

WASHINGTON SUBURBAN SANITARY COMMISSION

MINUTES OF THE COMMISSION MEETING

Wednesday, April 18, 2007

Laurel, Maryland

Chairman Prem Agarwal called the meeting to order at 8:32 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 Botts, Commissioners Joyce Starks, Marc P. Lieber, Sandra Allen, and Juanita Miller were present. Also, present were General Manager Andy Brunhart, General Counsel Jerry Blask and Corporate Secretary Charlett Bundy. Commissioners Joyce Starks arrived after the agenda had been approved.

Agenda Approval

Commissioner Miller moved to amend the agenda to remove the Contract KCM4626A07 and to approve the amended agenda. The motion failed for lack of a second. Commissioner Lieber moved to adopt the agenda as published. Commissioner Allen seconded the motion. Commissioner Miller voted nay and the motion carried with four affirmative votes.

Finance Office

February 2007 Status Report. Mr. Traber advised Commissioners that the February 2007 Status Report had been transmitted to the county governments.

Resolution 2007-1775. Commissioners were asked to review this resolution which approves a five-year funding schedule for other post employment benefits.

Trust Agreement for Other Post Employment Benefits (GASB 45). Mr. Traber discussed the elements of the Trust Agreement including language changes to determine if Commissioners had comments or concerns. Vice Chair Botts congratulated Mr. Traber and his staff on the AAA rating that was assigned by all three bond rating agencies.

Public Hearing Dates for FY 2009-2014 CIP. Commissioners were asked to approve hearing dates for customer comments on the CIP for FY 2009-2014.

Engineering and Construction

Contract Briefings: Commissioners were briefed on the following contracts:

1. Utility Master Plan - Contract CM4626A07. Commissioner Starks reiterated her suggestion that WSSC coordinate any digging projects with other utility companies so that the paving and other

attendant services can be combined for a cost savings for all of the utility companies involved in the project. General Manager Brunhart advised Commissioners that agendas for all future Commission meetings will have a 30-minute update on this contract.

2. Rocky Gorge Valve Rehab - BF1582E91

3. Duckett Dam Intake Repair - BD 4356A06

After the briefings for the Engineering and Construction contracts, it was noted on the record that the contracts are ready to be awarded at the April 18, 2007 Commission meeting.

Sewer Model Briefing. As part of the ongoing compliance with the consent decree with the U.S. Department of Justice, WSSC has to develop a sewer model which would identify possible locations of future overflows. The Engineering and Construction team briefed Commissioners on the progress of the development of this model. Mr. Brunhart noted that the sewer model will be the most comprehensive model ever developed. It will be used for identifying the capital sewer requirements in conjunction with SSO decree requirements for the next five-to-ten years.

Logistics

Contract 3972. This contract for professional security guard services was briefed and deemed ready for award. Commissioner Starks noted the gravity of the staff's error in continuing a contract without an official ratification by the Commissioners. Commissioner Lieber noted a serious concern regarding corporate governance and financial controls given that staff exercised a contract extension without the knowledge of upper level management and the Commission. Commissioners requested a list of any other overdue contracts pending in the Acquisitions Department be placed for discussion at the next Commission meeting.

Customer Care Team

Contract Briefings: Commissioners were briefed on three items that were presented for a vote at the afternoon session:

1. **JOC Contract 4335.** This contract was briefed in the afternoon. It will facilitate the rehabilitation of sewer mains to improve service to various areas within Prince George's County. Process includes pipe bursting and traditional cut and cover methods of removal of deteriorated pipe.

2. **Contract P66990.** Covers work to armor exposed sewers or manholes.

3. **Contracts 66532, 66533, 66253, 66534.** These four contracts will address trunk sewer inspections and surveying of line 15" in diameter or larger located in wooded rights of way and running along and crossing streams in Prince George's and Montgomery Counties.

General Counsel's Office

Sr. Counsel Bob Drummer briefed Commissioners on the need for an internal standardized procedure for managing the flow of responses to requests pursuant to the Maryland Public Information Act. A second draft was requested as was a copy of the MPIA for further review by Commissioners.

