

WASHINGTON SUBURBAN SANITARY COMMISSION
MINUTES OF THE COMMISSION MEETING

Wednesday, March 20, 2013
Laurel, Maryland

Chair Chris Lawson called the meeting to order at 8:47 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 Moore to lead the pledge of allegiance.

AGENDA APPROVAL

Commissioner Mandel moved to approve the agenda for the WSSC Commission meeting for Wednesday March 20, 2013. Commissioner Jones seconded the motion. The motion carried with six affirmative votes.

MINUTES

Commissioner Jones moved to approve the open session minutes of the February 20, 2013 Commission meetings. Vice Chair Counihan seconded the motion. Commissioner Hartwig-Davis noted that there was a correction to the minutes removing the name of Gary Gumm as attending the meeting at Cheverly and adding Tom Traber, Jim Neustadt, and Lyn Barry as having attended that meeting. Also Ms. Hartwig-Davis would be included in the committee to screen the applicants for the Corporate Secretary position. The motion carried with six affirmative votes.

WSSC RETIREES

Byron J. Jim Benton, retired as a Watershed Field Coordinator in the Systems Control Group with 34 years and 4 months of service.

COMMUNICATIONS

This month Commissioners viewed a video prepared by the Communications Department on highlights of the WSSC 2013 Women's Business Expo.

COMMISSIONER COMMENTS

Commissioner Mandel made some remarks about Women's History Month. She began by stating that:

On March 3, 2013, thousands of women marched to reenact the 100th anniversary of the original Women's March on Washington in 1913 when women demanded the right to vote. Women were mocked, teased, and harassed but they moved on and the push for women's suffrage was finally won with the 19th Amendment to the U.S. Constitution in 1920. As the saying goes, we women have come a long way but we still have a long way to go.

This year marks the 95th anniversary of WSSC and to date, only 13 females have been appointed Commissioners. It was not until 1971 that the first woman, Johanna Norris of Prince George's County became a Commissioner. Her files and papers now reside in the State of Maryland Archives, they are women history documents, available for researchers.

Today, the WSSC workforce is only 30% women, the hard number is 461. Of these 461 females only 40 hold positions as unit coordinators, group leaders or managers. Women are 51% of the national population but their representation in Congress and state legislatures, in engineering and science fields, and here at WSSC is not commensurate with our numbers or our abilities.

As we all think about Women's History Month, let us recognize we are available but underutilized in too many walks of life -- except mothering of course. We must encourage our daughters, our sisters, our aunts, our girlfriends to be all they can be, to pursue their dreams limited only by their own interests and abilities but not by their gender. In order for us to keep building a women's history month or her-story month we must mentor women who are our juniors who are struggling with the demands of motherhood or who are trying to balance family needs with their desire or need to enter the workforce. We must do this as individuals and as a group. Women must continue to be change agents, heroines, and she-roes. We have the ability to do so.

As I reminded all of us last year, once again I will remind you that Ginger Rogers, a 1940s and 1950s movie and dance star did everything her partner Fred Astaire did only she had to do it backwards and in high heels.

Commissioner Jones commented on the video of the Women's Business Expo. He noted that about this time in 2011, the agency embarked upon a Disparity Study in the midst of a very skeptical public that we would do the right thing with it. He personally thanked the SLMBE Office Director, Towanda Livingston, because she stood up in the midst of some very difficult opposition to what we were trying to do. The results in the annual study have proven that what we embarked upon with the Disparity Study is now bearing fruit. He thanked her for her efforts and for staying true to the course.

Commissioner Moore noted the passing of the former U.S. Surgeon General, Dr. C. Everett Koop who died at the age of 96 at his home in New Hampshire. Commissioner Moore noted that he had the pleasure of working with and for Dr. Koop who in 1989 appointed him as the Chief Veterinary Officer. Dr. Moore noted he served in that capacity until 1993. He was Dr. Koop's senior advisor for all issues of disease transmission from animals to humans which comprises 6% of human maladies worldwide and 70% of emerging diseases today. As Chief Veterinary Officer, he was the first American of African descent to hold this position in the uniformed services, including armed services and military. He was the highest ranking veterinarian in all of the uniformed services including the military with the rank of Rear Admiral. He stated he is indebted to Dr. Koop and his memory.

