

**WASHINGTON SUBURBAN SANITARY COMMISSION**

**MINUTES OF THE COMMISSION MEETING**

**Wednesday, June 16, 2010  
Laurel, Maryland**

Chair Gene W. Counihan called the meeting to order at 8:39 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, Adrienne A. Mandel, 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.

**AGENDA APPROVAL**

Vice Chair Starks moved to approve the agenda for Wednesday June 16, 2010 as stated on the printed agenda and the web site. Commissioner Moore seconded the motion. The motion carried with four affirmative votes. Chair Counihan voted nay. Commissioner Mandel had not arrived when the vote was taken.

Chair Counihan asked Vice Chair Starks to lead the pledge of allegiance.

**MINUTES**

Commissioner Agarwal moved to approve the minutes of the meeting held May 19, 2010. Commissioner Moore seconded the motion. The motion carried with five affirmative votes as Commissioner Mandel had not yet arrived.

**WSSC RETIREES**

Two employees retired: Joseph E. Daniels, a Utility Technician II Customer Care - Anacostia retired with 37 years and 7 months of service and Gary D. Haines, a Plumbing Inspector in the Regulatory Services Group in Lytonsville retired with 19 years and 6 months of service.

**ROBERT G. BERGER SCHOLARSHIP AWARDS**

Chair of the Robert G. Berger Scholarship Board, Lisa Cooper introduced the board members: Martin Chandler, Vice Chair; Anne Russel, Treasurer; Barbara Templeman, Secretary; Mary Stewart; and Janice Bailey. Ms. Cooper thanked the Berger family for their continued support and the WSSC employees who make the scholarships possible through their contributions.

Several past board members were honored for their service: Jennifer Gray who served for three years and as secretary for one term; Jonathan Madagu; Tanya Minerva; Lucretia Morris who served for six years including several terms as chair and one year as an advisor; and Annette Wright.

WSSC Employee Debbie Donnelly was recognized for creating the scholarship fund that was later named the Robert G. Berger Memorial Scholarship Fund to honor Mr. Berger, a former Montgomery County Commissioner. Since the inception of the scholarship fund, over \$96,000 in scholarships has been awarded to 90 students who are children of WSSC employees or retirees.

Scholarship recipients this year include: Jonathan Chandler who attends Towson University and is the son of Martin Chandler; Shelley Gupta who attends University of Maryland College Park and is the daughter of Ajay Gupta; William James who will attend Montgomery College and is the son of Felicia James; Dereck Lang who attends Oberlin College and is the son of Laurie Benziger; Christine Long who attends Towson University and is the daughter of Deborah Long; William Parker, Jr. who will attend University of Maryland Eastern Shore and is the son of Yvette Parker; Nicholas Selock who attends University of Maryland Baltimore County and is the son of Kevin Selock; Aaron Tucker who will attend University of Maryland College Park and is the son of Marcia Tucker; Anna Venanzi who will attend Community College of Baltimore County and her twin sister Christina Venanzi who will attend Stephenson College, and are the daughters of David Venanzi; and Matthew Williams who will attend Virginia Tech, is the son of Christina Williams.

#### **WSSC EMPLOYEES AT WORK**

Video clips of public service announcements that describe the newly-instituted round-up program were shown. The Round-up Program will allow WSSC customers to round up their water bill to the next whole dollar with the difference of the round up being donated to the WSSC Water Fund.

#### **PRESS AND PUBLIC COMMENTS**

There were no public or press comments.

#### **COMMISSIONERS' COMMENTS**

Commissioner Mandel noted an article in the Health and Science Section of the June 15, 2010 edition of the Washington Post which described the benefits of tap water. Ms. Mandel advised that tap water is the best bargain around; it is clean, safe, and affordable. She advised that the author of the article is also the author of the book, Bottled and Soul the Story Behind our Obsession with Bottled Water.

Vice Chair Starks thanked the picnic committee for doing a phenomenal job at the WSSC Employee Appreciation Picnic at Brighton Dam. She also warned that since school is out, drivers should be more alert for young people. Next, Vice Chair Starks expressed her delight with the actualization of the round up program that was a result of her request that staff implement a means of increasing donations to the water fund. Lastly, Commissioner Starks noted that visiting the Bi-County Water Tunnel was an amazing experience. She expressed the desire to visit again and to actually descend into the tunnel. She thanked General Manager Johnson and the project officers for a phenomenal tour of the construction site. The visit gave Commissioners a chance to understand and appreciate how a project comes to fruition once the contracts are approved by Commissioners.

