

WASHINGTON SUBURBAN SANITARY COMMISSION

MINUTES OF THE COMMISSION MEETING

Wednesday, March 29, 2009
Laurel, Maryland

Vice Chair Gene Counihan called the meeting to order at 7:15 p.m. on the telephone line 1-800-914-8405, Conference Code: 1981383, 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, Corporate Secretary Charlett Bundy, General Counsel, Jerry Blask, and Towanda Livingston.

AGENDA APPROVAL

Commissioner Agarwal moved to approve the agenda for March 29, 2009 at 7 p.m. Commissioner Mandel seconded the motion. The motion carried with five affirmative votes as Chair Starks joined after the vote on this motion was completed.

Commissioner Mandel moved the adoption of SP MBE-09-01 marked "Last revised --December 18, 2008" consisting of 37 pages that was recommended by the Interim General Manager in a memorandum dated February 11, 2009 addressed to the Commissioners. Vice Chair Counihan seconded the motion. During discussion the Chair declared the motion out of order because it placed a new item on the agenda and the agenda only contained one item, to extend the current program, MBE 96-01.

After much debate, Commissioner Mandel was asked to withdraw her motion. She refused and restated it: I move not to approve the extension of the MBE Program under Resolution 2009 1822 and move the adoption of the adoption of SP MBE-09-01 marked "Last revised --December 18, 2008" consisting of 37 pages that was recommended by the Interim General Manager in a memorandum dated February 11, 2009 addressed to the Commissioners.

Chair Starks made a point of order and stated no new items would be added to the agenda because the agenda had been approved and she would not change the agenda by having a new item on the agenda. She asked for a motion to address the item

on the agenda which was the extension of SP MBE 96-01. General Counsel opined that the agenda only addressed the extension of MB 96-01 so the only viable motions within the scope of the agenda would be either the adoption of the SP MB 96-01 or the rejection of SP MB 96-01.

Vice Chair Counihan moved to reject the proposal to seek an extension of SP MB 96-01 as described in Resolution 2009-1822. No second was offered so the motion failed.

Commissioner Agarwal moved to approve Resolution 2009-1822 to extend the MBE program for 120 days from May 15, 2009 to September 12, 2009 including September 12, 2009. Commissioner Miller seconded the motion. Commissioner Mandel made a motion to substitute, stating, "After considering this program for many months I move to adopt SP MBE 09-01 last revised December 18, 2008 consisting of 37 pages that was recommended by the Interim General Manager dated February 11, 2009 addressed to the Commissioners." Chair Starks raised a point of order and ruled the motion to substitute out of order because it introduced a new item on the agenda. She called for the vote on Mr. Agarwal's motion.

Nay votes were cast by Vice Chair Counihan and Commissioner Moore. Aye votes were cast by Commissioners Prem Agarwal, Juanita Miller, and Chair Starks. Commissioner Mandel then announced "very, very reluctantly and for the absolute last and final time, I will vote to extend. I do this reluctantly because this item of SLMBE program has been on our agenda 18 of our last 26 meetings and because I believe that our MBE Program is so important and should be reconstituted not just extended, extended, extended, I will reluctantly approve Commissioner Agarwal's motion but I am alerting all my colleagues that * * * I will not vote to extend again. This is the last time I will vote to extend." With four affirmative votes, the motion to approve Resolution 2009-1822 to extend MBE 96-01 for 120 days up to and including September 12, 2009 carried. Chair Starks thanked Commissioner Mandel for her comments and stated she will try to ensure the adoption of a WSSC MBE Program.

Adjournment

Commissioner Mandel moved to adjourn the meeting.
Commissioner Agarwal seconded the motion. The motion carried
unanimously. At 8:05 p.m. Chair Starks declared the meeting
adjourned.

Respectfully submitted,

//signed//
Charlett Bundy
Corporate Secretary