

WASHINGTON SUBURBAN SANITARY COMMISSION

MINUTES OF THE COMMISSION MEETING

**Wednesday, October 17, 2012
Laurel, Maryland**

Chair Chris Lawson called the meeting to order at 8:44 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

Commissioner Mandel moved to approve the agenda for the WSSC Commission meeting for Wednesday October 17, 2012. Commissioner Hartwig-Davis seconded the motion. The motion carried with six affirmative votes.

MINUTES

Commissioner Mandel moved to approve the open session minutes of the September 19 and 27, 2012 Commission meetings. Commissioner Jones seconded the motion. Commissioner Hartwig-Davis noted a typo on page 10 regarding the date of the Front Foot Benefit Rate Hearing - 2011 instead of 2012. The motion carried with six affirmative votes.

WSSC RETIREES

Only one employee retired this month, Mr. Peter W. Ochterbeck, a Systems Construction Inspector I in the Systems Inspection Group/Temple Hills who retired with 26 years and 7 months of service.

COMMUNICATIONS

Commissioners viewed an instructional video prepared by the Communications Department on "Water Main Replacement - What to Expect in Your Neighborhood." The video will be used to inform communities about how WSSC both notifies customers and repairs the infrastructure of the water system.

Next Mr. I.J. Hudson demonstrated a web site called "In Your Neighborhood" that allows customers to access from their personal computers an interactive web site that shows the location of WSSC work projects.

COMMISSIONER COMMENTS

Commissioner Jones noted that on October 7th at 7:20 a.m. there was a water main break in his development. He called WSSC but learned work crews were already on the way; doors in the neighborhood were tagged explaining the work; the timeline for the work was adhered to; and he closed by thanking the work crews for resolving the break and keeping the neighborhood informed.

A house fire in Commissioner Jones' neighborhood reminded him that it is time for everyone to check their home smoke detectors and carbon dioxide detectors and to replace the batteries as needed.

Lastly, Mr. Jones described his attendance at a church service where 7 of 350 attendees were breast cancer survivors and 80% of the people stood acknowledging they knew someone diagnosed with breast cancer. Commissioner Jones noted the importance of taking care to get health screenings and made note of his pink tie which he was wearing to commemorate National Breast Cancer Week.

Commissioner Moore stated he works with a group called Sisters Network, Inc., based in Houston, Texas which is reported to be the only support group for African American Women diagnosed with breast cancer. Dr. Moore stated the group has 43 chapters across the U.S. and there is a chapter in Baltimore. He is an unpaid Senior Advisor. SNI calls upon his expertise in epidemiology gained while he was the Director of Epidemiology at the Howard University Comprehensive Cancer Center, and elsewhere.

MEDIA/PUBLIC COMMENTS

There were no comments from the media.

Mr. David Dorsch spoke to Commissioners about his disappointment with the settlement of a claim he filed with WSSC following a sewer back-up in his home.

GENERAL MANAGER'S OFFICE

Monthly Report. Mr. Johnson noted incremental progress in the Call Center answer rate which increased 2% to a 94% answer rate. All plants and facilities operated well within permit parameters with no violations reported during the month.

Mr. Johnson met with the Montgomery County T H & E Committee to discuss the derecho storm in June and the follow-up action needed to deal with the power outage during that time. He also met with council staff from both counties to discuss issues of communication and coordination that arose during the June derecho. He saluted the WSSC staff in quickly restoring service after the storm. Mr. Johnson described a regional meeting that addressed sustainability during storms. This latter meeting was sponsored by the American Waterworks Association.

Also during the month Mr. Johnson met with the Prince George's County Council to discuss the Consent Decree. Mr. Johnson stated this discussion was beneficial because many of the current office holders in Prince George's County were not seated when WSSC entered into the Consent Decree with the U.S. Department of Justice.

The spending affordability process has begun with meetings held with county councils regarding the WSSC 2014 budget. Montgomery County has approved an 8% affordability ceiling which was endorsed by the County Executive and approved by the County Council and Prince George's County Executive and Council has endorsed a 7.5% affordability ceiling.

WSSC is just short of the goal in water main replacement. The staff has completed 12.5 miles of sewer replacement as opposed to the 15 miles projected.

