

**WASHINGTON SUBURBAN SANITARY COMMISSION**

**MINUTES OF THE COMMISSION MEETING**

**Wednesday, February 18, 2009  
Laurel, Maryland**

Chair Joyce Starks called the meeting to order at 8:45 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 Gene Counihan, Commissioners Prem P. Agarwal, Adrienne Mandel, Juanita Miller, and Roscoe M. Moore, Jr. were present at the meeting. Also, present were Interim General Manager Teresa Daniell, Interim Deputy General Manager Rudy Chow, Corporate Secretary Charlett Bundy and General Counsel, Jerry Blask.

**AGENDA APPROVAL**

After considerable discussion, several motions were made to approve the agenda. Vice Chair Counihan moved to place the ERM/EAM item as a voting item on the agenda. Commissioner Mandel seconded the motion. The motion failed as the Montgomery County Commissioners voted yea and the Prince George's Commissioners voted nay. Vice Chair Counihan moved to change the Bylaw review from 6 p.m. to immediately after the closed session. Commissioner Mandel seconded the motion. The motion failed as the Prince George's County Commissioners voted nay and the Montgomery County Commissioners voted yea. Commissioner Miller moved to remove the Bylaw review from 6 p.m. Commissioner Agarwal seconded the motion. The motion failed as Prince George's County Commissioners voted yea and Montgomery County Commissioners voted nay. Commissioner Mandel moved that if all information is available and the Interim General Manager has a positive recommendation, to place the word vote on the agenda for the MBE Policy. Vice Chair Counihan seconded the motion. Montgomery County Commissioners voted yea and the Prince George's Commissioners nay so the motion failed. Commissioner Agarwal moved to approve the agenda as published. Commissioner Miller seconded the motion. The motion carried unanimously.

Later in the meeting two amendments were tendered: Commissioner Mandel moved to amend the agenda to include the amended minutes for December 28, 2008 as a voting item. Vice Chair Counihan seconded the motion. The motion carried with four affirmative votes (Commissioner Agarwal had left the meeting by the time this motion was made and Commissioner Moore was temporarily out of the room); 2) Commissioner Miller moved to amend the agenda to add the Logistics Contract 5524 as a voting item. Commissioner Mandel seconded the motion. The motion carried with five affirmative votes.

**MORNING CLOSED SESSION**

Commissioner Agarwal moved that the meeting be closed pursuant to Subtitle 5 of Title 10 of the State Government Article, Maryland Code Section 10-508(a)(13) to approve closed session minutes for: Aug. 20, Sept. 17, Oct. 15, Nov. 19, Dec. 17, 2008 and Jan. 21, 2009 and Section 10-508(a)(1) to discuss the Transition Plan. Commissioner Mandel seconded the motion. The motion carried with six affirmative votes. At 9:45 a.m. the meeting was closed.

**ATTENDEES: Chair Joyce Starks, Vice Chair Gene Counihan, Commissioners Prem Agarwal, Adrienne Mandel, Juanita Miller, Roscoe Moore, Jr. and Corporate Secretary Charlett Bundy were present.**

Commissioners discussed how to proceed with evaluating their direct reports. Commissioner Miller made a motion to hire a person as general manager who had ranked highest in the process used last April to identify a general manager for WSSC. Commissioner Agarwal seconded the motion. The motion failed as three Prince George's County Commissioners voted affirmatively and the three Montgomery County Commissioners opposed the motion. At 10:55, Commissioner Mandel moved to end the closed session and resume the open session. Commissioner Agarwal seconded the motion. The motion carried unanimously. At 10:56 a.m. the meeting was declared open. After a break, the meeting resumed at 11:05 a.m.

#### **Finance Office**

**1. December 2008 Monthly Status Report.** Commissioners were advised this report had been distributed to the counties. Commissioners posed questions about collection accounts.

**2. Update on Bond Sale.** J.D. Noell advised Commissioners that on January 27, 2009, \$165 million in bonds were sold. Nine bidders comprised the sale which typically draws only three to five bidders. The bonds were rated AAA and the rating agencies reconfirmed WSSC's AAA rating for existing debt. Merrill Lynch was the buyer at 3.655%.

**3. Transmittal of Proposed FY 2010 Operating and Capital Budgets.** Commissioners were advised that the 2010 budget transmitted to the counties was the same document used for public hearing in January 2009.

**4. Resolution 2009-1818 Re-Appointment of Public Members of the WSSC Employees Retirement Board of Trustees.** Commissioners were advised that the three current public members up for reappointment were holdovers that were being nominated to continue for another term.

