

WASHINGTON SUBURBAN SANITARY COMMISSION

MINUTES OF THE COMMISSION MEETING

Wednesday, May 2, 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 Marc Lieber, Joyce Starks, and Juanita Miller were present. Also, present were General Manager Andy Brunhart, General Counsel Jerry Blask and Corporate Secretary Charlett Bundy.

Agenda Approval

Commissioner Starks moved to approve the agenda as published. Vice Chair Botts seconded the motion. The motion carried with four affirmative votes (Commissioner Miller was temporarily out of the meeting room).

SLMBE OFFICE

Mr. Sheldon Edwards presented (Towanda McNeil was out ill) an executive summary of a meeting between the WSSC SLMBE Office and the MBE Community that was held April 25, 2007. Commissioners Miller and Lieber requested the SLMBE staff to provide specific details to Commissioners as to what the MBE Community meant by the statement they had "great concern about the direction of the MBWE Program, especially the mandatory subcontracting goals . . . and the level of commitment of the General Manager and Commissioners; as well as the culture and climate at the WSSC." Commissioner Lieber reiterated Commissioner Miller's concern noting that Commissioners need something more definitive to review. Vice Chair Botts requested that the information be provided in writing.

There was discussion that rather than receive numerous and perhaps repetitive information from individual MBEs that the MBE

Community should consolidate a response and present it through a core group who would provide WSSC with information about the group's preferences for a MBE program at WSSC. The Commissioners noted that anyone who might not be a part of the core group and who wanted to present information could do so, as well.

Commissioner Miller reiterated her request that until a more permanent program could be established, WSSC institute an interim MBE Program that mirrored the program in place at WSSC up to June 30, 2006. Consensus among Commissioners was to adopt this approach.

Commissioner Lieber observed that the consensus of Commissioners, staff and MBEs was that there will have to be some interim MBE policy until a final one is created. He noted that Commissioners need to make three decisions at the May 16 meeting: 1) Which interim policy makes sense among the choices; 2) Should Commissioners articulate a goal of a long-term policy while implementing an interim policy, e.g., noting a goal and then recognizing that the goal cannot be ready for implementation by June 1st, institute some interim policy; and 3) During the interim policy should Commissioners create a deadline for the implementation of a final policy.

Chair Agarwal agreed that Commissioners need to be vigilant in creating a long-term MBE policy during the execution of an interim policy.

Commissioner Miller responded by stating that Commissioners need to research what is best for WSSC. She again noted WSSC had a successful MBE policy in place prior to July 1, 2006 and the Commissioners have the right to re-institute that policy until a decision can be made about a permanent policy. She noted her preference that Commissioners create a time line for the interim policy to sunset. She preferred that WSSC revert back to the program in place prior to July 1, 2006 and explore other options to decide upon a final program. She reiterated the need to avoid mimicking the State of Maryland's MBE policy because she had reliable information that the policy may undergo a change before year's end. Commissioner Starks

also noted there may be problems with emulating the State's program and agreed that it would be better to stay with WSSC's previous MBE program.

Mr. Brunhart then asked for clarification of what Commissioners expected at the next Commission meeting. He said he understood that he was to: 1) Recommend an interim policy and present the character of that policy; 2) Provide a span of alternatives for the Commissioners to consider in open session and then provide legal advice on the alternatives presented in closed session; and 3) Provide background on the State's program, why was it created the way it was and why is it characterized the way it is to provide a basis for Commissioners' deliberations on a permanent MBE policy.

Commissioner Miller said the state program should be described in the way it was and where it is now due to the impending changes. Commissioner Starks said the State MBE program information is not needed for the May 16th meeting.

General Counsel's Office

General Counsel Jerry Blask gave an overview of a memorandum he had distributed via email April 25, 2007 concerning his observations on Maryland's minority business participation laws. At the conclusion of his remarks, it was determined that the Commissioners need to know what are the elements of the state's minority business contracting program and what in that plan the MBE's find objectionable. Mr. Brunhart was asked to provide that information to a future Commission meeting.

CLOSED SESSION

At 9:18 a.m. Commissioner Miller 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, to discuss the General Manager's performance evaluation and the SLMBE Director's employment contract addendum. Commissioner Starks seconded the motion. The motion passed with five affirmative votes.

At 9:19 a.m. the closed meeting began. In attendance were Chair Agarwal, Vice Chair Botts, Commissioners Lieber, Starks, and Miller. Commissioners began with the performance evaluation for Mr. Brunhart. Next, they completed the contract addendum for the SLMBE Director. Vice Chair Botts moved that Commissioners adopt the clarification of the dual report status and contract addendum for the SLMBE Director. Commissioner Starks seconded the motion. There were four affirmative votes (Commissioner Lieber was temporarily out of the room). Commissioners also discussed administrative matters related to the travel reimbursement procedure for Commissioners and the planned retreat to address updating the by-laws and strategic planning.

At 1:19 p.m. Vice Chair Botts made a motion to close the closed session. Commissioner Starks seconded the motion. The motion carried with four affirmative votes. Commissioner Lieber was temporarily out of the room.

Tom Traber gave the Commissioners some information to consider about changing the Commissioners' Travel SOP.

ADJOURNMENT

Immediately thereafter, Commissioner Starks made a motion to end the meeting. The motion was seconded by Vice Chair Botts. The motion carried with five affirmative votes. At 1:35 p.m. Chair Agarwal declared the meeting was adjourned.

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Charlett Bundy, Esq.
Corporate Secretary