Commissioner Item**Infrastructure -- International View**

The speaker had travel difficulties and did not appear so this topic was tabled for a future meeting.

OPEN SESSION -- AUDITORIUM

At 1:01 p.m. Chairman Agarwal called the public meeting to order. Vice Chair Botts and Commissioners Starks, Allen, and Miller were present (Commissioner Lieber was away until 3:20 p.m.). Chair Agarwal asked Mr. Brunhart to lead the pledge of allegiance.

APPROVAL OF MINUTES

Vice Chair Botts moved that the Commission approve the open session minutes from the March 21, and April 4, 2007 Commission Meetings. Commissioner Allen seconded the motion. Commissioner Starks abstained as she did not have a chance to review the minutes. With five affirmative votes, the motion carried.

AREA PRESS QUESTIONS

There were no press questions.

PRESENTATION OF WSSC RETIREES

Three of the six employees who retired this month were present to be recognized as they retired from WSSC: William A. Edwards, a Database Administrator retired with 18 years and 11 months of service; Venice Lockman, a Programmer Analyst retired with 18 years and 10 months of service; and Daryl Richardson, Sr. retired as an Engineering Assistant IV with 36 years and 1 month of service.

Retirees who were absent but recognized were: Henry Haywood, Jr., a Microcomputer Specialist who retired with 18 years and 2 months of service; Silas K. Malik, a Information Systems Support Supervisor who retired with 17 years and 5 months of service; and Gary L. Tyburski, a Unit Coordinator with IT who retired with 17 years and 4 months.

EMPLOYEE EXCELLENCE

Commissioners and the audience were shown two video clips of WSSC employees at work. The videos are part of a project implemented by the Fair Practice Office Laurie Young and Employee Liaison Tino Owens to highlight the jobs WSSC employees do routinely.

COMMISSIONERS' ITEMS/COMMENTS

Commissioner Botts asked that the audience be mindful of two serious situations that occurred in the last week that were a matter of words and deeds being very harmful. He asked that all "make our words and deeds something that we as leaders will be proud of."

Commissioner Starks thanked the Western Branch for sharing their work in the video clips.

Commissioner Miller thanked Laurie Young and Tino Owens for the idea of creating the video and for a job well done. She noted that the Commission should be proud of its response to the residents of Wilburn Estates in Capitol Heights, MD who needed the mobile water wagon when a power outage left the residents without water for 12 hours.

GENERAL MANAGER'S ITEMS/COMMENTS

Mr. Brunhart thanked Kevin Woolbright and his crew who were responsible for taking the water wagon to the Wilburn Estates residents. Mr. Brunhart also acknowledged Mr. Woolbright's efforts in having Governor O'Malley proclaim the week of April 25th as Underground Excavation Safety Week. Lastly he noted that in celebration of Earth Month, The Damascus Plant tour was a great success. Fifty people took the rain barrel workshop leaving only standing room for the additional 30 persons who attended. Over 100 people took part in the Patuxent Clean up event and numerous WSSC employees helped clean up Sweitzer Lane as part of the Earth Month celebration and in keeping with the company's core value of environmental stewardship.

Engineering & Construction

Contract BR/CR4395A06 - Water Main Replacement Takoma Park. Vice Chair Botts moved that the Commission award Contract No. BR/CR4395A06 for Water and Sewer Main Replacement in Takoma Park, MD to Callahan Pipeline, Inc in the amount of \$1,049,650. Commissioner Allen seconded the motion. The motion carried with five affirmative votes.

Contract - CM4626A07 Utility Master Plan. Commissioner Allen moved that the Commission award Contract CM4626A07 to Stearns and Wheler, LLC for services associated with the development of a Utility Master Plan in the amount of \$971,235 for Phase IA. The total for all phases, if exercised, is estimated to be \$6,000,000. Vice Chair Botts seconded the motion. Commissioner Miller voted nay because the information about this contract did not reach her in time so she could make an informed decision. The other Commissioners voted yea, so the motion carried with the four affirmative votes.

