

WASHINGTON SUBURBAN SANITARY COMMISSION

MINUTES OF THE COMMISSION MEETING

Wednesday, February 28, 2008

Laurel, Maryland

Chair Adrienne A. Mandel called the meeting to order at 5:33 p.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 Starks, Commissioners Prem Agarwal, Juanita Miller, Norman E. Pruitt and Gene W. Counihan were present at the meeting. Also, present were General Manager Andy Brunhart, Deputy General Manager Teresa Daniell, and Corporate Secretary Charlett Bundy.

Agenda Approval

Commissioner Pruitt moved to approve the agenda. Commissioner Agarwal seconded the motion. The motion carried with five affirmative votes as Vice Chair Starks had not yet joined the meeting.

Approval of Minutes

Commissioner Agarwal moved to approve the minutes of the February 25, 2008 meeting. Commissioner Pruitt seconded the motion. The motion carried with five affirmative votes as Vice Chair Starks had not yet joined the meeting.

**OPEN SESSION
COMMISSIONERS' CONFERENCE ROOM**

Finance Office

FY 2009 BUDGET. Commissioners were briefed on the revised budget based options based on rate increases of 6.5%; 7.0%; 7.5%; 8%; 8.5% and 9%. Mr. Brunhart presented his opinion of what would be cut in the budget for options with rate increases less than 9%. After considerable discussion, Chair Mandel relinquished the gavel to Commissioner Agarwal as Vice Chair Starks was appearing by telephone.

Chair Mandel moved that the Commission approve a budget with a rate increase of 8% and an infrastructure renewal fee of \$6.00, or at the 30% rate described in the public hearing document and continue the dialogue toward action to establish a ten-year fiscal plan. Commissioner Counihan seconded the motion. The motion failed as the vote was tied: nay: Vice Chair Starks; Commissioners Miller and Agarwal; and yea: Chair Mandel; Commissioners Pruitt and Counihan.

Commissioner Counihan moved that the Commission approve a budget with a 9.5% rate increase and continued consideration of the infrastructure renewal fee. Commissioner Pruitt seconded the motion. The motion failed as the vote was tied: nay: Vice Chair Starks;

Commissioners Miller and Agarwal; and yea: Chair Mandel; Commissioners Pruitt and Counihan.

Commissioner Agarwal moved that the Commission approve a budget with a 7% rate increase with no infrastructure fee but with continued dialogue on how to fund the infrastructure renewal. Commissioner Miller seconded the motion. After discussion on the impact of the 7% or a 7.5% increase on the customer, Commissioner Miller suggested that the motion contain an 8% increase. Commissioner Agarwal then amended the motion to change the rate increase to 8%. Commissioner Miller seconded the amendment. Commissioner Counihan then amended the motion to state that the \$5.591 million shortfall be taken from the WSSC fund balance. Commissioner Pruitt seconded the amendment. The motion amendment carried with five affirmative votes. Vice Chair Starks abstained because she was not privy to the discussion on the motion. With the amendment, Commissioner Agarwal's motion, seconded by Commissioner Miller, was stated as: "I move that the Commission approve a budget with an 8% rate increase, that the \$5.591 million shortfall from the previously adopted 9.5% increase be taken from the WSSC fund balance, with no infrastructure fee but with continued dialogue on how to fund the infrastructure renewal." A roll call vote resulted in the following: Chair Mandel, yea; Vice Chair Starks; nay; Commissioner Agarwal, yea; Commissioner Miller, nay; Commissioner Counihan, yea; and Commissioner Pruitt, yea. With four affirmative votes, the motion carried.

At 8:10 p.m. Commissioner Miller moved to close the meeting pursuant to Section 10-508(a)(13) to discuss the transition plan. The motion passed with six affirmative votes.

At 8:11 p.m. the closed meeting began. In attendance were Chair Mandel, Vice Chair Starks, Commissioners Agarwal, Miller, Pruitt and Counihan; and Corporate Secretary Charlett Bundy.

Transition Plan

During this session, three motions were made regarding the appointment of an interim general manager and an interim deputy general manager. Two failed because of a tie vote. One motion passed: Commissioner Counihan moved to appoint Teresa Daniell as Interim General Manager and Rudy Chow as Interim Deputy General Manager and that both serve in their respective positions until a new WSSC general manager is selected and assumes the duties of general manager. Commissioner Pruitt seconded the motion. The motion carried with five affirmative votes as Commissioner Miller had temporarily left the room. When she returned, she voted yea so the motion carried unanimously.

Another motion was made and carried with five affirmative votes regarding the content of the employment contracts of the interim general manager and the interim deputy general manager. Commissioner Miller

abstained because she stated the motion was a farce and was unfair to the employees and the morale of the agency.

Commissioner Pruitt moved to amend the WSSC Delegation of Authority dated October 1, 2004 such that the delegation to the General Manager is also delegated to the Interim General Manager and the Interim Deputy General Manager as delegated by the General Manager and/or the Commission. Commissioner Counihan seconded the motion. The motion carried with five affirmative votes. Commissioner Miller abstained because she said the process was skewed and discriminatory.

At 9:17 p.m. Commissioner Agarwal and Miller left the room. At 9:20 p.m. Commissioner Pruitt moved to end the closed session. Commissioner Counihan seconded the motion. The motion carried with four affirmative votes (Vice Chair Starks was still on the telephone).

OPEN SESSION

Commissioner Counihan moved to adjourn the meeting at 9:24 p.m. Commissioner Pruitt seconded the motion. The motion carried with four affirmative votes.

At 9:25 p.m. Chair Mandel declared the meeting was adjourned.

 //Signed//

Charlett Bundy, Esq.
Corporate Secretary