

**WASHINGTON SUBURBAN SANITARY COMMISSION**

**MINUTES OF THE COMMISSION MEETING**

**Wednesday, January 24, 2007**

**Laurel, Maryland**

Chairman Prem Agarwal called the meeting to order at 8:40 a.m. in the Commissioners' Conference Room at 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 Botts, Commissioners Joyce Starks, Marc P. Lieber, and Juanita Miller were present. Also, present were General Manager Andy Brunhart, General Counsel Jerry Blask and Corporate Secretary Charlett Bundy. Commissioner Allen was absent due to attend an event that had been scheduled in 2006 before the revised annual Commission meeting schedule was published.

**Agenda Approval**

Commissioner Miller moved to approve the agenda. Vice Chair Botts seconded the motion. The motion carried with five affirmative votes.

Ed Snow of the Gordian Group gave a presentation on the Job Order Contract (JOC). He was invited by Commissioner Miller. He discussed the advantages and disadvantages of using JOC as a contracting wholesaler process.

**Customer Care**

Commissioners were briefed on Contract CI3789A04, Site Specific Sewer Rehabilitation for Montgomery County.

**General Manager's Report**

General Manager Brunhart announced that Earth Month would be celebrated at the March Commission meeting. He then updated Commissioners with statistics on key operations. Mr. Brunhart noted that WSSC had received \$546,000 from the Federal Emergency Management Association (FEMA) for WSSC's storm draining project. Marlboro Meadows was described as "going well" and it was announced that all accounts had been merged to the WSSC data base. He remarked that the Fall of 2006 was the wettest since 1979. This increased rainfall caused an unusual increase in wastewater flows which in turn led to numerous water main breaks. Although the rainfall was a key factor in causing the breaks, the age of the infrastructure was another compounding factor. Lastly, Mr. Brunhart noted that the pattern of awarding voluntary contracting to MBEs and awarding contracts to SLBEs had increased significantly.

**Finance Office**

Finance Officer Tom Traber advised Commissioners that the November Status Report had been transmitted to the Montgomery and Prince George's County governments. Commissioners were advised of the FY'08 Proposed Budget and proposed mid-cycle changes to proposed FY 08-13 CIP.

**Engineering and Construction**

Joe Zorica provided a briefing on the Chillum Water/Sewer Main Replacement-JOC, Contract BR4238A05; the Sheriff Road Water Main Replacement, Contract BR 1147A94; and the Western Branch Waste Water Treatment Plant, Enhanced Nutrient Removal (ENR) and Facility Upgrade Design.

**Agenda Modification**

Commissioner Lieber made a motion to amend the agenda for the afternoon session, to add as a voting item after the item on plumbing code adoption, awarding a contract to Metcalf and Eddy for the Western Branch Waste Water Treatment Plant, Enhanced Nutrient Removal (ENR) and facility upgrade design. Vice Chair Botts seconded the motion. The vote was five affirmative votes so the motion carried.

**Small, Local and Minority Business  
Enterprise Office (SLMBE)**

Towanda McNeill, Director SLMBE, presented an overview of the SLMBE Mentor Protégé Program which is WSSC Action Item 15.2. The program is still being designed and will be tested using focus groups. Ms. McNeill stated, the goal of the Mentor Protégé Program is to develop a "sustainable pool of vendors and a customized vendor program."

**OPEN SESSION -- AUDITORIUM**

At 1:12 p.m. Chairman Agarwal called the public meeting to order. Vice Chair Botts and Commissioners Starks, Lieber, and Miller were present. Chair Agarwal asked Vice Chair Botts to lead the pledge of allegiance.

**APPROVAL OF MINUTES**

Commissioner Miller moved that the Commission approve the open session minutes from the November 21, December 13, 20, 2006 and January 10, 2007 meetings. Vice Chair Botts seconded the motion. The vote was five to zero in favor of the motion, so the motion carried.

**AREA PRESS QUESTIONS**

There were no press questions.