Contract BF1582E91 - Rocky Gorge Valve Rehabilitation.

Commissioner Allen moved that the Commission award Contract BF1582E91 for Valve Replacement at Rocky Gorge Water Pumping Station in Laurel, Prince George's County, MD to Norair Engineering Corporation in the amount of \$3,737,400. Commissioner Starks seconded the motion. The motion carried with five affirmative votes.

Contract No. BD 4356A06 Duckett Dam Intake Repair - Commissioner Allen moved that the Commission award Contract No. BD4356A06 for Duckett Dam Intake Repair in Laurel, MD to Johnston Construction Company in the amount of \$2,029,191.00. Vice Chair Botts seconded the motion. The motion carried with four affirmative votes. Chair Agarwal abstained from voting because he had a previous relationship with Johnston Construction.

Finance Office

Public Hearing Dates - Montgomery County. Commissioner Miller moved that the Commission set Monday, September 17, 2007 as the public hearing date for Montgomery County residents to comment on WSSC FY 2009 -2014 Capitol Improvements Program and that the hearing be held at 7:30 pm in the Stella Werner Office Building, 3rd Floor Hearing Room, 100 Maryland Avenue, Rockville, MD. Vice Chair Botts seconded the motion. The motion carried with five affirmative votes.

Public Hearing Dates - Prince George's County. Commissioner Miller moved that the Commission set Tuesday, September 18, 2007 as the public hearing date for Prince George's County residents to comment on WSSC FY 2009 -2014 Capitol Improvements Program and that the hearing be held at 7:30 pm, at Largo Government Center, Room 102, 9201 Basil court, Largo, MD. Vice Chair Botts seconded the motion. The motion carried with five affirmative votes.

Logistics

Contract 3972 - Professional Security Guard Services Contract 3972. Commissioner Allen moved that the Commission approve Change Order 3 to Contract No. 3972 for Professional Security Guard Services to Knight Protective Services, Inc. located in Capitol Heights, MD. Change Order No. 3 increases the contract to \$478,597.77 to cover security services during the extended contract period to go through September 30, 2007. Commissioner Starks seconded the motion. The motion carried with four affirmative votes. Commissioner Miller abstained because the process used for contract renewal was inappropriate and mishandled.

Production

Contract 3869 - Blue Plains WWTP Bio-solids Management. Vice Chair Botts moved that the Commission exercise Option Year II of Contract No. 3869 for Blue Plains Biosolids Management and Utilization to Recyc Systems, Inc. in the amount of \$6,174,824 plus the CPI-U adjustment based on the December 2007 published issue of the Consumer Price Index and contingent upon the passing of House Bill No. 2802, approve an additional \$227,176 for the State of Virginia, Department of Health Fee created by House Bill No 2802. Commissioner Allen seconded the motion. The motion carried with four affirmative votes. Commissioner Miller voted nay.

Contract 4979 - Western Branch WWTP Bio-Solids Management. Vice Chair Botts moved that the Commission award Contract No. 4979 for Biosolids Management and Utilization at the Western Branch Wastewater Treatment Plant to Jabb II, LLC in the amount of \$818, 000. Commissioner Allen seconded the motion. The motion carried with five affirmative votes.

Contract 05-01 - Liquid Chlorine. Commissioner Miller moved that the Commission exercise the remaining eight months of Option Year II of Contract No. 05-01 with Kuehne Chemical Company for Liquid Chlorine in one ton cylinders in the amount of \$694,289. Commissioner Starks seconded the motion. The motion carried with five affirmative votes.

At 1:53 p.m. the meeting then adjourned to the Commissioners' Conference Room for the afternoon session.

**AFTERNOON SESSION -
COMMISSIONERS' CONFERENCE ROOM**

At 2:02 p.m. the meeting resumed in the Commissioners' Conference Room.

