

**WASHINGTON SUBURBAN SANITARY COMMISSION**

**MINUTES OF THE COMMISSION MEETING**

**Wednesday, August 1, 2007**

**Laurel, Maryland**

Chairman Prem Agarwal called the meeting to order at 5:07 p.m. in the Commission Auditorium 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.

Commissioners Joyce Starks, Marc P. Lieber, Sandra A. Allen and Juanita D. Miller were present. Also, present were General Manager Andy Brunhart, General Counsel Jerry Blask and Corporate Secretary Charlett Bundy.

**Agenda Approval**

Commissioner Miller moved to adopt the agenda. Commissioner Lieber seconded the motion. The motion carried with five affirmative votes.

Chair Agarwal then announced that Mr. Botts had taken another position with State Government and had resigned his position with the Commission. On behalf of all of the Commissioners, Mr. Agarwal extended best wishes to Mr. Botts with his new position.

Mr. Brunhart was asked to lead the pledge of allegiance.

**COMMISSIONERS ITEMS**

Commissioner Allen then stated the "Montgomery County Commissioners would like to express our support of approving a new robust MBE program which will provide opportunities to the MBE community consistent with State legislative intent and applicable legal requirements. This position is also supported by the Montgomery County executive, Ike Leggett. It is the intent of the Montgomery County Commissioners to stand firm in their commitment to ensure that a legally defensible, business-viable MBE program is adopted to serve the business community and our rate payers. We are appreciative of the support that we have received in this regard from our rate payers, members of the Montgomery County business community and our elected officials."

Commissioner Starks asked for clarification whether Mr. Botts would be returning. Mr. Agarwal noted that Mr. Botts had turned in his resignation on July 31, 2007 and would not be returning. Commissioner Starks then said she wanted to thank Mr. Botts for his service and acknowledged his contributions to the Commission.

Commissioner Miller noted she had some concerns about the timing of the placement of the SLMBE packet item on the WSSC website.

**SLMBE OFFICE**

Towanda McNeil introduced the topic of discussion and then the public was allowed to address the Commissioners with comments about the MBE/SLBE programs. One commenter noted there was insufficient time to develop a comment because the draft program was not received until July 31, 2007. Commissioner Starks apologized for the untimely delivery of the document and noted there would be additional time to receive feedback from the public. It was decided that the public would have until August 13, 2007 to submit comments.

Commissioners thanked the public for their input and continued the meeting in the Commissioners' Conference Room where representatives from J.L. Caldwell presented Commissioners with information about how their company assisted D.C. WASA with establishing a contract-by-contract MBE program. Commissioner Allen then moved to amend the agenda to demonstrate an afternoon open session on the MBE policy. Commissioner Starks seconded the motion. The motion carried with five affirmative votes. Thereafter the open session resumed.

Commissioners directed Ms. McNeil to inform the MBE and SLB community that all comments on the proposed MBE program (as revised with the information from the instant meeting) must be received in her office by August 13 and her tally of those comments are to be provided to Chair by August 22, 2007.

Commissioner Allen moved to amend the agenda to include an item to vote on Commissioners formally adopting the draft of the MBE Program before it is placed on the web for public comment. Commissioner Lieber seconded the motion. The motion failed as there were three nay votes from the Prince George's Commissioners and two affirmative votes from the Montgomery County Commissioners.

**EXTENSION OF MBE PROGRAM**

On the advice of general counsel Blask, Commissioner Miller moved to amend the agenda to include the voting item, Extension of the Interim MBE Program, 96-01. Commissioner Starks seconded the motion. The motion carried with five affirmative votes.

Commissioner Miller then moved to extend the WSSC Interim MBE Program, SP 96-01, for 45 days past the current September 21, 2007 termination date. Commissioner Starks asked Commissioner Miller to amend her motion to say extend the program "up to 45 days." Commissioner Miller accepted the amendment. Commissioner Starks seconded the motion. The motion carried with three affirmative votes. Commissioner Allen voted nay and Commissioner Lieber abstained because he stated, "it is not legally compliant to do this."

Commissioners described in detail what the next version of the MBE Program should provide for review by Commissioners and the general public.

**ADJOURNMENT**

Commissioner Miller made a motion to adjourn the meeting. It was seconded by Commissioner Allen. The motion carried with five affirmative votes.

At 8:40 p.m. the meeting was adjourned.

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Charlett Bundy, Esq.  
Corporate Secretary