

WASHINGTON SUBURBAN SANITARY COMMISSION

MINUTES OF THE COMMISSION MEETING

Wednesday, April 16, 2008

Laurel, Maryland

Chair Adrienne A. Mandel called the meeting to order at 8:53 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 Starks, Commissioners Prem Agarwal, Juanita Miller, and Gene W. Counihan 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. Commissioner Pruitt appeared by telephone, later in the day.

AGENDA APPROVAL

Commissioner Agarwal moved to approve the agenda as published. Commissioner Miller seconded the motion. The motion carried with four affirmative votes as Vice Chair Starks had not yet arrived.

Finance Office

February 2008 Status Report. Commissioners were advised that the February 2008 Status Report had been transmitted to the counties.

Public Hearing Dates for Proposed FY's 2010-2015 Capital Improvement Budget. Commissioner Counihan moved that the Commission set public hearing dates for the 2010-2015 Capital Improvements Program as follows: Tuesday, September 9, 2008, 7:30 p.m. in Room 308 of the RMS Building in Largo, Maryland and Wednesday, September 10, 2008 at 7:30 p.m. in the 7th Floor Hearing Room of the Stella B. Werner Office Building in Rockville, Maryland. Commissioner Miller seconded the motion. The motion carried with four affirmative votes as Vice Chair Starks had not yet arrived.

WSSC Employees' Retirement Plan Trustee Board Composition and WSSC Employees' Retirement Plan Document Amendments. Mr. Traber and his staff briefed Commissioners on the feasibility of increasing the

size and changing the composition of the WSSC Employees' Retirement Plan Trustee Board. Commissioners agreed that the matter would be ready for a vote at the May 2008 meeting.

Engineering & Construction

Contracts BR4271F05; BR4553C07; BR4702A07; BR/CR4371A06.

Commissioners were briefed on these contracts of which the first three addressed water main reconstruction in Silver Spring, Hillcrest and Glenn Echo, respectively and the latter addressed sewer and water main reconstruction in Chevy Chase. Only Contract BR4271F05 for work in Silver Spring was approved as a voting item for the afternoon session.

Production

Contract No. 5274. Commissioners were briefed on the proposed repairs to and repainting of the interior of a steel ground storage tank at Patuxent Finished Water Reservoir No. 2.

CLOSED SESSION - COMMISSIONERS' CONFERENCE ROOM

At 10:42 a.m., Vice Chair Starks 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) and 10-508(a)(1) to discuss an administrative matter and a personnel matter related to the Transition Plan. Commissioner Agarwal seconded the motion. The motion carried with five affirmative votes.

At 10:45 a.m., Chair Mandel declared the meeting was closed. In attendance were: Chair Mandel; Vice Chair Starks; Commissioners Agarwal, Miller and Coughlin. Also present were Corporate Secretary Charlett Bundy and Lonnie Taylor of Heidrick & Struggles. Commissioners discussed an administrative matter and a personnel matter related to the Transition Plan.

At 1:33 p.m. Vice Chair Starks moved that the morning closed session be adjourned and the open meeting resumed. Commissioner Miller seconded the motion. The motion carried with five affirmative votes.

OPEN SESSION

At 1:35 p.m., Chair Mandel declared the open meeting had resumed.

AUDITORIUM SESSION

Chair Mandel called the meeting to order in the auditorium at 1:42 p.m. She asked Commissioner Agarwal to lead the pledge of allegiance.

APPROVAL OF MINUTES

March 10, 19, and 27, 2008 Minutes. Commissioner Agarwal moved that the Commission approve the open session minutes from the March 10, 19, and 27, 2008 Commission Meetings. Commissioner Counihan seconded the motion. The motion carried with five affirmative votes as Commissioner Miller was temporarily off the podium and provided her vote upon her return.

PRESENTATION OF WSSC RETIREES

Four employees retired this month and none were present at the meeting to be recognized. The retirees were: Victor A. Ellis, Systems Construction Inspector II, who retired with 26 years and 5 months of service; Linda E. Ghee, Senior Wastewater Plant Operator who retired with 28 years and 7 months of service; Larry E. Hockenberry, Central Garages/Equipment Unit Coordinator, who retired with 16 years and 7 months of service; and Jonathan A. Lamb, Contract technician Manager I, who retired with 31 years and 6 months of service.

COMMISSIONERS' ITEMS/COMMENTS

Vice Chair Starks thanked staff for their dedication and noted it was a joy to see employees at the various company events. She wished everyone a Happy Passover celebration.

Commissioner Miller noted a briefing on the WSSC FOG prevention program that she and Interim Deputy General Manager Rudy Chow had provided the Melwood Civic Association. She commented that the closed circuit television camera shots of the insides of WSSC pipes clearly show the harm done when the populace is not environmentally sensitive to keeping fats, oil and grease out of the pipe system. She also noted the Commission meeting was being held on the same day that Abraham Lincoln signed the emancipation proclamation that freed the slaves in Washington, D.C. in 1863.

Chair Mandel again recognized the WSSC plants that had received the peak performance awards for 2007. She gave a brief history of the development of Earth Day and how it became an item on the national agenda of the United States to address and recognize the critical need to heed the call for clean air and water and for the protection of endangered species. She described how it has become a global day of recognition and how it has boosted recycling and other green initiatives world-wide. She noted the ongoing need to promote a healthy, stable environment and that the fight for clean air and water should be hallmarks of not just Earth Day, but every day.