Chair Counihan commented that the June Commission meeting presented several exciting matters:

The WSSC employee scholarships made possible through the generosity of our own employees;

Retirement for someone with long years of service to the organization;

The round-up program which will help a lot of our citizens was introduced;

Very positive press reports about with the Bi-county Tunnel progress where three of the Commissioners were able to view first-hand a hole that is 35 feet in diameter and 170 feet deep, a size necessary to allow a machine dubbed Miss Colleen to be lowered into the hole and which will bore through the rock to create space for the water tunnel.

Chair Counihan commended the general manager and his staff for getting the positive story about "Miss Colleen" to the WSSC ratepayers. He also noted that the June meeting is a transition meeting as later Commissioners would elect officers for the upcoming year. Lastly, he asked the six Commissioners, the General Manager, and Corporate Secretary to complete a brief assessment of the Commissioners' past year's activity and complete the assessment form.

Commissioner Jones thanked Commissioner Mandel for mentioning the article in the Post as he had read it too. He read from the end of the article:

Americans pioneered something unique, high quality, reliable, affordable, tap water for all. Technologies and institutions we put in place are aging. We can abandon them and let the private industry sell us bottled water at a far higher cost or we can fix our community water systems and remain the envy of much of the rest of the world.

Commissioner Jones closed saying, "I'll drink to that." He said this is a very effective article in stating where WSSC stands and where WSSC needs to be headed. He next recognized the fathers in remembrance of the upcoming Father's Day holiday. Lastly, he thanked Chair Counihan for having done an exceptional job over the past year and expressed the hope that the leadership Chair Counihan has provided will carry on into the next term.

#### **GENERAL MANAGER'S OFFICE**

**Monthly Report.** Mr. Johnson in the interest of time asked Commissioners to raise any of the questions about the report and then provided pertinent highlights. First he advised that all plants operated well within permit parameters. As the year-end nears, expenditures are under budget and the preliminary numbers show that WSSC has about \$12 million available for the fund balance. After the audit is completed in August, there will be an official statement about the budget status. Thompson, Cobb, and Bazilio, the external auditors continue to prepare for the year-end audit report. The remodeled WSSC web site is ready to launch. He thanked the Commissioners who came to the Bi-county Tunnel event. Representatives from Senator Cardin and Congressman Van Holland's office and administrative staff from both county executives attended the Bi-County water tunnel preview. A letter from the Customer Advisory Board expressed a concern regarding the high-bill adjustment funds that were eliminated from the WSSC budget for Fiscal Year 2011. Mr. Johnson indicated he would review that issue in concert with savings that might accrue in the coming year and would include this issue in reporting on the end-of-year audit.

Mr. Johnson asked the Commission to be mindful of an energy tax that was a result of changes in the budget in Montgomery County. A Maryland Green School Summit was held to teach students about environmental stewardship. It was hosted by the Maryland Association for Environmental and Outdoor Education and attracted 1600 students from across Maryland representing 77 schools. WSSC mentored ten of the schools during the school year in environmental stewardship.

Maryland Salt Water Sport Fisherman's Chesapeake Bay Foundation teaches students how to drop oyster reef balls into

the Chesapeake Bay. Sandy August managed the project that placed about 1,000 reef balls into the Chesapeake Bay. Mr. Johnson then read from a thank you letter from Calverton School where the students described their excitement for participating in the reef ball project noting that they had bragged about doing something to improve the Chesapeake Bay to Delegate Barbara Frosh who the students described as being "all about the Bay."

The Intergovernmental Relations Office (IRO) has been following legislation generated by Maryland Senator Cardin and Mr. Johnson asked Mr. Wineland, Director of the IRO to update Commissioners on this legislation. Mr. Wineland indicated Senator Cardin's bill on regulating nutrient levels in the Chesapeake Bay was first introduced in 2009 and has wrought national and regional interest. It is too early in the legislative process to know how it will fare in the final enactment process.

Mr. Johnson then described the status of a revised Inter-municipal Agreement. He acknowledged Dave Lake of Montgomery County and WSSC staff under WSSC Chief Engineer Gary Gumm's leadership, all of whom have been instrumental in dealing with the negotiating team and committee. He noted especially contributions of Craig Fricke who was at WSSC in 1985 when the agreement was first struck and continues to work with the updating of this important multi-jurisdictional agreement. Next Mr. Johnson introduced Dr. Eleanor Ramsey, President of Mason Tillman Associates, a nationally-recognized firm that has been awarded the contract to conduct the disparity study for WSSC.

