

WASHINGTON SUBURBAN SANITARY COMMISSION

MINUTES OF THE COMMISSION MEETING

Monday, November 30, 2009
Laurel, Maryland

Chair Gene W. Counihan called the meeting to order at 7:26 p.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 Joyce Starks, Commissioners Prem P. Agarwal, Adrienne A. Mandel, Roscoe M. Moore, Jr. and Antonio L. Jones, were present at the meeting. Also, present were General Manager Jerry Johnson, Deputy General Manager Teresa Daniell, Corporate Secretary Charlett Bundy and General Counsel, Jerry Blask.

AGENDA APPROVAL

Commissioner Agarwal moved to approve the agenda. Commissioner Jones seconded the motion. The motion carried unanimously.

EXECUTIVE SESSION

Commissioner Agarwal moved to close the meeting for November 30, 2009 pursuant to Subtitle 5 of Title 10 of the State Government Article, Maryland Code Section 10-508(a)(7) to receive legal advice on the proposed MBE Program. Commissioner Jones seconded the motion. The motion carried unanimously. At 7:28 p.m. the meeting was declared closed.

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

Commissioners were offered legal advice from Mr. Blask that included information from outside counsel Franklin Lee. It addressed proposed modifications to the MBE Program that were added to SP 10-01, a procedure that used as its basis, SP MBE 96-01.

Commissioner Mandel moved to end the closed session. Commissioner Agarwal seconded the motion. The motion carried with five affirmative votes as Vice Chair Starks had temporarily stepped out of the room.

OPEN SESSION RESUMED

At 8:20 p.m. Chair Counihan declared the meeting was declared open. Commissioners continued the meeting in the Auditorium. The discussion on the proposed options for a WSSC Minority Business Enterprise (MBE) program began with public comments.

PUBLIC COMMENTS

Five persons provided comments. Gerald Roper, a former WSSC Commissioner, spoke on behalf of the Montgomery County National Association for the Advancement of Colored People (NAACP). Mr. Roper stated that the NAACP urged Commissioners not to adopt a new MBE program before they received the results of the pending disparity study. Next, Wayne Frazier of the Maryland Washington Minority Contractors Association asked Commissioners to wait until the disparity study was completed and follow the recommendations from the study in designing a new MBE Program. Tim Barr, a former WSSC employee also asked Commissioners to wait until the disparity study would provide data from which to determine the best approach to an MBE program. Norma Byrd of the Association for Business Advocacy (ABA) referenced a letter she sent Commissioners that described the ABA's recommendation that the Commissioners await results from the disparity study before instituting a new MBE program. Lastly, Stella Hargrove, an MBE and SLBE business owner gave her opinion why there is no need for Commissioners to entertain the idea of changing the current MBE program, SP 96-01. She stated that the proposed MBE program fails to offer opportunities for subcontractors to grow their business.

SLMBE

Commissioner Mandel moved that the Commission adopt Resolution 2010-1842 that enacts WSSC Standard Procedure 10-01 through April 30, 2011. Commissioner Moore seconded the motion. Discussion followed wherein Commissioners thanked the public speakers for their comments. Each Commissioner gave a brief statement of their reasoning for supporting Standard Procedure 10-01 or 96-01. When the Chair called for a roll call vote, the motion failed as the vote was tied with the following votes cast: Vice Chair Starks, nay; Commissioner Moore, aye; Commissioner Mandel aye; Commissioner Jones, nay; Chair Counihan, aye; and Commissioner Agarwal, nay.

Commissioner Mandel then moved that the Commission adopt Resolution 2010-1842 [sic]¹ that extends the WSSC Standard Procedure MBE 96-01 to April 30, 2011 and includes a provision/formula for graduation. Commissioner Moore seconded the motion. Commissioner Mandel withdrew this motion during the discussion. Vice Chair Starks moved that the Commission adopt Resolution 2010-1842 [sic]¹ that extends the WSSC Standard Procedure MBE 96-01 to April 30, 2011 and includes a provision to follow the MDOT (Maryland Department of Transportation) formula for graduation. Commissioner Agarwal seconded the motion. A discussion of the criteria for MDOT graduation ensued.

¹ Resolution 2010-1849 is the correct number for this motion.

Mr. Johnson advised Commissioners that since the MBE graduation issue is not under any deadline, that matter could be addressed at another meeting and the motion could go forward without establishing graduation requirements that would be different from the graduation requirements now in SP MBE 96-01. Vice Chair Starks accepted the suggested amendment to her motion and restated it to say, she moved Commission adopt resolution 2010-1842 [sic]¹ that extends the WSSC Standard Procedure MBE 96-01 to April 30, 2011 with the understanding the Commissioners will revisit the graduation program at a later date. Commissioner Agarwal who seconded the motion, also accepted the amendment. Chair Counihan asked for a roll call vote: Commissioner Agarwal voted aye; Chair Counihan voted aye; Commissioner Jones voted aye; Commissioner Mandel abstained because she believed the motion without a graduation element was not in the best interest of the Commission or minority business community; Commissioner More voted aye and Vice Chair Starks voted aye. The motion carried with five affirmative votes and one abstension.

Commissioner Agarwal recognized the presence of Senator Nathaniel Exxum and Delegate Aisha Braveboy.

Adjournment

Commissioner Agarwal moved to end the meeting. Commissioner Moore seconded the motion. The motion carried unanimously. At 9:30 p.m. Chair Counihan declared the meeting was adjourned.

Respectfully submitted,

Charlett Bundy
Corporate Secretary

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