Chair Lawson advised he attended the County Executive's briefing, "It Will Change Everything" which was a meeting about the regional medical center that will be built in Prince George's County. The meeting was held at the Wayne K. Curry Sports and Learning Complex facilitated by the Chief Administrative Officer, Bradford Seaman. Chair Lawson revealed that 60% of all Prince Georgians spend millions of dollars on their health care needs elsewhere. Residents will be offered an alternative, a teaching

hospital affiliated with the University of Maryland Medical System that will become the premiere medical provider not just in Prince George's County but also in the State of Maryland. The goal is to bring 20,000 patients back to the county every year along with \$76.2 million in healthcare spending. Between the increase of number of medical practices and patients seeking quality care, the RMC is expected to generate \$100 million in additional revenue and support of \$170 million in economic activity in Maryland and employ 300 more workers than the existing Prince George's Hospital. That does not include \$336.7 million and 4300 jobs that will be generated during construction of the facility. There were approximately 100 people who spoke; and there were maps of the four projected sites: One is Largo Metro Center; the Wegman's Town Center; and the old Landover Mall site (Chair Lawson could not recall the fourth site). He stated this is positive news he wanted to share with everyone and that the project is long overdue.

MEDIA/PUBLIC COMMENTS

There were no media comments.

Ms. Annette Rosenblum, Director of Regulatory Affairs at the Maryland National Capital Building Industry Association (MNCBIA) read a statement from the MNCBIA which represents builders and developers who work in Montgomery and Prince George's County as well as Southern Maryland areas. She asked the Commission to reconsider a provision in the Plumbing and Gas Code by adding an amendment to allow installation of longer hot water pipe, 50 to 100 feet from the source of the heat, if it is insulated. Insulation is required in the 2012 Energy Act and has been adopted by the counties. The proposal would still save water and energy but allow for more choice in the design of the plumbing system and be "product-neutral." She then went on to explain why and the

impact on costs related to the proposed regulation in the Plumbing and Gas Code.

Ms. Barbara Sollner-Webb of West Laurel commented on the Equestrian Trail. She congratulated WSSC for resolving a number of issues but described some that remain troubling to her. She noted the removal of the requirement for packing out horse droppings. She noted the reinstatement of free entry for seniors but questioned why it was not reinstated for disabled individuals. She also appreciated removal of the ban on breaking branches that could blind a rider or spook a horse. She noted it would be great to reinstate a volunteer force to help with trail maintenance. The duplicative picnic charge was removed.

GENERAL MANAGER'S OFFICE

Monthly Report. The Call Center had a 93% rate last month. Thus, improvement continues. The number of calls increased to 45,000. Delinquencies are slightly down. Federal payments impact the delinquencies.

The Maryland Department of Agriculture is again doing a rule-making to remove up to 50% of the agricultural land that is available for land application by modifying the phosphorous application rule. Mr. Johnson stated this is a very alarming and extremely concerning to WSSC because of WSSC's reliance on land application of bio-solids. If this rule is adopted, WSSC will have to change the way it does business with regard to land application and will have to develop a new operating strategy. It will cost WSSC significant more money to be in compliance.

All plants are in compliance with permit standards. The good weather has allowed WSSC to be ahead of new construction and reconstruction of water mains and sewer and lateral replacements. A break in a 42" main near Henson Creek requires WSSC to wait until the materials and permits can be obtained to armor the pipe to get it back into the shoreline so it can be secured. The pipe

failed not because of its material and construction but because of over-land run-off and other things in the creek that caused the pipe that was once alongside the shoreline to be out in the creek. Once it was undermined, there was nothing to hold it. Walking inspections are looking for other potential problems similar to this one.

Mr. Johnson met with the U.S. Environmental Protection Agency, Maryland Department of the Environment, and the Army Corps of Engineers and the result will be reported on soon. The SLMBE Office and the Communications Department both had a busy month with outreach activities and involvement in events demonstrating WSSC as a good corporate citizen. Mr. Johnson spoke about one activity in particular, the H2O Summit which was an effort to work with both counties to coordinate a series of outreach events co-sponsored by the Montgomery County Department of Environmental Protection (DEP). It was held in Gaithersburg and DEP conducted informational sessions on storm water and legislative monitoring. It was a very well attended event.