**Change Order 2 - Purchase Order 71749.** Commissioners were briefed on the additional paving service needed to the area impacted by the 66" Water Main, on River Road in Bethesda in December 2008.

**Interim General Manager**

Ms. Daniell provided Commissioners a briefing on facts that caused and resulted from the two large water main breaks: A 66" in Potomac, for which WSSC is awaiting the forensic report to determine the actual causes of the break and the 41" pipe in Temple Hills where there may be insufficient pipe left to submit for a forensic investigation.

**Internal Audit**

**1. Internal Audit Manager's Report.** Commissioners reviewed the monthly report from the Internal Audit Manager. There were no questions about the audit report, but one on the status of the hiring of an ethics officer for WSSC.

**Logistics**

**Contract 5524.** Commissioners were briefed on this contract to haul debris from various WSSC plants. The agenda was amended to make this a voting item at the Auditorium session.

**OPEN SESSION  
AUDITORIUM**

Chair Starks called the meeting to order in the auditorium at 1:05 p.m. Commissioner Mandel was asked to lead the pledge of allegiance.

**APPROVAL OF THE MINUTES**

Commissioner Mandel moved to approve the open session minutes from January 21, 2009. Vice Chair Counihan seconded the motion. The Motion carried with five affirmative votes.

**PRESENTATION OF WSSC RETIREES**

Two employees retired this month and neither was present to be recognized: Timothy D. Hirrel, Planning Unit Coordinator, Planning Group retired with 30 years of service; Jerome A. Kelly, Senior Instrumentation & Electronics Technician, Industrial Assets Management Group retired with 17 years and 2 months of service.

**EMPLOYEE EXCELLENCE VIDEO**

Technical difficulties precluded the showing of the video.

**COMMISSIONERS' ITEMS/COMMENTS**

Chair Starks thanked staff, employees and contractors for the hard work that they do. She noted they continue to conduct their work in a state of excellence.

Marcia Tucker, Acting Chief of Customer Care spoke about the 17 miles of sewer rehabilitation projects in progress. She noted it was a major milestone to complete this quantity of work. The Sanitary Sewer Overflow projects were discussed, especially noting that Broad Creek was completed and four more SSO projects would be completed soon. Commissioners were informed that the Sewer System Evaluation Survey is on schedule with three parts of the survey being ahead of schedule. Lastly she commented that the flow monitoring system is operable.

Chair Starks commended Ms. Tucker for her work and noted how new technology being used by customer care has added value to their work.

Vice Chair Counihan discussed the difficulty in getting sewer projects ready for bid and applauded Ms. Tucker's announcement that WSSC has placed a significant number of miles of sewer work for bid. He later commended Ms. Tucker and her staff for accomplishing the completion of sewer construction/repair the department pledged to complete for FY 2009.

Later in the meeting, Vice Chair Counihan noted that Commissioners recognized the difficult economic times necessitated a request for a lower rate, the 9% rate that is proposed before the two county councils. He advised that Commissioners were aware that such increase would result in a \$4.50 per month increase for most of WSSC rate payers and that Commissioners are not insensitive to the hardship this increase might create but he stated 9% is the minimum that WSSC can assess as a rate increase to ensure safe and reliable water service. The 9% rate increase does include some monitoring of pipes but it does not include significant ramping up of infrastructure renewal projects nor does it address long-term projects needed for infrastructure repair/replacement.

Commissioner Miller stated the Commission could justify the 9% rate increase as costs for everything are rising. She advised one can live without gas and electricity but one cannot live without this most valuable resource, water. Next Commissioner Miller commended Sylvia Anderson of the Communications Office and her coworkers who assisted with organizing the WSSC Black History Month programming. Commissioner Miller especially appreciated the dynamic speaker, Ms. Bette J. McLeod.

#### **INTERIM GENERAL MANAGER'S ITEMS/COMMENTS**

Ms. Daniel had no comments this month.

#### **PRESS COMMENTS**

There were no press comments.

#### **PUBLIC COMMENTS**

There were no public comments.

#### **FINANCE OFFICE**

##### **1. Transmittal of Proposed FY 2010 Operating and Capital Budgets.**

Commissioner Mandel moved that the Commission approve the Proposed FY 2010 Operating and Capital Budgets for Transmittal to the counties. Commissioner Miller seconded the motion. The motion carried with five affirmative votes.

**2. Resolution 2009 - 1818.** Commissioner Miller moved that the Commission adopt Resolution 2009-1818, to Reappoint Sylvia Brown Olivetti, Richard S. Carson, and Marita B. Brown as public members to the WSSC Employee Retirement Board. Vice Chair Counihan seconded the motion. The motion carried with five affirmative votes.

