

WASHINGTON SUBURBAN SANITARY COMMISSION

MINUTES OF THE COMMISSION MEETING

**Wednesday, April 21, 2010
Laurel, Maryland**

Chair Gene W. Counihan called the meeting to order at 8:44 a.m. in the Auditorium of 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 Joyce Starks, Commissioners Prem P. Agarwal, Dr. Roscoe M. Moore, Jr., and Antonio L. Jones were present at the meeting. Also, present were General Manager Jerry Johnson, Corporate Secretary Charlett Bundy and General Counsel Jerry Blask.

Chair Counihan asked Commissioner Jones to lead the pledge of allegiance.

AGENDA APPROVAL

Commissioner Moore moved to approve the agenda for the Commission meeting of Wednesday, April 21, 2010. Vice Chair Starks seconded the motion. She also asked to discuss a privileged report on legal fees during the Executive Session. Chair Counihan also asked that the Executive Session be moved to after lunch. The two changes to the agenda were accepted. The motion carried with five affirmative votes.

MINUTES

Commissioner Agarwal moved to approve the open session minutes of the March 17, 2010 Commission meetings. Commissioner Jones seconded the motion. Vice Chair Starks requested the minutes be changed to identify who represented General Counsel's office until the arrival of Jerry Blask. She mentioned some other changes that were not enumerated. The motion carried with five affirmative votes.

WSSC RETIREES

There were two employees present to be recognized: Kevin I. Patience, a construction manager in the systems Inspection Group/Lyttonsville retired with 20 years and 8 months of service and Andrew A. Farkas, a Systems Construction Inspector I, in the Systems Inspection Group/Gaithersburg retired with 28 years and 4 months of service.

Other employees who retired but were not present included: Thomas A. Harley, Fleet Technician, Fleet Services Group/Temple Hills retired with 30 years and 10 months of service; John F. X. O'Brien, General Counsel 1, General Counsel's Office retired with 9 years and 7 months of service; Monica DiCamillo, Management Support Specialist II, Strategic Systems Management office retired with 30 years and 7 months of service; Raymond L. Humphries, Strategic Management Advisor, Strategic Systems Management Office retired with 29 years and 8 months of service; and Robert T. Garvey, Acquisition Consultant II, Acquisition Office retired with 22 years and 10 months of service.

EMPLOYEE EXCELLENCE

This month's video presentation featured The Women's Business Owners Expo hosted by the Small Local Minority Business Enterprise Office. Congresswoman Donna Edwards delivered the keynote speech at the event.

COMMISSIONERS' COMMENTS

Chair Counihan then asked to recognize the three persons at WSSC who would be among 40 honored by Montgomery County for leadership in environmental issues on the 40th anniversary of Earth Day. Mr. Johnson advised the awardees included the following.

Kevin Selock, Manager of Parkway Wastewater Treatment Plant leads WSSC's efforts to improve quality of water leaving the plant (effluent) and is involved in the feasibility study for using anaerobic digesters to allow WSSC to lower its dependence on carbon-based fuels, reduce the volume of bio-solids, and create reusable gas, and works with MDE to develop water reuse regulations.

Robert Taylor, WSSC's energy manager, spearheaded WSSC's wind power project such that WSSC became the number one local government agency in the country for direct purchase of renewable energy. He is responsible for numerous conservation projects that benefit the company, the environment, and ratepayers.

Commissioner Adrienne A. Mandel was also honored because she has spent the last quarter of a century serving in various elected positions marked by advocacy of a clean environment and sponsored more than 35 pieces of environmental legislation. Mr. Johnson acknowledged that Ms. Mandel's work has left a legacy on the county for years to come.

Although Commissioner Mandel was out of the country on Commission meeting day, she sent a statement and Chair Counihan

asked the corporate secretary to read the statement into the record. It is attached as an appendix to the minutes.

Vice Chair Starks thanked the Western Branch Superintendent, Brian Mosley for giving tours for the public. She congratulated Kevin Woolbright who had received an award on behalf of WSSC. She acknowledged the Administrative Assistant's Day and the great support they provide their leaders. She wished all mothers a happy Mother's Day.