**PRESENTATION OF WSSC RETIREES**

Three employees were recognized for retirement although none were present at the meeting: McCoy "Pete" Gresham, Jr., Utility Technician III, Customer Care retired with 45 years and 6 months of service; Bernice A. Jenkins, Technical Associate, Customer Care Central retired with 21 years and 5 months of service; Algirdas "Bubba" C. Rimkevicious, Police Officer, Security & Safety Services retired with 15 years and 7 months of service.

**COMMISSIONERS' ITEMS/COMMENTS**

Commissioner Starks introduced and welcomed Ian Roberts Clark, who was attending from the Audits & Investigations Department of Prince George's County Government. She then mentioned the passing of Carlos Limerez who worked in the WSSC Credit Union. He would have been employed with WSSC eight years in May 2007. She asked all to observe a moment of silent prayer for Carlos, his family and credit union coworkers. Lastly, Commissioner Starks remarked how much she liked the new audio/visual equipment that had recently been installed in the auditorium.

Vice Chair Botts greeted Brian Cummings who suffered a critical accident last summer and stated how glad he was that Mr. Cummings had returned to WSSC to work.

Commissioner Miller extended congratulations to retirees for their combined 81 years of committed service to WSSC in building the agency. She wished them lots of success in their future endeavors.

**GENERAL MANAGER'S ITEMS/COMMENTS**

Mr. Brunhart had four items to present. First, he talked about the \$1.3 million in grants WSSC received from the State of Maryland for design and planning ENR for Western Branch. Next he applauded production and communication for getting media coverage for the wind power purchase. The media coverage included local, national and international press coverage. Next he announced the \$546 million from FEMA for addressing problems that arose for WSSC as a result of the many storms in the Fall of 2006. Lastly, he discussed the "Can the Grease" program. He noted the program is receiving lots of good reaction from many civic groups who want to help spread the word about this program.

**Employee Excellence**

Mr. Brunhart gave a letter of commendation to Debra Penn who recovered \$2.4 million in grants that WSSC was promised for Piscataway Plant. Commissioner Miller said on behalf of the rate payers, "Thanks very, very much."

**General Manager's Awards**

This award is given for very exceptional service and Mr. Brunhart noted he probably will only award no more than one or two such awards per year.

The first such award ever bestowed by General Manager Brunhart was given to Juanita Waller for serving as the Acting Director of the SLMBE Office two years. Her service was recognized as outstanding because the minority business participation rose to 28% in 2006 as a result of her efforts while she was the Acting Director.

#### **Customer Care**

**Contract CI3980A04.** Vice Chair Botts moved that the Commission award contract CI3980A04 for area sewer lining, sewer house connection renewals and other sewer rehabilitation in various locations in Montgomery County, MD to Insituform Technologies, Inc. in the amount of \$1,963,196.00. Commissioner Starks seconded the motion. The motion carried as there were five affirmative votes.

**Contract CI4235A05.** Vice Chair Botts moved that the Commission award contract CI4235A05 for area sewer lining, sewer house connection renewals and other sewer rehabilitation in various locations in Prince George's County, MD to Insituform Technologies, Inc. in the amount of \$1,985,379.00. Commissioner Starks seconded the motion. The motion carried as there were five affirmative votes.

#### **Engineering and Construction**

**Contract Nos. CD4257A05 and CD4173A05.** Commissioner Lieber moved that the Commission award contracts CD4257A05 and CD4173A05 to Metcalf & Eddy for ENR at Western Branch. Vice Chair Botts seconded the motion. The motion carried with five affirmative votes.

**WSSC Plumbing Code.** After some discussion initiated by Commissioner Miller that the proposed code should be republished for additional comments to the comments received at a public hearing on the code, Commissioner Miller moved that the Commission publish the proposed model plumbing codes and WSSC amendments. Commissioner Starks seconded the motion. Vice Chair Botts abstained from the vote because he was not sure whether the item should be adopted or published. Commissioner Lieber voted nay. Chair Agarwal, Commissioners Miller and Starks voted, "yea" so the motion carried with three affirmative votes.

The auditorium session adjourned to the Commissioners' Conference Room for the completion of the meeting's agenda.

#### **AFTERNOON SESSION - COMMISSIONERS' CONFERENCE ROOM**

At 2:10 p.m. the meeting resumed in the Commissioners' Conference Room.