Mr. Johnson acknowledged the IT department for its work in reviewing the Enterprise Resource Plan and determining next steps. A briefing will be distributed within a week of today's Commission meeting with a major presentation given to Commissioners in November describing the IT strategic plan which includes some serious cost implications impacting WSSC's future budgets.

The SLMBE Legislative Report is delayed to ensure the accuracy of the data in the report before submitting it to the State. The draft will be distributed prior to the November meeting but the discussion of the draft will be scheduled for the November Commission Meeting.

Procurement held a conference titled "How to do Business with WSSC." It was extremely well attended and allows vendors to

meet with senior managers of WSSC to get a sense of the types of business contracted by WSSC. This conference hosted 85 vendors who had not worked with WSSC.

Mr. Johnson referred Commissioners to his report for details on the numerous community outreach activities. He reported on the kick-off meeting held with the contractor hired to facilitate the Ad Hoc Committee on the Design Manual Amendments.

Water main breaks slowed over the summer but as the weather changes this Fall, rapid temperature change has contributed to an increased number of water main breaks. Already 90 water main breaks have occurred.

About 500 people attended the WSSC Campfire at Brighton Dam. It was emceed by Jay Price with staffing from the Communications Office and other volunteers from the WSSC work force. Mr. Johnson noted that the number of volunteer employees at various company events continues to amaze him.

The United Way Campaign kicked off September 27 with a goal of \$65,000 and so far the campaign has collected \$39,000. He encouraged employees to get their pledges and donations in to help the company reach its goal.

Mr. Johnson also announced that the Maryland Minority Development Council selected WSSC Director of Small, Local, Minority Business Enterprise, Towanda Livingston, as its 2012 Advocate of the Year, what he characterized as a high honor for the organization. He presented the award again for all to see.

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 September 11, 2012 to October 5, 2012. System Development Charge savings for the period totaled \$407,000. She reviewed the status of some of the current audits.

Board of Ethics. The Board of Ethics held its regularly-scheduled meeting on September 13, 2012. Four new employees received ethics training on September 17, 2012 from the Ethics Officer. Several closed and open items were reviewed. A part-time administrative assistant for the Ethics Officer was added to the Internal Audit Office budget.

External Auditors. The external audit is complete and will be reported at a future meeting.

DEPARTMENT BRIEFINGS

Finance

Resolution 2013-1984. Retirement of Budget Group Leader Sheila Cohen necessitates the appointment of a replacement to the Employees Retirement Board of Trustees. Commissioner Mandel moved to approve Resolution 2013-1984 that appoints Chris Cullinan an Ex-Officio Trustee to the WSSC Retiree Other Post Employment Benefits Trust Board of Trustees. Commissioner Jones seconded the motion. The motion carried with six affirmative votes.

Resolution 2013-1985. The retirement of Sally Barkley created an opening for an employee member of the Retirement Plan Board of Trustees. Commissioner Jones moved to approve Resolution 2013-1984 that appoints Mazhar Mansoor as the Employee Trustee to the WSSC Employee Retirement Plan board of Trustees. Vice Chair Counihan seconded the motion. The motion carried with six affirmative votes.

Engineering & Construction

Construction Contract

Contract CI5218A11. Mr. Gumm described this indefinite delivery/indefinite quantity contract for sewer main, sewer house connection and manhole repair, replacement and renewals of sewers in environmentally-sensitive areas for Sligo Creek Basin.

Architectural and Engineering Contracts Professional Services Contract

Contract IC2011A11, Change Order 1. Mr. Gumm provided an overview of this contract to purchase services of Consultant Inspectors.

Production

Contract 6256. Mr. Jay Price, Production Team Chief presented this contract for repairing and repainting the interior and exterior of the Hill Road Reservoirs (Numbers 1, 2 & 3).

Contract 6178. Next, Commissioners received information on this contract for repairing and repainting the interior and exterior of the Roger Heights Standpipe.

Contract 5605. Lastly, Mr. Price offered information on this Change Order for Western Branch Biosolids Hauling services.