**2010 Disparity Study.** Dr. Ramsey advised Commissioners of the process that will be used to conduct the WSSC 2010 Disparity Study. Her remarks were augmented by her colleague, Attorney Edward Norton the legal consultant for the team conducting the WSSC disparity study under Dr. Ramsey's leadership. Mr. Johnson noted that the 2010 Disparity Study is a high priority project for WSSC and he indicated the importance of making the project and process as transparent as possible for the constituents of the water district. He noted other public information sessions on the disparity study were scheduled. All Commissioners raised questions.

Commissioner Mandel read from a letter addressed to Chair Counihan from Montgomery County Executive Isiah Leggett commending Chair Counihan for his leadership over the course of his chairmanship with matters related to the Minority Business

Enterprise Program at WSSC. She noted that three of the seven paragraphs in the letter reference Chair Counihan's work relative to the Disparity Study. She read from Mr. Leggett's letter:

In addition [to other of Chair Counihan's accomplishments] The Commission has initiated a new disparity study which will have a significant impact on the agency's operations, its stakeholders' public perception of an agency that is responsible for delivery of the most critical of public services, high quality drinking water and wastewater treatment.

As you know I have a record of strong support for robust programs that ensure equal access and opportunity for vendors, contractors, service providers, competing for contracts and purchased services sought by public agencies and WSSC has been of special concern. A program that promotes awareness of WSSC purchases and which seeks to strengthen and appropriately utilize a community of responsible and responsive minority enterprises is essential to our shared vision of successful operations at WSSC. Such efforts are an important path in achieving our shared goal of enhancing broadly-based and sustainable economic opportunity and growth in Montgomery and Prince George's Counties.

In recent years the Commission has clearly made an extraordinary effort to overcome many challenges in order to maintain small, local business and minority business enterprise programs. The efforts paid off last year by exceeding your 25% goal in minority business enterprise contract payments and achieving 30%. This resulted in \$72 million in payments exceeding the previous year by \$19 million. Commissioners representing both jurisdictions deserve praise rather than criticism for your role in achieving this broad-based success.

Commissioner Mandel concluded her remarks by noting that all of the WSSC staff, including the general manager are worthy of the commendation in the letter from County Executive Isiah Leggett.

#### **Internal Audit Office**

**Monthly Activity Report.** Ms. Bardwell reviewed the Audit Office activities for the period May 10 through June 4th. She indicated that total System Development Charge (SDC) savings remain at \$1.6 million. As for audit projects, the federal stimulus oversight review is in the testing phase as well as the development services group operations; systems control group specified operations and the Blue Plains engineering indirect labor audits continue. The Acquisition Audit discussion draft has been issued and is currently under review by management. The Human Resources regulatory compliance audit is still underway. Two discussion drafts were issued for two special audits that addressed the sick leave bank and an accounting department matter. Seven SDC audit requests have been received: Five are active and two are inactive. Under the enterprise risk management, the Human Resources Director arranged for the union representation to review the Fraud Waste and Abuse Hotline Policy and there were no issues raised by the union. The WSSC Board of

Ethics held its regularly-scheduled meeting. Ms. Bardwell highlighted the meeting's agenda noting that four closed-session items were reviewed.

#### **JUNE BRIEFING ITEMS**

##### **Customer Care**

**Contracts 76702305A, CR5069A09, CR5069B09, CR5069C09, CR5069D09, and CR5086C10.** Mr. Chow presented seven items for review and adoption at the meeting. There were seven contracts. The first six of these contracts are related to Consent Decree projects to wit: 76702305A - Comprehensive Study of the Parkway Sewer Basin; CR5069A09, Open Cut/Pipe Bursting, Western Zone, Rock Creek Basin, Montgomery County; CR5069B09, Open Cut, Western Zone, Rock Creek Basin, Montgomery County; CR5069C09, Open Cut/Pipe Bursting, Western Zone, Rock Creek Basin, Montgomery County; CR5069D09, Open Cut/Pipe Bursting, Western Zone, Rock Creek Basin, Montgomery County; and CR5086C10, Open Cut/Pipe Bursting, Southern Zone, Broad Creek Basin, Prince George's County. Vice Chair Starks moved to approve contracts 76702305A, CR5069A09, CR5069B09, CR5069C09, CR5069D09, and CR5086C10. Commissioner Agarwal seconded the motion. The motion carried unanimously.

**Contract 5844.** Mr. Chow then briefed contract 5844 - Locating and Identifying Underground Facilities in Prince George's and Montgomery Counties was briefed last the contract's value is \$1,113,000. Vice Chair Starks moved to approve Contract 5844. Commissioner Jones seconded the motion. The motion carried unanimously.

Vice Chair Starks then recognized a member of the audience, Joe Mantua, a former WSSC employee who is the Vice Chair of the American Water Works Association and who will assume the presidency of AWWA at AWWA's June 2010 conference.

