.00.
2. BR5231C11, Water main replacement, Chapel Oaks III to Schummer, Inc., in the amount of \$1,372,262.00.
3. BR5398A12, Water main replacement, Bel Pre Woods and Aspen Hill Road to Fort Myer Construction Corp. in the amount of \$1,713,989.00.
4. BR5356A12, Water main replacement, Chevy Chase Village South to J. Fletcher Creamer & Son, Inc. in the amount of 1,319,505.67.

Commissioner Jones seconded the motion. The motion carried with six affirmative votes.

DEPARTMENT BRIEFINGS

Ad Hoc Committee on the Design Manual

Mr. Johnson advised Commissioners that the consultant would begin to conduct some of the internal interviews. Responses from the additional groups added to the committee have netted the names of their representatives. Vice Chair Counihan advised Mr. Johnson of the recommendation from Montgomery County that the interviews not be held up until all appointees are named.

Watershed Regulations

Since publication of the Watershed Regulations the staff has met with a series of stakeholders in 11 meetings to discuss the draft of the regulations. Jay Price provided an overview of the results of the consultant's study of the watershed and described the next steps in the process for publishing and adopting the proposed changes to watershed permitting. He outlined the costs that will be assessed users of the watershed and the changes created from the consultant's recommendations.

Intergovernmental Relations Office

2013 Legislative Agenda. Mr. Kirk Wineland presented an update on several bills.

MC/PG 103-13. System Development Charge Exemptions.

Sponsored by Senator Curry, expands the definition of what is an exemption to the SDC levied by WSSC. The purpose of the project is the same one as was referenced in a similar bill a few years ago. The previous bill sunset before the project could be started. The project is the Lake Arbor Community Center and is the same as the project in the bill that sunset. There was discussion about the word change to the exemption bill from exclusively to "primarily" used for youth. Commissioner Mandel moved to support MC/PG 103-13 with an amendment to delete the word "primarily" and insert the word "exclusively." Vice Chair

Counihan seconded the motion. Further discussion ensued on the topic. Request for a clearer definition of "primarily" arose. Commissioner Moore noted that the issue was not ready for a vote and asked to have it tabled. Commissioner Mandel noted that she would withdraw her motion if additional information could be provided at a later meeting. Chair Lawson tabled the motion to a later meeting.

MC/PG 104-13. Water Conservation On-Bill Financing Program.

Commissioner Mandel moved that the Commission support MC/PG 104-13. Commissioner Jones seconded the motion. Commissioner Mandel noted that Delegate Carr mailed additional information to answer Commissioners' questions on this bill. Commissioner Mandel asked that the motion be tabled until Commissioners could read the communiqué from Delegate Carr.

MC/PG 106-13. Commissioners' Supplemental Salary Bill.

An amendment drafted by the Montgomery staff was provided to Commissioners. Vice Chair Counihan moved to adopt the amendment to MC/PG 106-13. Commissioner Hartwig-Davis seconded the motion. The motion carried with six affirmative votes. Vice Chair Counihan allowed an amendment to the motion from Commissioner Jones. The final motion was: adopt MC/PG 106-13 and in addition to the salary provided in paragraph(1) of this subsection, the County Council of Montgomery County and the County Council of Prince George's County may initiate and approve a salary increase in consultation with the respective County Executives and as provided in Section 17-202 of this Title consistent with Article 3, Section 35 of the Constitution of Maryland. The motion with the amendment carried with six affirmative votes.

MC/PG 108-13. Agricultural Nutrient Management Exemption.

The Prince George's County WSSC Bi-County Committee recommended an unfavorable status and it was expected to be killed in the delegation so Mr. Wineland suggested the Commissioners not take any position on this matter.

MC/PG 112-13. WSSC Prevailing Wage.

Delegate Hucker sponsors this legislation. Staff formerly recommended opposition but after speaking with Delegate Hucker, staff recommends WSSC support the legislation with the following amendment: Mirroring the threshold for prevailing wages that Prince George's County and Montgomery County currently observe, i.e., \$500,000. Commissioner Hartwig-Davis moved that the Commission support Mc/PG 112-13 Prevailing Wage as amended. Commissioner Mandel seconded the motion. The motion carried with six affirmative votes.

MC/PG 113-13. WSSC Drinking Water/Wastewater Effluent

Testing. Staff recommended opposition to this legislation which is also sponsored by Delegate Hucker. Following meetings with Delegate Hucker, the staff recommended support of the bill. Commissioner Mandel moved that the Commission support MC/PG 113-13 with amendments. Commissioner Jones seconded the motion. The motion carried with six affirmative votes.

MC/PG 114-13. Sewage Posting Requirements and MC/PG 115-13.

Sewage Leaks Notice Requirements. Mr. Wineland indicated that staff had met with Delegate Hucker but there was no change in the recommendation. Mr. Wineland stated additional time would be needed to obtain an agreed upon position on this bill. Commissioner Mandel moved to table this bill. Commissioner Hartwig-Davis seconded the motion. The motion carried with six affirmative votes.

MC/PG 107-13. This bill which extends the deadline for the submission of the WSSC Minority Business Program Legislative Annual Report passed.