On March 15th the Watershed opened. Additional WSSC staff were used to allow smooth processing for customers purchasing the various use permits. Over 300 were sold with two-thirds sold for general use including birdwatchers and hikers. The Sewer Science Project received a good deal of coverage by local media.

A significant force main break in Reddy Branch Creek caused a sustained sanitary sewer overflow. On February 21st the SLMBE Office attended the Women President Enterprise Organization Corporate Roundtable hosted by PEPCO Holdings. WSSC was recognized by the Women President Educational Organization for WSSC's commitment to the success of women business enterprises. Also, Ms. Towanda Livingston received an award from the Women Business Enterprise National Council, the largest third-party certifier of women businesses owned and controlled in the U.S. Ms.

Livingston was inducted into the WBE NC Hall of Fame for her exemplary achievements in leadership, business, government, volunteerism, and citizenship and was prominently featured in the publication of that organization as part of their Women's History Month Activities.

Several clean-up and volunteer activities were held last month with one held at Scott's Cove that included college students. WSSC hosted an event entitled "Careers in Water and Laboratories" at the Silver Spring Laboratory. Many employees were featured at the Employee Showcase as part of the Black History Month activities at WSSC.

WSSC received a citation from the Office of the State's Attorney of Prince George's County. WSSC was recognized for its support of the Annual Crime Victims' Fund Run/Walk.

Sewer Repair in Reddy Creek. Mr. Gary Gumm and his staff member Hak Kwan briefed Commissioners about the break that occurred March 5-9, 2013 and the resulting sanitary overflow in Reddy Branch Creek.

60" Water Main Break/Chevy Chase. Mr. Jay Price then described the events that followed notification of the break in this water main on Connecticut Avenue. Commissioners learned how staff responded and the work to manage the break and consequences that hindered repair.

Midyear Budget Status Report. Mr. Chris Cullinan, budget Group Leader reported on the status of the budget at mid-year. Projected financial results were adjusted because operating revenues were lower than projected but the shortfall is surpassed by lower than expected operating expenditures. The report projects that the Commission will end with a positive \$11.6 million in revenue. He then went on to describe other adjustments in projections and billing factors that would lead to this positive year-end result. The water and sewer billing factor was

lowered to \$8.45 per thousand gallons. Mr. Cullinan said this is a trend that began in Fiscal Year 2012 and it is expected to continue into the next fiscal year. It avoids the need for large rate increases. Operating revenues are expected to be 5% less than budgeted or \$30 million. As spending does not incur lineally the analysis takes into consideration annual spending patterns to make projections for the end of the fiscal year. Operating expenses are expected to be 6% under budget. Lower salaries, better chemicals due to mild winters, lower diesel prices, delayed expenses for pipe armoring and savings on debt service contribute to the lower than projected operating revenues.

Internal Audit Office

Monthly Activity Report. Mr. Dana Whiting gave the report as Ms. Maxene Bardwell was on travel status. He provided an update on the activities in the Internal Audit Office. The report covered the month ending March 1, 2013. System Development Charges total financial savings of \$988,000. He denoted the status of the Fiscal Year 2013 projects. Next Mr. Whiting went over the carry-over items and summarized the follow-up activities. The Human Resources has implemented one action item. Implementation of management action plan for four issues is delinquent and they are owned by the Human Resources Office and relate to the HR Regulatory Compliance Audit, Phase 1. Only one is over the 90- or 120-day delinquency mark. Advisory services were provided on the following topics: disposition of removable assets, Prism training system, internal security task force, and records retention.

Board of Ethics. The Ethics Officer provided Code of Ethics training to three new hires. Top ranking candidates for the administrative assistant position was vetted and returned to the Human Resources Department for processing.

Hotline. Mr. Whiting noted the top five fraud, waste and abuse complaints were: customer relations, safety issues, sanitation, fraud, policy, and discrimination. The cases take 45 days to closure.