Commissioner Moore noted the passing of Dr. Dorothy Height, "a great humanitarian" who served with him on a number of boards for constituency of Africa. Dr. Height also headed the National Council of Negro Women.

PRESS AND PUBLIC COMMENTS

There were no public or press comments.

GENERAL MANAGER'S OFFICE

Monthly Report. Mr. Johnson noted that the WSSC Administrative Assistants Day celebration was attended by all administrative professionals. It was a day of training and a variety of activities. He saluted them for performing work vital to the operation of WSSC.

All plants are operating within their permit regulations. The First meeting of the Bi-County working group was held. In the budget review process, WSSC has met with both county councils and a bi-county meeting is scheduled for May 13, 2010. He also reviewed the attempts to meet with the authors of a nationally-published Water Report that contained misinformation about WSSC. A Water Quality Center has been established as a unit in the Production Team's Laboratory Services Group and is responsible for all water quality issues from the source to the tap. This represents a consolidation of several activities under one leadership.

On July 1st WSSC will launch the Round-Up Campaign, a new program that allows customers to round up their bill to the nearest dollar and make that difference a contribution to the WSSC Water Fund. The fund now helps 150 customers per year but after the institution of Round-Up, WSSC should be able to expand that number significantly. Mr. Johnson mentioned the upcoming WSSC 2010 Water Fest that includes a charity bike ride to benefit the WSSC Water Fund.

Towanda Livingston, director of the WSSC SLMBE office was congratulated for receiving the 2010 Minority Business Pioneer Award from the Women Business Owners of Prince George's County. She was honored for her "tremendous contributions to building

business opportunities and improving business opportunities in Prince George's County and throughout the State of Maryland." Kim Knox from the Community Outreach office and her team were recognized for the several clean-up activities organized to benefit the areas throughout the WSSC watershed including Scott's Cove, the azalea garden, and Sweitzer Lane.

Press/Public Comments

There were no comments from the public or the press.

Internal Audit Office

1. Monthly Activity Report. Ms. Bardwell updated Commissioners on the status of the various audits underway in the Audit Department. System Development Charge audits (two active) have resulted in ongoing savings of \$1.6 million. The Board of Ethics held its regularly-scheduled meeting and Ms. Bardwell summarized the content of the meeting and mentioned there were two closed session items. The solicitation for a consultant to develop a WSSC Code of Conduct and related computer training will close on April 16, 2010.

2. Resolution 2010-1845: Approving a Draft Fraud, Waste & Abuse Hotline Policy. Commissioner Jones moved that the Commission approve Resolution 2010-1845 that adopts a Fraud, Waste, and Abuse Hotline Policy. Commissioner Moore seconded the motion. The motion carried with five affirmative votes.

3. Board of Ethics Annual Report. This report is required under Title 15, Subtitle 8 Part 3 of the Maryland Annotated Code. It contains the conflict of interest cases filed with WSSC and the lobbyists registered with WSSC. Commissioner Agarwal moved that the Commission accept this report from the Board of Ethics. Commissioner Moore seconded the motion. The motion carried with five affirmative votes.

BRIEFING AND ACTION ITEMS

Intergovernmental Relations Office

Summary of the 2010 Maryland Legislative Session. Ms.

Sheilah Mirmiran reported in the absence of Mr. Wineland. Of the seven WSSC-related bi-county bills, two were WSSC initiatives, but none were passed by the close of the legislative season. Another 23 state-wide bills were tracked by the IRO office. WSSC took positions on two of them. HB813 Sludge Timing of Winter Application - WSSC voted to oppose this bill. It was voted unfavorable in the House and withdrawn. The other bill was Senate Bill 911 Underground damage prevention - WSSC supported the bill and it passed. The signing date had not been announced by the date of this commission meeting.