#### **CONSENT CALENDAR**

Before the vote on the consent calendar, Mr. Traber advised there were no changes in the budget that would be voted on during the vote on the consent calendar. Mr. Johnson reminded Commissioners of the letter from the Customer Advisory Board that he spoke of during his monthly report. Commissioner Mandel moved that the Commission approve Resolution 2010-1879 that adopts the consent calendar for the June 16, 2010 meeting. Commissioner Agarwal seconded the motion. The consent calendar was adopted with six affirmative votes.

At 11:43 a.m. Chair Counihan recessed the meeting.

**COMMISSIONERS' ITEMS**

**Election of Officers.** Chair Counihan announced he had enjoyed the opportunity to serve as Chair and thanked the entire staff, the General Manager, Corporate Secretary and fellow Commissioners for their support during his term as chair. He accomplished a number of things which included passing a budget to address WSSC's infrastructure needs; moving along the disparity study to address minority business enterprise program needs; adopting a revised set of Bylaws for the Commission that had been pending for some time; and addressed the policy in working through agendas and meetings with the cooperation from the General Manager and the staff. For an 18-month period WSSC was between general managers and under Chair Counihan a new general manager was hired, a significant achievement for this past year. Chair Counihan concluded by thanking "each of you for passing a difficult budget in these economic times. Overall it has been a significant and positive year and I thank you for all of your support."

Vice Chair Starks announced that because she is running for office it would be disruptive to run for chair and relinquished the opportunity to Commissioner Antonio Jones. She noted the Prince George's County Executive supports the idea of Commissioner Antonio Jones representing Prince George's County and said she was "honored to nominate Antonio Jones as the chair of WSSC." She concluded stating it was a pleasure serving as Vice Chair for the past year. Commissioner Mandel seconded the motion. Commissioner Agarwal stated he appreciated Commissioner Jones' acceptance of the nomination as chair as Commissioner Agarwal's commitments to his business enterprise would not allow him to take on the duties of Chair. The motion carried with five affirmative votes. Commissioner Jones abstained. Chair Counihan pledged full cooperation with Chair Jones and indicated he was looking forward to working with Chair Jones, who he characterized as one of the hardest working Commissioners.

Commissioner Jones thanked his colleagues for their vote of confidence by voting him chair. He likened it to the sophomore being elected senior class president. He recalled experiencing a lot of positive change in WSSC's governance describing his first year as "a most refreshing, candid, and beneficial experience in a long time."

Commissioner Mandel thanked Chair Counihan and Vice Chair Starks for a year of exemplary service to Commissioners, staff,

and the ratepayers. She stated she too looks forward to continuing that pattern under the leadership of Chair Jones. She then nominated Dr. Roscoe M. Moore Jr. as Vice Chair of the Commission for Fiscal Year 2011. Vice Chair Starks seconded the motion. Dr. Moore asked that the roles of Vice Chair and Chair be clarified by the Corporate Secretary who then summarized the roles of the two positions as stated in the WSSC Bylaws. Vice Chair Starks noted that she was honored that Dr. Moore would agree to take the Vice Chair seat and that he and Chair Jones would do a terrific job. The motion carried with five affirmative votes. Commissioner Moore abstained. Dr. Moore advised that when he was recruited as a commissioner he was told there would be a limited number of meetings. Short meetings he noted get a lot of things accomplished in a short time and he would like to see this tradition continue in earnest and he pledged not to be an impediment to the Commission and thanked the Commissioners for their vote of confidence in him. He thanked his fellow Commissioner for their vote of confidence.

**FY 2011 Commission Meeting Schedule.** Chair Jones presented a proposed schedule for meeting dates in Fiscal Year 2011 in Resolution 2010-1882. Commissioner Agarwal moved to adopt Resolution 2010-1882 that lists the Commission meeting schedule for Fiscal Year 2011. After discussion he amended the motion to list the meetings for September 1, and December 1, 2010 and March 2, 2011 as optional meetings if necessary. Commissioner Mandel seconded the motion and the amended motion. The motion carried with six affirmative votes.

Then Chair Jones presented former Chair Counihan a plaque commemorating his service as Chair of WSSC for Fiscal Year 2010. Commissioner Counihan thanked all for a plaque he described as "very attractive." It was a plaque that contained the design of the WSSC sewer cover and the dates of Mr. Counihan's service as Chair of WSSC.

**Committee Appointments.** Chair Jones deferred committee appointments until the July Commission meeting. Vice Chair Moore then requested that all committees submit to the Chair a list of active projects. Chair Jones then suggested that all Commissioners remain on the Committees served during Fiscal Year 2010 until the July meeting when the committee appointments would be made.