Citizens Advisory Board (CAB) Annual Report. CAB Chairman Vince Berg explained to Commissioners that the WSSC CAB was created in 1989. It provides WSSC input from the customer's point of view on a number of issues. The 22-member board is comprised of 11 members from each county all representing a broad spectrum of WSSC rate payers and a variety of customer interests and concerns. CAB sent a letter to WSSC about sustainable landscaping practices at the RGH headquarters; met with the GM/CEO about the dissolution of the Dispute Resolving Board and the creation of a new one. On May 12th the CAB sent a letter requesting quarterly meetings with the Commissioners and the GM/CEO. Lastly he noted resignations from some of the members.

Vice Chair Counihan noted that CAB annual reports would be due in September annually. He asked for a statement of what was done in the year and what the group forecasts for the coming year. The group meets monthly, the second Wednesday of the month. Mr. Berg acknowledged that CAB receives excellent support from Kim Knox of the WSSC Community Relations Department. Mr. Berg noted that the committee would be requesting reimbursement for mileage and daycare or home services while serving on the committee. He noted this is the practice in Montgomery County. He also noted that CAB requested a reduction in the water loss. He advised the CAB is working on a "Customer Bill of Rights" that would be brought to Commissioners in the future.

Dispute Resolving Board (DRB) Annual Report. Jacqueline Barry, Group Leader in the Customer Care Relations Group briefed the Commissioners on the activities of the Dispute Resolving Board and the Interim Resolving Board. She thanked all of the members

for the work in learning the customer review process: Interim board members were: Anthony Acquino, Charlie May Binder, Karen Simmons, Ron Wearum, John O'Master and Valerie Wells. The new board members are: John O'Master, Anthony Aquino, Keith Bullock, Vincent Berg, Ron Williams, Karen Simmons; Sylvia Anderson, Daniel Hamilton, Jr. Michael Lewis (Alternate) and Eugene Williams. The DRB held 19 meetings from January to June to review 339 cases. The former board was disbanded so the Interim Board was created. Training was provided to both the Interim and new Board prior to case review. Of the 339 requests that were reviewed, 10 hearings were held; the remaining requests were reviewed without hearings. \$102,820 was provided in relief to 35 customers out of a total of \$522,562 requested. Two very large credits made up about 32% of the total provided to customers.

WSSC Employees' Pension Fund Board of Trustees Annual Report. Mr. Rick Baker reported on the annual meeting held February 20, 2013. The valuation at year-end was \$663 million. Largest holdings were Vanguard Total Stock Market Index and Hughes Capital Fixed Income Account. No other holdings exceeded 8.3% of the portfolio. From an asset allocation standpoint, the fund is 40% U.S. stocks; 12.4% non-U.S. markets and 5% emerging markets. Global tactical asset allocation is 14.8%. At year end slightly over in equities and slightly under in real estate. The fund paid out \$50 million in benefit payments as a 4% return is needed on the investment base. The fund has beaten the benchmark six times in the last decade. Mr. Baker explained the market conditions and the impact on the activity of the various holdings. Overall, the fund was up 13.9% for the year exceeding most policy indices in comparable bonds. Money was transferred into a collective trust and drawn down on the Prudential Guarantee Deposit Account as a source of funds for the retirement account. Commissioner Moore then requested that this report be included annually as part of

the Commissioners' policy to receive an annual review from all WSSC advisory boards.

DEPARTMENT BRIEFINGS

Finance Office

Setting Front Foot Benefit Appeal Hearing Date. Mr. Tom Traber presented this item, a date for Commissioners to hear appeals of front foot levies. He proposed Wednesday May 15, 2013 at 3:00 p.m. The next items were presented by J.D. Noel. He noted that the refunding plan approved by Commissioners was also approved by the County Executive and County Councils in each county in the Water District.

Resolution 2013-2003. Commissioner Jones moved to approve Resolution 2013-2003 that authorizes the issuance of Water Supply Refunding Bonds of 2013 of the Washington Suburban Sanitary District to refund certain outstanding Water Supply Bonds of the Washington Suburban Sanitary District and provide for the payment of such outstanding bonds from an escrow account and for the payment of such refunding bonds. Vice Chair Coughlin seconded the motion. The motion carried with six affirmative votes.