Fiscal Year 2011 Congressional Appropriations. Local

congressional officials sought funding for six WSSC projects from the Fiscal Year 2011 Congressional appropriations. Most requests were introduced by Congresswoman Donna Edwards with Senator Ben Cardin supporting a request as well. Specifically, the requests were for financial assistance in addressing WSSC's aging infrastructure; \$10 million from the U.S. Environmental Protection Agency (EPA) State and Tribal Assistance Grant money; financial equity for signatories to the Inter-municipal Agreement in proportion to contributions from the signatories; second phase of anaerobic digestion; solar project for wastewater treatment plants; and two security requests - one to the EPA to update WSSC's vulnerability assessment and another for updating security's physical assets from the U.S. Department of Justice. All of these matters are moving through the committee process and may not be voted on until after the November elections.

Finance**Public Hearing Dates for Proposed FYs 2012 - 2017 Capital**

Improvements Program. Commissioners agreed to the following hearing dates to receive public input on the Capital Improvement Program. September 15, 2010 (same day as the monthly Commission meeting) in Montgomery County, at the Stella Werner Office Building and September 16, 2010 in Prince George's County, at the RMS Building in Largo. By consensus, Commissioners adopted these dates.

Acquisition Office

Resolution 2010-1862. Commissioner Agarwal moved to approve Resolution 2010-1862 that institutes Standard Procedure ACQ 10-01: Revised Centralized Bidder Registration (CBR) Procedures. Commissioner Jones seconded the motion. The motion carried with five affirmative votes.

Engineering & Construction

In preparation to approve the following items under the consent calendar, Commissioners received a briefing on these matters: 1) Contract BR/CR4877A08, for water and sewer lines in Chillum III & IV, Prince George's County; 2) Contract AC4819A08, Option Period (1-year) Area Water and Sewer House Connection, various locations in Montgomery and Prince George's Counties; and 3) Contract RC4852A08, Change Order #4, Area Water and Sewer House Connection Renewals, various locations in Prince George's County•

CONSENT CALENDAR

Resolution 2010-1867. Resolution 2010-1867 Approving Items Briefed March 17, 2010 and April 21, 2010 to wit:

Engineering and Construction Contracts:

1. Goods and Services Contract 5791 - Emergency On-Call Rehabilitation and Repair of Pre-stressed Concrete Cylinder Pipe to Orbit Construction Corporations, W.F. Wilson and Sons, Inc. and Spiniello Companies for estimated value of \$9,000,000.00;
2. Construction Contracts
 - a. BR/CR4877A08 for Water Main Replacement for Chillum III & IV, Prince George's to Corinthian Contractors, Inc. in the estimated amount of \$2,161,407.70;
 - b. AC4819A08, Option Period (1-year) Area Water and Sewer House Connection, Various Locations in Montgomery and Prince George's Counties to City Contractors, Inc. for \$1,011,158.91;
 - c. RC4852A08, Change Order No. 4, Area Water and Sewer House Connection Renewals, Various Locations in Prince George's County• to City Contractors, Inc. for \$970.20 for the change order, raising the total contract value to \$945,095.20;
 - d. 5618 for street repair services for Montgomery and Prince George's Counties, Sections, A, B, C, d, E and F to M.T. Laney for an estimated amount of \$12,921,995.00;
3. Basic Ordering Agreement - PM0007A07 to Camp, Dresser, & McKee, Inc. for \$2,000,000;

Commissioner Jones moved that the Commission approve Resolution 2010-1867 that adopts the Consent Calendar for April 21, 2010.

Commissioner Moore seconded the motion. The motion carried with five affirmative votes.

DEPARTMENT BRIEFINGS**Engineering & Construction**

Mr. Gumm briefed Commissioners on two contracts that will be presented for approval at the May Commission meeting: Renewal Option Year for Architect/Engineer Contract PM0007A07, Sewer Planning under a Basic Ordering Agreement; and Contract 5618, a goods and services contract for street repair services in Montgomery and Prince George's Counties.

Logistics

Contract 5242. This contract covers unarmed security guard services for the period June 2, 2010 through June 1, 2011. Mr.

Wade recommended that Commissioners approve at the May meeting, the second option year for this contrast.

CAMO

Update on Phase I of Oracle Project. Mr. Boykin provided Commissioners with an update on the progress with implementing Oracle at WSSC. There was considerable discussion about the availability of minority businesses capable of performing various aspects of the contract.