CONSENT CALENDAR

Commissioner Hartwig-Davis moved that the Commission approve Resolution 2013-1983 that adopts the Consent Calendar for the

October 17, 2012 Commission meeting containing the following items:

Engineering and Construction -

Construction Contracts

CI5218A11, IDIQ Sewer Main, Sewer House Connection and Manhole Repair, Replacement and Renewals of Sewers in Environmentally Sensitive Areas for Sligo Creek Basin to HGS LLC, DBA Angler Environmental; Layne Inliner, LLC; Inland Waters Pollution Control, Inc. and SAK Construction, LLC for a total upset limit of \$60,000,000.00.

Professional Services

IC2011A11, Change Order 1, for Inspection Services at various locations in Prince George's and Montgomery Counties to Development Facilitators, Inc. to increase the contract upset limit by \$2,091,055.00 for a new upset limit of 6,412,199.00.

Production

1. Contract 6256, Repairing and Repainting the Interior and Exterior of the Hill Road Reservoirs (Numbers 1, 2 & 3) to Horizon Brothers Painting Corp, Inc. in the amount of \$21,755,700.
2. Contract 6178, Repairing and Repainting the Interior and Exterior of Roger Heights Standpipe to Horizon Brothers Painting Corp., in the amount of \$2,446,729.
3. Contract 5605 Change Order 1, Western Branch Biosolids Hauling to Jabb II, IIL in the amount of \$1,217,176.20.

Vice Chair Counihan seconded the motion. The motion carried with six affirmative votes.

General Manager's Office

Design Manual Amendment - Status Report. Mr. Johnson provided information during his monthly report. Chair Lawson then read from a letter from both County Executive Rushern Baker and Ike Leggett concerning adding additional members to the Ad Hoc Committee tasked to review the Design Manual Amendments. There was some discussion about the need to modify the scope of work in the contract to add information contained in the letter.

Vice Chair Counihan moved to adopt the modified language in paragraph two of the second amendments to Resolution 2012-1972. Commissioner Jones seconded the motion. The motion carried with six affirmative votes.

There was a brief opinion from General Counsel Blask about WSSC's liability to the current facilitator if it is determined the current facilitator is incapable of performing the scope of work as revised in the second amendment. He suggested that the committee be subject to the Open Meetings Act.

Mr. Counihan spoke about the need to have a public hearing to allow public reply/input to the committee's final work. Commissioner Mandel advised the size of the committee would change from 11 to 21 and Mr. Counihan accepted that information as a friendly amendment to his motion. Mr. Johnson asked that no dates be placed in the amendment to allow the procurement issues to be

resolved. He promised to consider the time-line as expeditiously as possible. Vice Chair Counihan accepted Commissioner Mandel's second friendly amendment to remove a time-line from the resolution. Chair Lawson then called for the vote. The motion carried with six affirmative votes. Vice Chair Counihan asked that the Commission table paragraph four in the draft of the amended resolution. Commissioner Mandel seconded the motion. The motion to table paragraph four in the Resolution passed with six affirmative votes.

Ms. Bundy was asked to restate Vice Chair Counihan's motion for adopting the new language in Resolution 2012-1972. She stated that the motion was for "the Commission to adopt the language in paragraph two of the draft amendment to Resolution 2012-1972." Chair Lawson then called for the vote whereupon the motion passed with six affirmative votes.

Mr. Johnson asked that Mr. Blask prepare a statement that would describe the application of the Maryland Open Meetings Act to the Ad Hoc Committee. He was to present it at the afternoon session.

Intergovernmental Relations Office

2013 Legislative Agenda. All bills have been submitted to Legislative Services. Mr. Gene Williams who was reporting on behalf of Kirk Wineland provided a summary of the legislative process for moving a proposal through Legislative Services through Committee and then to the legislature for approval.

Corporate Secretary's Report

Commissioners received a report on the month's activities for Ms. Bundy.

Committee Reports

Personnel & Governance. Commissioner Hartwig-Davis stated the committee met several times during the month on several projects. Commissioner Mandel stated the committee is working on completing the work of evaluating the three direct reports so as to establish consistency in addressing evaluations and ratings.