Since the previous month's Commission meeting, the proposed venue bill was sent to a member of the legislature who agreed to sponsor the bill. The legislator then asked Mr. Wineland to convey to Mr. Johnson that the legislator would not sponsor the bill.

Corporate Secretary's Report

Ms. Bundy reported that the Maryland Archives had catalogued and posted on the web site all of the materials sent last year which were donated by former Commissioner Johanna Norris, WSSC's first woman Commissioner. Ms. Bundy also detailed her activities for the month.

Committee Reports

Personnel & Governance. Commissioners Hartwig-Davis stated the committee is finalizing the evaluation of direct reports. A standard procedure needs a vote. Commissioner Mandel asked that the procedure be placed on the February meeting agenda. The Committee is awaiting information from Mr. Johnson on certain personnel matters.

WSSC Employee Pension Board of Trustees. There was no meeting of the Pension Board of Trustees this month. Commissioners Moore and Jones are planning to meet with Hughes Capital who serves the Pension Board.

Bi-County Infrastructure Funding Working Group. The committee created a sub-group to manage the next order of business

of the working group. The sub-group met in December and made assignments. The next meeting is scheduled for January 23rd. The full working group is expecting to meet in February.

LUNCH RECESS

At 12:51 p.m. Chair Lawson called for the lunch recess. The meeting resumed at 1:34 p.m.

Ethics Officer

Lobbying Awareness. Kim Neal, WSSC Ethics Officer gave Commissioners an overview of the lobbying regulations in the WSSC Code of Ethics. The presentation was part of the Ethics Board's goal to improve awareness of lobbying activities at WSSC.

Approval of New Chair. Mr. Dana Whiting of the Internal Audit Department asked Commissioners to approve a resolution appointing a new chair to the Ethics Board. Commissioner Hartwig-Davis moved that the Commission approve Resolution 2013-1994 which appoints George E. Pruden, II as Chair of the Ethics Board for 2013. Vice Chair Counihan seconded the motion. The motion carried with six affirmative votes.

Engineering & Construction

Contract BF2028I97. Commissioners received additional information which led to Commissioner Jones moving to approve Contract BF2028I97. Commissioner Moore seconded the motion. The motion carried with six affirmative votes.

MISCELLANEOUS/FOLLOW-UP

Commissioners reviewed a handout on lobbying that was provided by the Ethics Officer who has implemented a lobbying awareness campaign. Next, Commissioners discussed the replacement for Corporate Secretary Charlett Bundy who is to retire in June 2013.

CORPORATE SECRETARY RECRUITMENT

Ms. Bundy is retiring in June and Commissioners reviewed the plan for hiring her replacement. Commissioners reviewed a draft of the revised job description for the Corporate Secretary and discussed particulars of the recruiting plan.

CLOSED SESSION

At 3:03 p.m. Commissioner Hartwig-Davis moved that the Commission go into Closed pursuant to Maryland State Government Article 10, Subtitle 5, Section 10-508(a)(13) to approve the December 19, 2012 Closed Session Minutes and Sections 10-508(a)(7) to obtain legal advice concerning litigation; and Section 10-508(a)(1) to discuss personnel matters related to procedures for managing direct reports and the retirement of the corporate

secretary. Commissioner Jones seconded the motion. The motion carried with six affirmative votes.

At 3:05 p.m. Chair Lawson declared the meeting was closed.

ATTENDEES: Chair Chris Lawson; Vice Chair Gene Counihan, Commissioners Roscoe M. Moore, Jr., Adrienne A. Mandel (but not present for discussion on the refund hearing), Antonio Jones and Melanie Hartwig-Davis; General Manager Jerry Johnson, General Counsel Jerry Blask, Corporate Secretary Charlett Bundy.

Legal Advice. Mr. Blask advised of the status of several matters currently in litigation and which required Commissioners' oversight.

Closed Session Minutes. Commissioner Moore moved to adopt the Closed Session Minutes for the December 19, 2012 Commission meeting. Commissioner Jones seconded the motion. The motion carried with six affirmative votes.

At 3:30 p.m. Jerry Blask and Charlett Bundy left the meeting while Commissioners discussed a personnel matter with Mr. Johnson.

At 4:00 p.m. Commissioner Hartwig-Davis advised the Corporate Secretary that Ms. Davis had moved to open the meeting and Commissioner Jones had seconded the motion with the motion being approved with five affirmative votes. Commissioner Moore was out of the room.

OPEN SESSION RESUMED

Commissioners' Item

Commissioners reviewed Standard Procedure GOV 13-01, Performance Evaluation of the GM/CEO. After discussion, Commissioner Jones moved that the Commission adopt Standard Procedure GOV 13-01. Commissioner Moore seconded the motion. The motion was tabled until some of the language was clarified and it could be reviewed in accordance with the Standard Procedure governing the adoption of Standard Procedures.

Chair Lawson asked if there was any additional business to consider. There being no further business, Chair Lawson requested a motion for adjournment.

Adjournment

Commissioner Hartwig-Davis moved to adjourn the meeting. Commissioner Moore seconded the motion. The motion carried with six aye votes. At 4:20 p.m. the meeting was adjourned.

Respectfully submitted,

 //signed//
Charlett Bundy
Corporate Secretary