Resolution 2013-2004. Commissioner Hartwig-Davis moved to approve Resolution 2013-2004 that authorizes the issuance of Sewage Disposal Refunding Bonds of 2013 of the Washington Suburban Sanitary District to refund certain outstanding Sewage Disposal Bonds of the Washington Suburban Sanitary District and providing for the payment of such outstanding bonds from an escrow account and for the payment of such refunding bonds. Vice Chair Coughlin seconded the motion. The motion carried with six affirmative votes.

Resolution 2013-2005. Vice Chair Coughlin moved to approve Resolution 2013-2005 that authorizes the issuance of General Construction Refunding Bonds of 2013 of the Washington Suburban

Sanitary District to refund certain outstanding General Construction Bonds of the Washington Suburban Sanitary District and providing for the payment of such outstanding bonds from an escrow account and for the payment of such refunding bonds. Commissioner Mandel seconded the motion. The motion carried with six affirmative votes.

Resolution 2013-2006. Commissioner Jones moved to approve Resolution 2013-2006 that provides for the public sale, and publication of the Notice of Sale, of the Water Supply Refunding Bonds of 2013, the Sewage Disposal Refunding Bonds of 2013 and the General Construction Refunding Bonds of 2013, and providing for the consolidation of such bonds for issuance, sale and delivery as a single series of bonds. Commissioner Hartwig-Davis seconded the motion. The motion carried with six affirmative votes.

Engineering and Construction

Architect/Engineer Contracts

CD4643B07. Mr. Gary Gumm Chief Engineer presented first, Amendment 2 Contract CD4643B07 for engineering services, including design services for the Parkway Biosolids project.

DCFA420. Next Mr. Gumm described the need to exercise the Option Term 3 for solicitation DCFA420-WSA/P77467. This contract provides program management support to the Consent Decree Team.

Construction Contracts

AM4991A09 - RGH Transformer Replacement. This contract replaces the temporary work completed after the May 2011 fire ruined two transmitters.

CI5300A11. This contract is for Consent Decree work in environmentally sensitive areas near the Northeast Branch. It is for indefinite quantity, delivery indefinite quantity (IDIQ) and will be granted in four awards.

Three Contracts for the Water Main Replacement Program.

This is for work under three contracts: BR5391A12 for Friendship Hts. and Elm St.; BR5355A12 for Takoma Park XVI; and BRLR5394A12 for Temple Woods I.

LOGISTICS

IFB 6251. Mr. Roscoe Wade, Director of Logistics presented this solicitation to purchase small encoder meters.

ENGINEERING & CONSTRUCTION

Mr. Gumm had an additional contract to brief.

BP5410A12. This contract for the Central Avenue Water Pumping Station provides additional pumping capacity and better service for the 317 Zone in Prince George's County. It is a water storage project that is currently under design.

CONSENT CALENDAR

Commissioner Hartwig-Davis moved that the Commission approve Resolution 2013-2002 that adopts the Consent Calendar for the March 19, 2013 Commission meeting containing the following items:

A. Finance

Setting Front Foot Benefit Appeal Hearing Date for Wednesday, May 15, 2013 at 3:00 p.m.

**B. Engineering and Construction
Architect/Engineer Contracts**

1. CD4643B07, Amendment for Engineering Services During Construction, Parkway Biosolids to CH2M Hill Engineers with an upset limit of \$2,696,709.20.
2. DCFA420 --WSA, Program Management Long-term Control Plan to Greeley and Hansen, LLC in the amount \$6,000,000.00.

Construction Contracts

1. BP5410A12, Central Avenue WPS Additional Pumping Capacity to EMH Environmental, Inc., in the amount of \$2,459,800.00.
2. AM4991A09, RGH Transformer Replacement to Dvorak, LLC in the amount of \$1,797,000.00.
3. CI5300A11, Northwest Branch ESA IDIQ, 4 Awards to Layne Inliner, LLC, Ross Contracting, Inc., SAK Construction, Inc. and Cherry Hill Construction, Inc. with a total upset limit of \$60,000,000.00.
4. CI5302A11, Northeast Branch ESA IDIQ, 4 Awards to Layne Inliner, LLC, Ross Contracting, Inc., Pleasants Construction, Inc. and Cherry Hill Construction, Inc. with a total upset limit of \$45,000,000.00.

