

**WASHINGTON SUBURBAN SANITARY COMMISSION**

**MINUTES OF THE COMMISSION MEETING**

**Wednesday, February 17, 2010  
Laurel, Maryland**

Chair Gene W. Counihan called the meeting to order at 8:43 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 Joyce Starks, Commissioners Prem P. Agarwal, Adrienne A. Mandel, Dr. Roscoe M. Moore, Jr., and Antonio L. Jones were present at the meeting. Also, present were General Manager Jerry Johnson, Corporate Secretary Charlett Bundy and General Counsel's Office was represented until the arrival of Jerry Blask (9:47 a.m.).

**AGENDA APPROVAL**

Commissioner Moore asked that the vote on the Bylaws be moved to after Engineering and Construction (between items B and C). Commissioner Mandel moved to approve the amended agenda for the Commission meeting of Wednesday, February 17, 2020. Commissioner Jones seconded the motion. The motion carried with four affirmative votes as Commissioner Moore abstained to balance the voting because Vice Chair Starks had not arrived when the vote was taken.

Chair Counihan asked Commissioner Agarwal to lead the pledge of allegiance.

**MINUTES**

Commissioner Agarwal moved to approve the open session minutes of the January 20, 2010 Commission meeting. Commissioner Jones seconded the motion. Vice Chair Starks requested the following changes: Add a sentence that the Vice Chair suggested that the Commission send volunteers to Haiti; add that Vice Chair Starks participated in the discussion on the Minority Business Enterprise Program; add (page 13) that Vice Chair Starks asked questions about the IT program during the presentation by the Corporate Asset Management Office (CAMO); and (page 7) the definition of official action by majority vote. Commissioner Jones noted a change from February 2009 to 2010. Chair Counihan noted that the Commissioners would trust that the Corporate Secretary would place the amendments in the minutes without further Commissioner review. The motion carried unanimously.

**WSSC RETIREES**

There were no retirees this month.

**EMPLOYEE EXCELLENCE**

A video was shown that instructs how to flush water pipes.

**PUBLIC/PRESS COMMENTS**

The president (name inaudible) of W.S. Hughes Construction complained about the paving contracts during the briefing on Customer Care Team's contract briefings.

**COMMISSIONERS' COMMENTS**

Commissioner Jones spoke first and offered thanks on behalf of all commissioners for the excellent work done by so many employees during the blizzard. Commissioner Jones also made a comment about the 2010 U.S. Census and the importance of raising awareness of all citizens to participate in the census.

Chair Counihan acknowledged the fact employees kept services going for the ratepayers despite the challenging weather conditions during the February blizzards that caused record-breaking snowfalls. He also replied to Mr. Johnson's announcement of the departure of senior staff member Marcus Johnson. Mr. Counihan thanked him for his service and offered his appreciation, admiration, and respect for a very difficult and demanding and sensitive job. He also congratulated Ms. Knight-Lee for her promotion. Chair Counihan also thanked all WSSC employees for their generosity in donating to the Haitian Relief Fund to assist Haitians following the devastating earthquake in January. He noted that once again, WSSC employees demonstrated they are caring employees.

Vice Chair Starks thanked "our counterparts" those that represent Prince George's and Montgomery County for the great job they do in supporting the work of Commissioners.

Commissioner Mandel asked about the possibility of an assistance program for residents from the county social service agencies since water/sewer service like electric and gas services, is an essential service. Mr. Johnson noted that the bulk of the dollar amount of delinquencies is not from residences but the WSSC government customers. The Round-Up Program is designed to provide additional funds to the WSSC Water Fund to help residents with delinquent bills but that is still under development.

**GENERAL MANAGER'S OFFICE**

**Monthly Report.** Mr. Johnson praised the many unsung heroes who worked during the course of the snow storms during the month of February. He called attention to the employees who remained at

some of the WSSC facilities to receive needed supplies for operations, the radio control center and plants where employees spent several days in those facilities without going home because they were snowbound. The American Water Works Association (AWWA) web site also featured an article about some of the devoted WSSC employees who stayed on the job ensuring that service to the WSSC water district went uninterrupted during the record-breaking blizzards in early February. Mr. Johnson offered kudos to all employees who accomplished the enormous job of maintaining service to the 1.8 million customers in the water district during the snow storms.

Next, Mr. Johnson announced several upcoming events: the Human Resources Department would host a job fair on February 19, 2010; Towanda Livingston would be awarded the Women's Business Owners of Prince George's County Pioneer Award on March 20, 2010; and the MBE department has scheduled a Vendor's Day and additional SymTrac™ training.