Human Resources

Resolution 2010-1868 Authorizing the General Manager to Execute the Collective Bargaining Agreement for 2010.

Commissioners received a briefing on the negotiations with the American Federation of State, County, and Municipal Employees (AFSCME). WSSC has 431 employees in represented positions, 178 of whom are dues-paying members of Local 2898 of AFSCME. Ms. McKinney highlighted the financial impacts of the contract on WSSC's budget. Mr. Dennis Landis, President of Local 2898 noted the union supported the contract terms as well as the proposed WSSC budget for Fiscal Year 2011.

Vice Chair Starks moved that the Commission adopt Resolution 2010-1868 that authorizes the general manager to execute the WSSC Collective Bargaining Agreement for 2010. Commissioner Moore seconded the motion. The motion carried with five affirmative votes.

Chair Counihan recessed the meeting at noon for the lunch break and resumed the meeting at 1:10 p.m.

General Manager's Office

Proposed Delegation of Authority. Mr. Johnson presented Commissioners with a resolution delegating certain commission authority to the general manager/chief executive officer. After discussion the matter was special ordered to the May commission meeting.

COMMISSIONERS

Personnel/Governance Team. This team will present a Commissioners' Travel Policy for approval at the May meeting.

Bi-County Working Group Committee

Mr. Johnson reported that the Committee met but there was no information to report out at this time.

Retirement Board of Trustee Team.

There was no information to report from the meeting.

Miscellaneous Projects

Commissioners' Strategic Planning Workshop. Mr. Johnson noted that the Commissioners' Strategic Planning Workshop would be held at the [UMUC](#) at Shady Grove. He noted the consultant, Haines Strategic Systems, would begin the pre-workshop interviews in the ensuing weeks.

Ms. Towanda Livingston reported that Mason Tillman & Associates, Ltd. was selected to conduct the WSSC 2010 Disparity Study. A background check of this company is underway after which a contract will be executed.

CORPORATE SECRETARY

Ms. Bundy provided a summary of her month's activities.

EXECUTIVE SESSION

Commissioner Jones moved to close the meeting pursuant to Maryland State Government Article 10, Subtitle 5, Section 10-508(a)(13) to approve the January 20 and March 17, 2010 Executive Session minutes; Section 10-508(a)(1) to discuss these personnel matters: Employment contract renewal of a direct report, the performance review of two direct reports and staffing; Section 10-508(a)(7) to obtain legal advice on certain legal fees. Commissioner Agarwal seconded the motion. The motion carried with five affirmative votes. At 2:35 p.m. Chair Counihan declared the meeting was closed.

COMMISSIONERS' CONFERENCE ROOM

ATTENDEES: Chair Gene Counihan, Vice Chair Starks; Commissioners Prem Agarwal, Dr. Roscoe Moore and Antonio Jones; General Manager Jerry Johnson, General Counsel Jerry Blask, and Corporate Secretary Charlett Bundy were present.

Personnel Matters. Mr. Blask was asked to leave for this discussion. Commissioners received information about changes in attendance related to a direct report.

Minutes. Mr. Blask returned to the meeting. Commissioner Agarwal moved to approve the minutes of the Executive Session for March 17, 2010. Commissioner Jones seconded the motion. The motion carried with five affirmative votes.

Legal Fees. Mr. Blask reviewed legal expenses in certain cases and the legal issues that necessitated the expenses.

Personnel Matters Continued. Mr. Blask and Ms. Bundy were asked to leave the meeting. Then, Commissioners discussed the performance evaluations of two direct reports and contract terms

of a renewal employment contract for a direct report. No votes were taken regarding the contract. No other business was discussed.

Commissioner Agarwal moved to end the executive session. Commissioner Jones seconded the motion. The motion carried with five affirmative votes. At 4:39 p.m. the meeting was declared open.

OPEN SESSION RESUMED

Adjournment

Commissioner Jones moved to end the meeting. Commissioner Moore seconded the motion. The motion carried with five affirmative votes.

At 4:40 p.m. Chair Counihan declared the meeting was adjourned.

Respectfully submitted,

 //signed//
Charlett Bundy
Corporate Secretary