#### **Customer Care**

**Change Order 2 - Purchase Order 71749.** Vice Chair Counihan moved that the Commission approve Change order 2 to Purchase Order 71749, for additional repair work to a 66" water main on River Road, Bethesda to Ross Construction in the amount of \$185,300.00. Commissioner Mandel seconded the motion. The motion carried with five affirmative votes.

#### **LOGISTICS**

**Contract 5524.** Commissioner Miller moved to approve Contract 5524 for hauling and disposal of debris to L.E. Blue Associates, for \$1,186,695.00. Vice Chair Counihan seconded the motion. The motion carried with five affirmative votes.

**AFTERNOON CLOSED SESSION**

The afternoon closed session was not held.

**OPEN SESSION RESUMED  
COMMISSIONERS' CONFERENCE ROOM**

**INTERNAL AUDIT OFFICE**

**Briefing on Audit Committee Responsibilities.** Commissioners were briefed on their role in approving audit reports for WSSC.

**Intergovernmental Relations Office**

Commissioners received an update on pending legislation.

**1. MCPG 118-09.** This bill seeks to add a 7<sup>th</sup> Commissioner to WSSC. Commissioner Mandel moved to take no position. Vice Chair Counihan seconded the motion. The motion carried with five affirmative votes.

**2. MCPG 121-09.** This bill prohibits certain motions from being adopted unless one Commissioner from each county votes in the affirmative. Vice Chair Counihan moved to support the bill. Commissioner Mandel seconded the motion. Chair Starks announced she would hold the vote until the March meeting when Commissioner Agarwal would be present.

**3. MCPG 122-09.** This bill allows Montgomery County access to WSSC audits. Vice Chair Counihan moved that the Commission take no position on this bill. Commissioner Moore seconded the motion. The motion carried with five affirmative votes.

Two other bills were discussed, MCPG 104-09 and 105-09. Lastly, Commissioners were advised that because the federal government would be using affordability criteria rather than the availability of shovel-ready projects to determine distribution of the Federal Government's 2009 Economic Stimulus Funds, WSSC would be in the lower part of the list because of the wealth of the residents in the water district.

**Interim General Manager**

Ms. Daniell noted that the water fund audit was completed and made available for review. She highlighted the results which focused on the need to strengthen procedures for managing the operations matters related to the fund at WSSC. Next, she discussed the asset plan and design under the WSSC Ten-Year Plan.

#### **Corporate Secretary**

Commissioners received the corporate secretary's report and were asked to approve Amended minutes from the December 18, 2008 meeting because there was an error in the motion that indicated the number of a resolution for check signing authority for the General Counsel's office. Commissioners amended the agenda and made the motion: Vice Chair Counihan moved that Commissioners approve the Amended minutes for December 2008 that change Resolution 2009-1815 to Resolution 2009-1816. Commissioner Mandel seconded the motion. The motion carried with five affirmative votes (Commissioner Agarwal had left the meeting).

#### **Commissioner Item: PMA**

**Performance Management System (PMS).** Ms. McKinney briefed Commissioners on how the company's performance management system works. Questions from Commissioners addressed equal application of the system to non-union employees and union employees. Commissioner Miller recommended a survey to resolve questions she raised about the PMS.

#### **Engineering & Construction**

**Contract BL9972A94, Amendment 1.** Commissioners were briefed on this contract for Architect-Engineer Design Services during construction for the Bi-County Tunnel Project (CIP W-127.01). This work was not included in the scope of work for paving. Commissioners were advised that the Commission saved 13% or \$27,000 in allowing an emergency contractor to do the paving work rather than a paving contractor.

#### **Production**

**Contract 5577.** Commissioners were briefed on this contract for Methanol for Western Branch Waste Water Treatment Plant.

#### **IT/CAMO**

**ERP/EAM/CRM Multi-year Project.** A slide presentation demonstrated the purpose and capabilities of the ERP/EAM/CRM project and its impact on WSSC operations.

**Remainder of the Agenda**

Commissioners had to preside over a refund hearing requiring a quorum of Commissioners so Commissioners agreed to receive the briefings on the Acquisition Manual, the SLMBE policy draft and the Bylaws at a special meeting to be scheduled before the next scheduled Commission meeting on March 18, 2009.

**Adjournment**

Commissioner Mandel moved to adjourn the meeting. Commissioner Miller seconded the motion. The motion carried with five affirmative votes: At 6:50 p.m. Chair Starks declared the meeting was adjourned.

Respectfully submitted,

\_\_\_\_\_  
//signed//  
Charlett Bundy  
Corporate Secretary