5. BR5391A12, Water Main Reconstruction, Friendship Hts. and Elm St. to Fort Myer Construction Corporation in the amount of \$2,968,164.25.
 6. BR5355A12, Water Main Reconstruction, Takoma Park XVI to Schummer, Inc. in the amount of \$1,844,500.00.
 7. BRLR5394A12 Water Main Reconstruction, Temple Woods I to A&M Concrete Corporation in the amount of \$1,760,338.00.
- C. Logistics
IFB 6251 Small Encoder Meters to Business Promotion Consultants, Inc., in the amount of \$1,667,925.

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

DEPARTMENT BRIEFINGS

GENERAL MANAGAER'S OFFICE

Resolution 2013-2000: Mitigation Land Bank. Mr. Gary Gumm described the information in the Resolution that delegates authority to the GM/CEO to approve up to \$14 million in transactions with MDE to buy credit in support of work required to mitigate disturbances in environmentally sensitive areas as part of the consent Decree. This is a methodology to satisfy Maryland Department of Natural Resource's (DNR) need for long-term tree protection. This would allow Mr. Gumm to get approval from the GM/CEO on a daily basis rather than having to wait monthly to seek approval from Commissioners. It is not estimated that the cap would exceed \$14 million. This complies with a DNR forestation statute that requires an agency that disturbs trees to mitigate the disturbance on a one-to-one basis. As there are no land banks large enough in either county in the Water District, WSSC is seeking a waiver from the process. Mr. Gumm expects it may be settled before the next Commission meeting. After discussion, Commissioners by consensus agreed to table the matter to the April Commission meeting. Commissioner Mandel moved to table Resolution 2013-2000 that approves the Mitigation Land Bank for the Consent Decree Sewer Rehabilitation and Replacement Contracts. Vice Chair Counihan seconded the motion on the condition it could come back at

another time with no time having been stated in the motion. The motion carried with six affirmative votes.

Resolution 2013-2001. Adoption of the 2013 WSSC Plumbing and Fuel Gas Code. Mr. Tom Buckley a Co-Planning and Cross Connection Unit Coordinator in the Regulatory Services Group joined Mr. Gumm as he presented this item. Mr. Gumm described the amendments to the WSSC Plumbing Code which is now based on the International Plumbing and Fuel Gas Codes. There were four substantive changes presented: carbon monoxide detectors shall be installed in alignment with local and county building codes; meet state and federal code requirements for reducing lead in plumbing fixtures; new chapter on the re-use of non-potable water which negates the need for a waiver as long as other regulations in the Code are met; and set limits to balance hot water temperature settings that would inhibit bacterial growth without being so hot as to scald people when using hot water. Mr. Gumm addressed the public comments from the MNCBIA regarding installation of water heaters in new property. Mr. Gumm explained that the distance from the hot water heater to the fixture using the hot water is measured and if the farthest one way is greater than 50 feet then a re-circulating pump will be needed as part of that installation to minimize the time to get the water up to the intended temperature. The International Plumbing and Gas Codes rely on the distance 50 feet so the 2013 Amendment complies with this requirement.

After several questions, Commissioner Mandel moved that the Commission adopt Resolution 2013-2001 that approves the WSSC 2013 Plumbing and Fuel Gas Code. Commissioner Jones seconded the motion. The motion carried with six aye votes.

Consent Decree Update. Mr. Gumm provided a quarterly update on the status of the projects being undertaken to comply with the Consent Decree. He referenced three design contracts worth over \$103 million. In 18 of the 24 basins, the design work is complete.