**Intergovernmental Relations Office**

Commissioners received an update about the MBE legislation. They were advised that the MBE bill would start in the Prince George's House of Delegates this year. As for MC/PGC 402-07, Commissioner Miller stated that bill does not impact WSSC so Commissioners should not take a position on the bill. As Commissioner Allen was absent, the Commissioners agreed to table any vote on the MBE bill until all six commissioners were present.

Vice Chair Botts moved that Commissioners take no position on MC/PGC 102-07. The motion failed for lack of a second.

**Internal Audit**

Candidates for the Ethics Board were presented so that the Montgomery County Commissioners could nominate a regular and alternate member to the Board. After a review of the resumes and the recommendation of the nominating committee, Commissioner Lieber moved to nominate Dr. Steven Hausman as a regular member of the WSSC Ethics Board and Mr. Robert Moore as an Alternate Member of the WSSC Ethics Board. Commissioner Starks seconded the motion. With four "yea" votes, the motion carried. (Chair Agarwal had temporarily left the room.) This motion caused the adoption of Resolution 2007-1767 which appoints Dr. Steven Hausman to the Board of Ethics for a three year period beginning January 24, 2007 and ending January 24, 2010; and the adoption of Resolution 2007-1768 which appoints Mr. Robert Moore to the Board of Ethics for a three year period beginning January 24, 2007 and ending January 24, 2010.

Next, the Internal Audit Manager gave her monthly report of activities and audits conducted in her department. It was determined that the reports would be shared with the General Manager in his packet and as determined by the Internal Audit Manager. Also, the practice of not posting audit reports on the WSSC web site would continue.

Commissioner Miller asked that the Chair coordinate a workshop for all six Commissioners to develop principles of operation; duties of the officers and commissioners - duty of care, fiduciary duty, general duties, etc.; and review the by-laws. Commissioner Lieber suggested that the review include communication with others; assignments to subordinates; and resources. Chair Agarwal directed the Corporate Secretary to identify a person and place to conduct a retreat where Commissioners could address the topics on governance.

Vice Chair Botts moved to close the meeting pursuant to Maryland State Government Article 5, Section 10-508(a) (1) to discuss a personnel matter: HR staff reassignment; Section 10-508(a) (13) to approve Closed Session Minutes from Dec. 13, 20, 2006 and Jan. 10, 2007 meetings; and Section 10-508(a) (7) to obtain legal advice on EEO litigation and MBE Program. Commissioner Lieber seconded the motion.

The motion passed with four affirmative votes (Commissioner Starks left the meeting at 3:50).

**AFTERNOON CLOSED SESSION**

At 3:55 p.m. the closed meeting began. In attendance were Chair Agarwal, Vice Chair Botts, Commissioners Lieber and Miller; General Manager Andy Brunhart; General Counsel Jerry Blask; and Corporate Secretary Charlett Bundy. Attorney Franklin Lee was present for the discussion on the SLMBE program. HR Director Yvonne McKinney joined the meeting at 5:30 p.m. for the item on HR reorganization. Sr. Counsel Bob Drummer was in the meeting from 4:40 p. to 4:43 p.m. Towanda McNeill, SLMBE Director, was present for the discussion on the MBE Program.

All of the matters listed in the motion to close the meeting were discussed.

Vice Chair Botts moved that the commission approve the closed session minutes for December 13 and 20, 2006 and January 10, 2007 meetings. Commissioner Lieber seconded the motion. Commissioner Miller abstained from voting for the 12/20 minutes because she was absent from the closed meeting on that date. The motion for December 20<sup>th</sup> passed with three affirmative votes; the vote for the other meetings passed with four affirmative votes.

Commissioner Miller moved to close the closed session and return to open session. Commissioner Lieber seconded the motion. The vote was four "yea" votes so the motion carried. The meeting was reopened at 5:55 p.m.

**OPEN SESSION**

At 5:57 p.m. Commissioner Lieber moved to end the closed session and open the meeting to adjourn it. Commissioner Miller seconded the motion. The motion carried, with four affirmative votes.

**ADJOURNMENT**

At 5:59 p.m. the Chair declared that the meeting was adjourned.

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Charlett Bundy, Esq.  
Corporate Secretary