Commissioners were advised that the result of labor union negotiations had been transmitted to the union for ratification. Mr. Johnson saluted the union leadership and WSSC's management staff who worked to complete the contract.

He announced the departure of Marcus Jennings, Director of the Strategic Systems Management Office. A national search will be used to identify possible candidates to replace Mr. Jennings but in the meantime Crystal Knight-Lee was promoted to Acting Director.

Cathy A. Martin will join WSSC's staff as the Acquisition Director. She formerly worked as the Chief Procurement Officer of the City of Atlanta (GA) where she was responsible for a \$4 billion budget. Ms. Martin has a B.S. in math from the University of South Carolina and an MBE from Georgia State University.

WSSC partnered with Montgomery County for observance of Martin Luther King day that included employees participating in a canned food drive as well as a day of community service. Mr. Johnson thanked Sylvia Anderson and Thomas Mike Turner for their leadership and efforts in making the event successful. WSSC will participate in several activities in Prince George's County in observing Black History Month.

Mr. Johnson provided an update on the Bi-County Tunnel construction. He advised Commissioners that site visits would be arranged later in the project.

When asked by Chair Counihan if WSSC had any technology to identify/locate fire hydrants buried in snow, Mr. Johnson stated there is technology but none is failsafe.

#### **Internal Audit Office**

**Monthly Activity Report.** Ms. Bardwell advised Commissioners that the System Development Charge savings to WSSC amounted to over \$1.6 million. Results of the Blue Plains Audit will result in a credit to WSSC on the May bill. A report on the audit of the WSSC Acquisition Department is in development but it was noted that while this audit will be beneficial to the in-coming Audit Director, Ms. Bardwell advised the audit was not undertaken for that purpose. Other audits in process address human resource regulatory compliance, production, accounting, and sick leave.

The Fraud Waste and Abuse Policy is undergoing another review by the General Counsel's office but should be ready for discussion at the March Commission meeting. Ms. Bardwell noted that delays in approving the policy pose risks to the organization.

Next Ms. Bardwell reported on the activities of WSSC's Board of Ethics.

Vice Chair Starks asked who tracks and follows-up audit results to determine if the recommendations are implemented. She asked that there be some accountability documented for follow-up.

#### **COMMISSIONERS**

##### **Personnel & Governance Committee**

**BYLAWS.** After a brief review of the changes ordered at the last meeting, Commissioner Moore moved that the Commission approve Resolution 2010-1859 that authorizes publication of the Revised Bylaws, Rules, and Regulations. Commissioner Mandel seconded the motion. General Counsel advised Commissioners that there is no legal obligation that Commissioners publish or request comment to the changes to the Bylaws or that they defer effectiveness for 30 days. Commissioners decided in the interest of public transparency they would receive public comments. Commissioner Moore then allowed the motion to be amended to allow a comment period. The motion then became to approve Resolution 2010-1859 that authorizes publication of the Revised Bylaws, Rules, and Regulations for public comment with the public comment period closing on March 15, 2010. The motion carried unanimously.

Commissioner Mandel congratulated all for completing the revisions to the Bylaws and characterized it as a "yeoman's" effort that began some 18 months previously. Commissioner Moore thanked the chair for entrusting the task to the two most junior commissioners - he and Commissioner Jones and expressed the committee's pleasure for having completed the task to the satisfaction of all.

#### **ACTION ITEMS**

##### **Finance**

##### **Transmittal of Proposed FY 2011 Operating and Capital**

**Budgets.** Commissioner Mandel moved that the Commission approve transmittal to the County Executives of Montgomery and Prince George's Counties of the Proposed FY 2011 Operating and Capital Budgets with a 9.5% rate increase for rate payers. Commissioner Moore seconded the motion. After discussion Commissioner Mandel accepted an amendment to reduce the increase to 9% and Commissioner Moore agreed to second the amendment. The motion failed after a roll call vote with the following votes cast: Commissioner Agarwal - nay; Commissioner Jones - nay; Commissioner Mandel - aye; Commissioner Moore - aye; Vice Chair Starks - nay; and Chair Counihan - aye.

Vice Chair Starks moved that the Commission approve transmittal to the County Executives of Montgomery and Prince George's Counties of the Proposed FY 2011 Operating and Capital Budgets with an 8% rate increase for rate payers. The motion failed after a roll call vote with the following votes cast: Chair Counihan - nay; Commissioner Agarwal aye; Commissioner Jones - aye; Commissioner Mandel - nay; Commissioner Moore - nay; Vice Chair Starks - aye. The matter was tabled until after the lunch break.