Chair Jones recessed the meeting for lunch at 12:30 p.m.

**COMMISSIONERS' CONFERENCE ROOM**

The meeting resumed at 1:15 in the Commissioners' Conference Room as there were problems with the recording system in the auditorium.

**DEPARTMENT BRIEFINGS****Engineering and Construction**

**Construction Contracts.** Mr. Gumm briefed Commissioners on award information for Contract BR/CR/MV4875A08, for water/sewer main/vault replacement for Four Corners I, Montgomery County.

**Finance**

**Resolution 2010-1880.** Mr. Tom Traber presented information on a reappointment of Mr. Rich Carson, a public representative from Montgomery County to the WSSC Employees' Retirement Plan Board of Trustees.

**Public Member WSSC Retiree Other Post Employment Benefits Trust, Unaudited Financial Statements.** Mr. Traber provided an informational session on the financial statements that would be provided again upon the conclusion of the external audit.

**Production**

**Contract Briefing.** Mr. James Price provided a briefing on two contracts to be awarded at the July Commission meeting: Contract 5606 for Biosolids Management and Utilization at the Parkway Wastewater Treatment Plant and Contract 5661 for Biosolids Management and Utilization at the Piscataway Wastewater Treatment Plant.

**Update on Wind Power.** Mr. Rob Taylor advised Commissioners on how the wind power purchase is impacting operations at WSSC.

**COMMISSIONER REPORTS****Personnel & Governance Group**

**Strategic Planning Workshop.** It was noted that there were follow-up assignments from the Workshop held May 21<sup>st</sup> and the Corporate Secretary was tasked to schedule a half-day session to continue some of the work. Commissioners Starks and Mandel agreed to meet at 3:30 on June 30, 2010 to finalize work started on reviewing the vision statement.

**Corporate Secretary**

**Monthly Report.** Ms. Bundy provided her monthly report noting that the Commissioners' Travel Policy would be presented at the July meeting for approval.

**Delegation of Authority.** The Commissioners reviewed the draft of the delegation and then Commissioner Counihan moved to approve Resolution 2010-1870 that delegates certain authority to the Corporate Secretary. Commissioner Mandel seconded the motion. The motion carried with six affirmative votes.

#### **Continued Business**

The items listed in the agenda were continued until the July meeting when new committee assignments would be made.

#### **Bi County Committee**

No meeting was held since the May Commission meeting so there was no information to report on about the committee's work.

#### **WSSC Employees Retirement Board of Trustees**

Commissioner Mandel reported on the status of the Retirement Plan's assets and investments as reported to the WSSC Retirement Trustee Board at the May 26, 2010 meeting.

#### **EXECUTIVE SESSION**

Commissioner Mandel moved to close the meeting pursuant to Maryland State Government Article 10, Subtitle 5, Section 10-508(a)(13) to approve the May 19, 2010 Executive Session minutes and Section 10-508(a)(7) to provide legal advice on recent decisions and litigation strategy in certain cases impacted by budget. Commissioner Agarwal seconded the motion. The motion carried with six affirmative votes. At 3:12 p.m. Chair Jones declared the meeting was closed.

#### **COMMISSIONERS' CONFERENCE ROOM**

**ATTENDEES:** Chair Antonio Jones, Vice Chair Dr. Roscoe Moore; Commissioners Prem Agarwal, Gene Counihan, Adrienne A. Mandel, and Joyce Starks; General Manager Jerry Johnson, Deputy General Manager Teresa Daniell, General Counsel Jerry Blask, and Corporate Secretary Charlett Bundy were present.

The meeting convened in the Conference Room at 3:15 p.m. Commissioners by consensus agreed not to continue recording closed session portions of the meeting to determine if they would adopt this practice as a policy at a future meeting.

**Executive Session Minutes.** Commissioner Counihan moved to approve the minutes of the Executive Session for May 19, 2010.

Commissioner Agarwal seconded the motion. The motion carried with six affirmative votes.

**Personnel Matter.** Commissioners discussed the finalization of a personnel matter related to the renewal employment contract of a direct report.

Commissioner Counihan moved to end the executive session. Commissioner Moore seconded the motion. The motion carried with six affirmative votes. At 3:44 p.m. the meeting was declared open.

**OPEN SESSION RESUMED**

**Adjournment**

Commissioner Counihan moved to adjourn the meeting. Commissioner Moore seconded the motion. The motion carried with six affirmative votes. At 3:45 p.m. Chair Jones declared the meeting was adjourned.

Respectfully submitted,

                    //signed//                      
Charlett Bundy  
Corporate Secretary