WSSC Employee Pension Board of Trustees. Commissioner Moore summarized a report contained in the meeting packet: as of August 21, 2012, the Plan's assets totaled \$651.2 million which represents a \$16.7 million increase over the last period or an increase of 2.7%. He directed the Commissioners to the full report in the packet.

Bi-County Infrastructure Funding Working Group. The committee was reconvened on September 12, 2012 to review background

information on providing access to public sewer/water to un-served and underserved residents of the counties in the Water District.

Commissioner Moore then made a comment about Plan Managers.

Commissioner Moore queried whether there was a need to consider hiring Plan Managers for advising the Employees Retirement Board of Trustees. Mr. Tom Traber then noted that the report from the Plan Managers was to cover asset allocation to determine that the allocations are in the correct proportions as determined by the directives from the Trustees. Mr. Traber noted that for evaluating purposes the managers should be reviewed not on a month-to-month basis but rather based on activity in a long-term cycle.

LUNCH RECESS

At 11:41 p.m. Chair Lawson called for the lunch recess. The meeting resumed at 1:03 p.m.

**AFTERNOON SESSION
COMMISSIONERS' CONFERENCE ROOM**

CLOSED SESSION

At 1:04 p.m. Commissioner Jones moved that the Commission go into Closed pursuant to Maryland State Government Article 10, Section 10-508(a)(13) to approve the September 19, 2012 Closed Session Minutes; Sections 10-508(a)(7) to obtain legal advice concerning litigation and language in the proposed legislation on Venue; Section 10-508(a)(1) to discuss a personnel matter related to staffing in the Intergovernmental Relations Office; Section 10-508(a)(10)(ii) to discuss the safety/emergency issues in the vulnerability audit; and Section 10-508(a)(10) to receive a briefing on pending collective bargaining negotiations and matters that relate to such bargaining for the WSSC AFSCME employees. Commissioner Hartwig-Davis seconded the motion. The motion carried with six affirmative votes.

Commissioners

At 1:05 p.m. Chair Lawson declared the meeting was closed.

CLOSED SESSION

ATTENDEES: Chair Chris Lawson; Vice Chair Gene Counihan, Commissioners 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 Melanie Hartwig-Davis moved to adopt the Closed Session Minutes for the September 19, 2012. Vice Chair Counihan seconded the motion. The motion carried with six affirmative votes.

Legal Advice. Commissioners received advice from General Counsel Blask on pending litigation and a legislative proposal that involves venue.

IRO Staffing. Mr. Blask advised Commissioners of staffing issues within the Intergovernmental Relations Office.

At 2:05 p.m. Maxene Bardwell, Internal Audit Manager and Roscoe Wade, Director of Logistics joined the closed session to participate in the discussion of the audit concerns with the vulnerability study. At 2:27 p.m. Yvonne McKinney and Johnnie Hemphill joined the closed session; Ms. Bardwell and Mr. Wade left at that time.

Union Negotiations. Commissioners received information on the strategy for renewing the bargaining agreement with WSSC members of AFSCME.

Commissioner Jones left the meeting at 2:38 p.m.

Commissioner Hartwig-Davis moved to end the closed session at 2:58 p.m. Commissioner Mandel seconded the motion. The motion carried with five affirmative votes. At 2:59 p.m. Chair Lawson declared the meeting was re-opened.

OPEN SESSION RESUMED

Chair Lawson asked if there was any additional business to consider. Commissioners needed to finalize the amendments to the Resolution 2012-1972 for the Ad Hoc Committee. Commissioner Moore moved that the Commission add the following language to the Amendments to Resolution 2012-197:

The Ad Hoc Committee to Study Amendments to the Pipeline Design Manual shall conduct its activities, as authorized by the Commission, in accordance with the requirements of the Maryland Open Meetings Act, Md. Code Ann., State Government Art., Sec. 10-501 et seq.

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

There being no further business, Chair Lawson requested a motion for adjournment.

Adjournment

Commissioner Moore moved to adjourn the meeting. Commissioner Hartwig-Davis seconded the motion. The motion carried with six aye votes.

At 2:59 p.m. the meeting was adjourned.

Respectfully submitted,

 //signed//
Charlett Bundy
Corporate Secretary