The need to obtain rights of entry and permits is slowing work in the environmentally sensitive areas. Six construction contracts total \$130 million and are underway. Work in some of the basins has not yet begun. Two basins have no roadwork to do. He detailed some of the projects and noted how the work flow changed from one-to-one basin contractor to multiple contractors working in the various basins. Mr. Gumm summarized the costs of the Consent Decree work. Commissioners learned that the projected cost of the work required for compliance with the Consent Decree at its inception was \$350 million compared to the current cost projection of \$921 million. The total program could cost \$1.6 billion if the upset limits of all contracts are reached. The Consent Decree work began in December 2005 and is anticipated to be completed in December 2015. Mr. Gumm noted the addition of contractors (up to 11 now) to keep the project moving.

LUNCH RECESS

At 12:46 p.m. Chair Lawson called for the lunch recess. The meeting resumed at 1:55 p.m.

Intergovernmental Relations Office

2013 Legislative Agenda. Mr. Kirk Wineland presented an update on bills pertinent to WSSC. He advised Commissioners that all WSSC bills will be moving to the Senate for review.

Corporate Secretary's Report

Ms. Bundy reported her activities for the month.

Committee Reports

Personnel & Governance. The work focused on preparing contracts for direct reports. They await the review by Jerry Blask.

WSSC Employee Pension Board of Trustees. Commissioner Jones and Moore met with Mr. Traber and Mr. Baker to discuss tenures of

some of the public members. The Commissioners provided some guidance on modifying terms of long-tenured members.

Bi-County Infrastructure Funding Working Group. The Committee continues to consider options for the under-served in Montgomery and Prince George's Counties.

CLOSED SESSION

At 2:41 p.m. Commissioner Mandel moved that the Commission go into closed pursuant to Maryland State Government Article 10, Subtitle 5, Section 10-508(a)(13) to approve the February 20, 2013 Closed Session Minutes and amend the January 16, 2013 Closed Session Minutes; and Sections 10-508(a)(7) to obtain legal advice concerning litigation. Commissioner Jones seconded the motion. The motion carried with six affirmative votes.

At 2:45 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, Antonio Jones and Melanie Hartwig-Davis; General Manager Jerry Johnson, General Counsel Jerry Blask, Corporate Secretary Charlett Bundy.

Closed Session Minutes. Commissioner Mandel moved to adopt the Closed Session Minutes for the February 20, 2013 Commission meeting. Commissioner Jones seconded the motion. The motion carried with five affirmative votes as Commissioner Hartwig-Davis was temporarily out of the room.

Commissioner Jones moved to approve the amended minutes of January 16, 2013 Closed Session. Commissioner Mandel seconded the motion. The motion carried with six affirmative votes.

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

The Chair called for a recess from 2:55 to 3:20 p.m.

Gary Gumm and Tim Sullivan joined the meeting at 3:20.

Commissioners received information from Mr. Blask regarding legal strategy on a matter related to the Consent Decree.

At 4:00 p.m. Mr. Gumm and Mr. Sullivan leave the meeting.

Commissioner Hartwig-Davis moved to end the closed session at 4:02 p.m. Commissioner Mandel seconded the motion. The motion carried with six affirmative votes.

OPEN SESSION RESUMED

Commissioners' Item

Chair Lawson asked if there was any additional business to consider. A discussion on the Design Manual Task Force (Ad Hoc Committee) ensued. Commissioners queried whether the decision by the GM/CEO to have two meetings should be changed to one meeting. It was agreed that there would be one meeting and it would not be referred to as a briefing. Mr. Johnson gave Commissioners a draft outline of the meeting that the consultant could use to draft a final agenda for the meeting. It was agreed that the current consultant would be maintained and the meeting would be held April 23rd or 30th.

Commissioners agreed that a retreat would be held on May 16 and 17 at National Harbor Westin Hotel.

Ms. Bundy was asked to provide Commissioners with copies of their expense account balances.

Mr. Blask and Commissioner Moore left the meeting at 5:00 and 5:05 p.m. respectively.

Chair Lawson then requested a motion for adjournment.

Adjournment

Commissioner Hartwig-Davis moved to adjourn the meeting. Commissioner Mandel seconded the motion. The motion carried with five aye votes. At 5:10 p.m. the meeting was adjourned.

Respectfully submitted,

Charlett Bundy
Corporate Secretary