INTERIM GENERAL MANAGER'S ITEMS/COMMENTS

Ms. Daniell recognized the WSSC activities that had been conducted to celebrate Earth Month. She noted that 1100 school children from pre-kindergarten through grade 12 had participated in the Water Fest held at the water shed near Duckett Dam. Slides of the event themed, "Thinking Green to Protect Blue" were shown as she spoke.

PUBLIC COMMENTS

There were no public comments.

AREA PRESS QUESTIONS

There were no press questions.

EMPLOYEE EXCELLENCE

Video of Wastewater Collection Systems Staff. A video from the employee spotlight program recognized the staff of the Wastewater Collection Systems Team.

Engineering and Construction

Contract BR4271F05. Commissioner Counihan moved that the Commission award Contract BR4271F05 for Water Main Reconstruction in Silver Spring, Montgomery County. Commissioner Agarwal seconded the motion. The motion carried with three affirmative votes: Vice Chair Starks voted nay and Commissioner Miller abstained because she said the process used to award the contract appeared to be questionable.

Production

Contract 4550. Commissioner Miller moved that the Commission approve the first and final option year in this contract for biosolids management and utilization at the Parkway Wastewater Treatment Plant. Commissioner Counihan seconded the motion. The motion carried with four affirmative votes as Vice Chair Starks voted nay.

Commissioners then resumed the meeting in the Commissioners' Conference Room at 1:57 p.m.

OPEN SESSION - COMMISSIONERS' CONFERENCE ROOM**SLMBE OFFICE**

Review of MBE Program Options & Selection. Commissioner Pruitt co-chair of the MBE Program Development Committee who was traveling on business joined the meeting by telephone at this point to provide a report on the MBE draft. Vice Chair Starks, the other co-chair of the committee, presented three proposed options for Commissioners to consider. She noted that a disparity study would need to be commissioned in the near future for either of the options.

Option I as summarized includes establishing annual MBE subcontracting goals for all contracting areas. The minimum goal would be \$24,000 and above for all but construction contracts. For construction contracts, the minimum goal would start at \$50,000. The Option would require annual review of the goals to establish appropriate mandatory MBE subcontracting goals. After reviewing Option II, Vice Chair Starks moved that the Commission adopt MBE Program Draft Option I and publish it to receive public comment. Commissioner Pruitt seconded the motion. The motion carried with six affirmative votes.

Next, Vice Chair Starks moved that the Commission authorize staff to publish draft Option I and hold a hearing 30 days after the draft Option I has been published. Commissioner Pruitt seconded the motion. The motion carried with six affirmative votes.

Commissioner Miller moved to direct the SLMBE Director to start the procedure for putting in place, a contracting procedure for commissioning a disparity study. Commissioner Pruitt seconded the motion. The motion carried with six affirmative votes. Thereafter, Commissioner Pruitt left the meeting.

Activity Report. Ms. Livingston provided Commissioners with an update on the staffing and program development projects in her office.

Intergovernmental Relations

Commissioners received updates on the bills pending in the Maryland legislature that impact WSSC.

Interim General Manager's Report

Ms. Daniell gave Commissioners an update on the WSSC Fats Oil and Grease (FOG) Program which included the announcement about the proposed legislation to enhance enforcement options for WSSC against violators of the FOG Program. She highlighted the information summarizing the status of the pharmaceuticals in drinking water and its impact on WSSC. She noted she had attended a workshop sponsored by the American Water Works Association for regional water companies on the topic. The workshop addressed policy questions on the issue.

Friday, April 11, 2008 was the start-up date for WSSC to receive energy from the wind power farm that was contracted last year. Ms. Daniell stated an event is planned for May to commemorate the start-up.

Internal Audit Office

Resolution 2008-1798. Commissioner Miller moved to approve Resolution 2008-1798 which appoints William Walton as the Chairperson of the WSSC Board of Ethics. Commissioner Counihan seconded the motion. The motion carried with five affirmative votes.

Resolution 2008-1799. Commissioners were briefed on the request to provide mileage reimbursement for members of the WSSC Board of Ethics for attendance at meetings other than the regularly-scheduled Board of Ethics meetings.

Monthly Report. Commissioners reviewed highlights of the audit manager's monthly report.

Corporate Secretary's Office

Monthly Report. Ms. Bundy provided Commissioners a recapitulation of her work for the month.

AFTERNOON CLOSED SESSION

At 3:59 p.m. Vice Chair Starks moved to close the meeting pursuant to Subtitle 5 of Title 10 of the State Government Article, Maryland Code: Section 10-508(a)(7) to discuss settlement of a legal matter; Section 10-508(a)(13) to: a) approve closed session minutes for March 4 and 19, 2008; b) discuss the Transition Plan; and c) discuss other Administrative matters; and Section 10-508(a)(1) to discuss personnel matters: a) determine final salary for a former employee; b) review proposed Delegation of Authority Amendment and Contract Addenda for the Interim GM and Interim Deputy GM; c) discuss the Internal Audit Manager's salary review and d) discuss SLMBE Director's performance review. Commissioner Agarwal seconded the motion. The motion carried with five affirmative votes. At 4:01 p.m. Chair Mandel declared that the meeting was closed. In attendance were Chair Mandel; Vice Chair Starks; Commissioners Agarwal, Miller and Counihan. For the approval of closed minutes and the settlement of a legal matter, only the