#### **CONSENT CALENDAR**

Commissioner Agarwal moved that the Commission approve Resolution 2010-1858 that adopts the Consent Calendar for the February 17, 2010. Commissioner Jones seconded the motion. The motion carried with six affirmative votes. Commissioners recessed for lunch until 1:10 p.m.

##### **Finance**

##### **Transmittal of Proposed FY 2011 Operating and Capital**

**Budgets.** After lunch, Chair Counihan asked Commissioners to discuss or propose a means of addressing approval of the budget. Vice Chair Starks requested on behalf of the Prince George's County Commissioners that they be allowed an opportunity to go

back to Prince George's County to advocate on behalf of the WSSC budget and asked to be allowed until Monday, February 22<sup>nd</sup>, to do so and then schedule a telephone conference to pass a budget in a timely manner. Commissioners agreed to meet by telephone on a day in the following week to resume the business of approving transmittal of a WSSC budget to the counties. Commissioner Mandel asked Mr. Traber to prepare a chart that reflects the impact on rate payers of each of the different proposed rate increases, i.e., 9.5%, 9%, and 8%.

#### **Engineering & Construction**

**Contracts BR/CR4764E08 and BR4878B08.** Mr. Gumm provided Commissioners with information on these contracts that are respectively for water/sewer main replacement for College Park, Hollywood II, Prince George's County, and water main replacement for Hillcrest V, Prince George's County. Commissioner Mandel moved that the items in Category 3B on the agenda for February 17, 2010 be moved to a consent calendar for approval. Commissioner Jones seconded the motion. The motion carried unanimously.

#### **Customer Care Team**

Commissioners were briefed on 10 contracts: a. CI4841F08, Sewer Main Lining, Sewer House Connection Renewal, Pine Plains Area, Broad Creek Basin, Prince George's County; b. CI4900B08, Sewer Main Lining, Sewer House Connection Renewal, Mount Rainier Area, Northwest Branch Basin, Prince George's County; c. CI4925B08, Sewer Main Lining, Sewer House Connection Renewal, Northwest Branch Basin, Montgomery County; d. CI4925E08, Sewer Main Lining, Sewer House Connection Renewal, Oakwood, Northwest Branch Basin, Montgomery County; e. CI4925T08, Sewer Main Lining, Sewer House Connection Renewal, Holly Hill Manor, Northwest Branch Basin, Prince George's County; f. CI4841E08, Sewer Main Lining, Sewer House Connection Renewal, Brookside Area, Broad Creek Basin, Prince George's County; g. CI4841G08, Sewer Main Lining, Sewer House Connection Renewal, Harwood Estate Area, Broad Creek Basin, Prince George's County; h. CI4841H08, Sewer Main Lining, Sewer House Connection Renewal, Morning Side Area, Broad Creek Basin, Prince George's County; i. CI4841J08, Sewer Main Lining, Sewer House Connection Renewal, Southlawn Area, Broad Creek Basin, Prince George's County; and j. CI4841K08, Sewer Main Lining, Sewer House Connection Renewal, Stan Haven Area, Broad Creek Basin, Prince George's County.

Commissioner Mandel moved that the items 3C-1a through C1j on the February 17, 2010 agenda be moved to a consent calendar for

approval action. Commissioner Jones seconded the motion. The motion carried unanimously.

**Resolution 2010-1857.** Commissioners were asked to approve an amendment to Standard Procedure CUS 99-02 that covers billing and collection of water/sewer charges and related fees. Commissioner Mandel moved that the Commission approve Resolution 2010-1857 that adopts changes to Standard Procedure CUS 99-02, billing and collection of water/sewer charges and related fees and repeals Resolution 2010-1848. Commissioner Jones seconded the motion. The motion carried with four affirmative votes as Commissioner Agarwal was temporarily off the dais and Commissioner Moore abstained to balance the voting.

**Emergency Contract for River Road.** Commissioners were briefed on the need to approve an emergency contract for continued repairs. Commissioner Mandel moved that the Commission approve Resolution 2010-18 that amends the Delegation of Authority in force on February 17, 2010 to authorize the General Manager to contract for emergency repairs to the 66", 60", and 54" pre-stressed concrete cylinder pipes in River Road/Rock Creek, area in the estimated amount of \$5,340,000.00. Commissioner Agarwal seconded the motion. Commissioner Jones voted nay but the motion carried with five affirmative votes.

#### **DEPARTMENT BRIEFINGS**

##### **Logistics**

**Contracts 5745 and 5524.** Commissioners received a summary of the pertinent details of these contracts for respectively, graded aggregate base and hauling and disposal of debris.