Acquisitions

JOC Contracting. Mr. Tom Laboon presented an overview of why Job Order Contracts (JOC) will be phased out of use at WSSC and the process that will take JOC's place. It was determined that Mr. Laboon's report was **biased**. He was asked to submit a revised report that contained additional, objective information using all available resources about JOC contracting.

General Manager's Report

Mr. Brunhart noted that WSSC is a month ahead of schedule on the Marlboro Meadows project. He noted that the inspection of the 96" transmission main at over 50 different sites and locations is ongoing. The result is the identification of sites of concern and engineering decision about patching, etc. He acknowledged the recent AAA rating from all three bond rating agencies. Commissioners were advised of the automatic meter pilot project that is 85% complete. In the IT projects

update, Commissioners were told about the status of the design and construction of select IT projects so that they have some visibility of IT issues other than just IT problems. Lastly, Mr. Brunhart noted that the company is on target to get to \$8-9 million in the black by June 2007 however, the water usage rate drop may have a slight impact on reaching that goal. He closed with the SLMBE statistics noting that the 28% goal was holding but that contracting in the area of goods and services lagged behind other contracting areas for SLMBEs.

Internal Audit

March 2007 Report. Maxene Bardwell presented the department's monthly audit report to Commissioners. There were no questions.

Board of Ethics Annual Report. Ms. Bardwell then presented the annual report of the WSSC Ethics Board. There were no questions.

Corporate Secretary

Monthly Report. Ms. Bundy provided Commissioners a report of her monthly activities.

SLMBE OFFICE

Towanda McNeil presented a summary of suggested policy changes in how the SLMBE office will approach its program after the new legislation is passed. Commissioner Miller suggested that an interim policy be created based on what was in place before July 1, 2006 so that on June 1, 2007, when the current MBE legislation for WSSC is expected to take effect, WSSC will have a policy that can be used until a more recent policy can be approved. Commissioner Starks thanked the MBE community for their support in lobbying to have the 2007 MBE bill passed and noted she would like to invite the MBEs to the May Commission meeting to formally acknowledge their efforts.

AFTERNOON CLOSED SESSION

At 4:20 p.m. Commissioner Lieber moved to close the meeting pursuant to: 1. Subtitle 5 of Title 10 of the State Government Article, Maryland Code Section 10-508(a)(1) and (2) personnel: HR staff reassignment; 2. Section 10-508(a)(13) to approve a) Closed Session Minutes from March 21 and April 4, 2007 meetings; and b) to discuss the process for the General Manager's Performance Evaluation. Items c) SLMBE Director's Contract Addendum; and d) Internal Audit Manager's Initial Assessment were tabled until a meeting on May 2, 2007. Commissioner Allen seconded the motion. The motion passed with six affirmative votes.

At 4:20 p.m. the closed meeting began. In attendance were Chair Agarwal, Vice Chair Botts, Commissioners Lieber, Starks, Allen and

Miller; General Manager Andy Brunhart; General Counsel Jerry Blask; and Corporate Secretary Charlett Bundy. HR Director Yvonne McKinney joined the meeting at 4:26 p.m. for the item on HR reorganization and she and Mr. Blask and Mr. Brunhart left the meeting at 4:30 p.m. Ms. Bundy left during the deliberations on Mr. Brunhart's evaluation performance.

Commissioners discussed the HR restructuring schedule and the process for the General Manager's performance evaluation.

Commissioner Lieber moved to approve the closed session minutes for the March 21 and April 4, 2007 Commission meetings. Commissioner Allen seconded the motion. The motion passed with a unanimous vote.

At 4:50 p.m. Commissioner Lieber made a motion to close the closed session. Commissioner Allen seconded the motion. The motion carried with six affirmative votes.

ADJOURNMENT

Immediately thereafter, Commissioner Lieber made a motion to end the meeting. It was seconded by Commissioner Allen. The vote was unanimous. At 4:52 p.m. Chair Agarwal declared the meeting was adjourned.

 //signed//

Charlett Bundy, Esq.
Corporate Secretary