#### **Intergovernmental Relations Office**

**House Bill 70-10.** Mr. Wineland advised Commissioners of a new bill, House Bill 70-10 from the Maryland Department of the Environment sponsored by the Environmental Committee. This bill allows the State of Maryland to authorize debt to fund WSSC's projects related to Enhanced Nutrient Removal (ENR) a process which benefits the Chesapeake Bay Restoration project. The bill imposes no additional financial requirements on WSSC. The General Manager recommended WSSC Commissioners support the bill. After discussion a motion was made by Commissioner Mandel to support House Bill 70-10. Commissioner Jones seconded the motion. The motion carried with five affirmative votes as Commissioner Moore had left when the vote was taken.

Mr. Wineland informed Commissioners of updates regarding proposed legislation relating to matters of interest to WSSC.

**PG/MC 117-10.** This is a late-filed bill and will be brought forward next month for Commissioners to review. It is sponsored by Delegate Taylor of Montgomery County. It outlines goals for awards to minority business enterprises.

#### **Customer Care**

**Contracts P73322 and P73318.** Commissioners received briefings on these two contracts for sewer line chemical root treatment (P73322) and storm water management/stream restoration (P73318).

#### **COMMISSIONERS**

##### **Continued Business and Sub-committee Reports**

**Personnel/Governance Committee - Bylaws.** The Committee is reviewing policies associated with employee actions for presentation next month.

#### **Bi-County Working Group Committee**

This Committee is awaiting nomination from Prince George's County and a meeting will be scheduled before the March Commission meeting.

#### **Pension Committee**

There was no report from this Committee because there was no meeting of the Board of Trustees of the WSSC Retirement before the February 17<sup>th</sup> Commission meeting.

#### **CORPORATE SECRETARY**

Ms. Bundy reviewed her non-routine activities for the month.

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

Commissioner Mandel moved to close the meeting for February 17, 2010 pursuant to Subtitle 5 of Title 10 of the State Government Article, Maryland Code Section 10-508(a)(13) to approve January 20, 2010 Executive Session minutes and a briefing on WSSC's Emergency Preparedness; Section 10-508(a)(7) to receive legal advice on major litigation; and Section 10-508(a)(1) to discuss the employment contract of a direct report. Commissioner Agarwal seconded the motion. There were five aye votes on the



motion so the motion carried. At 3:28 p.m. the meeting was declared closed.

**ATTENDEES MINUTES:** Chair Gene Counihan, Vice Chair Starks; Commissioners Prem Agarwal, Adrienne Mandel, and Antonio Jones; General Manager Jerry Johnson, Deputy General Manager Teresa Daniell, General Counsel Jerry Blask, and Corporate Secretary Charlett Bundy were present.

Commissioners tabled approval of the Executive Session minutes for January 20, 2010 until the March 17, 2010 meeting.

**ATTENDEES ADMINISTRATIVE MATTER:** Chair Gene Counihan, Vice Chair Starks; Commissioners Prem Agarwal, Adrienne Mandel, and Antonio Jones; General Manager Jerry Johnson, Deputy General Manager Teresa Daniell, General Counsel Jerry Blask, Russel Beers of General Counsel's Office; Chris Brous, WSSC Chief of Security, and Corporate Secretary Charlett Bundy were present.

There was a discussion about a matter that was not on the agenda. It dealt with an administrative matter, undertaken by Teresa Daniell during her tenure as the WSSC Interim General Manager.

**ATTENDEES LEGAL UPDATE:** Chair Gene Counihan, Vice Chair Starks; Commissioners Prem Agarwal, Adrienne Mandel, and Antonio Jones; General Manager Jerry Johnson, Deputy General Manager Teresa Daniell, General Counsel Jerry Blask, Russell Beers; and Corporate Secretary Charlett Bundy were present.

Mr. Beers advised Commissioners of the status of the decision in the Phillips v. WSSC matter. A motion was made regarding a WSSC response to a recent decision in this case, number CAL-34455. It carried with four affirmative votes.

Commissioner Jones moved to end the Executive Session. Commissioner Mandel seconded the motion. The motion carried with four affirmative votes.

**OPEN SESSION RESUMED**

At 5:44 p.m. Chair Counihan declared the meeting was open.

**Adjournment**

Commissioner Jones moved to adjourn the meeting for February 17, 2010. Commissioner Mandel seconded the motion. The motion carried with four affirmative votes. At 5:45 p.m. Chair Counihan declared the meeting was adjourned.

Respectfully submitted,

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Charlett Bundy  
Corporate Secretary

