

WASHINGTON SUBURBAN SANITARY COMMISSION

MINUTES OF THE COMMISSION MEETING

**Wednesday, December 16, 2009
Laurel, Maryland**

Chair Gene W. Counihan called the meeting to order at 8:36 a.m. in the Auditorium at the Richard G. Hovevar Building, 14501 Sweitzer Lane, Laurel, MD 20707, with due notice having been given to all members of the Commission and the public. Commissioners Prem P. Agarwal, Adrienne A. Mandel, Antonio L. Jones, and Roscoe M. Moore, Jr. were present at the meeting. Also, present were General Manager Jerry Johnson, Corporate Secretary Charlett Bundy and General Counsel, Jerry Blask.

AGENDA APPROVAL

Commissioner Mandel moved to approve the agenda. Commissioner Jones seconded the motion. The motion carried with five affirmative votes.

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

MINUTES

Commissioner Agarwal moved to approve the open session minutes from the November 18, 2009 Commission meeting. Commissioner Mandel seconded the motion. The motion carried with five affirmative votes.

WSSC RETIREES

Six retirees were recognized. Present were: Robert C. Pascal, Electrical and Mechanical Technician who retired with 28 years and 4 months of service; William R. Banwarth, Fleet Services Group Leader, who retired with 16 years and 1 month of service; Scott A. Brock, Materials Evaluation and Supply Unit Coordinator retired with 32 years and 4 months of service; Arloncia (Lonnie) C. Layton, Materials Planner I, retired with 21 years and 7 months of service; and Linda E. Satterfield, Human Resources Specialist, retired with 30 years and 11 months of service. Kenneth C. Thompson, Guard in the Security and

Safety Services Group was not present. He retired with 5 years and 6 months of service.

EMPLOYEE EXCELLENCE

This month's video featured the Winter Preparation and clips of news stories broadcast about WSSC's use of a "smart ball" to detect breaches in pipes that could lead to breaks.

To determine the eight participating schools for the 2010 Children's water festival, Sylvia Anderson, Amy Brown; Maxine Bardwell, Sarita Milliner; and Barbara Templeman of the WSSC Mentor Program drew the names of the schools that had preregistered to participate in the Water Festival. Names of the schools were taped to ping pong balls that were placed in an air hopper. Four schools and an alternate were picked from each county.

The schools that will participate from Montgomery County are: Sequoyah, Derwood; Sargent Shriver, Silver Spring; Cresthaven, Silver Spring; and Arcola Elementary, Silver Spring. The alternate is Lucy Barnsley, Rockville. The schools that will participate from Prince George's County are: William Hall Academy, Capitol Heights; Calverton Elementary, Beltsville; Gaywood, Lanham; and Rosa Parks, Hyattsville. The alternate school is Fort Washington Forest, Fort Washington.

PUBLIC COMMENTS

There was one comment from Norma Byrd who spoke on behalf of the Association for Business Advocacy regarding their response to the proposed graduation requirements for the WSSC Small, Local, Minority Business Enterprise Program.

COMMISSIONERS' COMMENTS

Commissioner Jones thanked everyone for welcoming him so graciously and stated he looks forward to an exciting year and a productive staff and wished everyone a happy holiday. He also commended Maxene Bardwell for participating in the WSSC Mentor Program

that works with female students at the Martin Luther King Middle School.

Commissioner Mandel remarked about the excellent education coverage from the Communications Office there were two additional media reports that came to the attention of many of her neighbors, friends, and ratepayers. Those two additional reports one focused on 15 breaks in one day. She received many calls from persons she met at various events and the environmental Working Group Report and where WSSC ranked on that report regarding our water quality. If we can provide our ratepayers with a more detailed explanation of what 15 breaks in one day means. We are aware that is not an unusual event in the winter months and it does not necessarily mean this will lead to another break such as happened on River Road in December 2008 as we have seen we are taking the important and necessary steps to avoid that. Our staff needs to communicate rapidly and clearly what these breaks mean so that these items are not reported without any response from WSSC. Looking forward to learning exactly the situation regarding the Environmental Work Group report and discuss with the people who have inquired from me what it means when the media She wished the Commissioners. She wished all of the staff and fellow Commissioners a safe, happy and health holiday and look forward to another productive year together in 2010.

Commissioner Moore asked that the WSSC develop a nomenclature for the breaks to determine what a small, medium and large break is so that there is some clarity of the severity or lack of severity of the breaks.

Commissioner Agarwal thanked staff for superb work in 2009 and look forward to working together in 2010. He wished all the staff and Commissioners a happy, joyous, peaceful holiday season and a happy new year.

GENERAL MANAGER'S OFFICE

Monthly Report. Mr. Johnson referred Commissioners to the report. He commended the WSSC Communications staff for the very

excellent job in garnering positive press coverage. Getting the media to cover an event when there is nothing negative going on is a difficult job. They have seized the opportunity to get the media to review the positive things we are doing.

He noted that the 15 water main breaks is not a negative story because there were interviews about our staff working in the cold to repair the break right away. Ensure that we don't keep our customers out of service very long by responding to the breaks as quickly as possible. When the system is as old as is WSSC's the rapid drop in temperature of the river water is more critical than the temperature drop in air temperature. We have had as many as 22 breaks in a day and the fact that we don't get coverage on those breaks all the time but I agree we can improve how we get information out to the public about the breaks. We'll look at ways to better explain what we are doing.

On the Environmental Working Group report, the reports are issued at this time of year annually when they launch their fundraising efforts. It is an advocacy organization, not a scientific organization and they have not done scientific assessments to reach the rankings they publish. Some of their data is inconsistent with respect how they characterize the systems on which they report. We are reviewing the latest report which was submitted to the media over the weekend which deprived WSSC of the opportunity to review it and reply. I want to reassure the public we have a safe drinking water system and have had no incursions of the Safe Drinking Water Act.

Mr. Johnson attended a joint meeting of the Montgomery County House and Senate reviewing priorities for the upcoming legislative session. He also described meetings with elected officials.

Sheila Mirmiran in the Intergovernmental Relations Office was saluted for having completed the Leadership Maryland Program this past week.

Mr. Johnson introduced Johnny R. Hemphill, Jr. who was appointed Chief of Staff to the General Manager. Mr. Hemphill most recently served in a similar capacity at the District of Columbia, Water and Sewer Authority.

Lastly, Mr. Johnson highlighted reports about sewer overflows that had been sent to Commissioners earlier in the month, following heavy rains. The overflows were reported to the Maryland Department of the Environment and the U.S. Environmental Protection Agency. He then showed a compelling photograph of an influent screen at the Anacostia Pumping Station that was clogged with layers of huge clumps of grease. Mr. Johnson noted that grease clogs the filtration screens at the plants and blocks the flow of the sewer lines causing overflows from the backup. He stressed the need for continued education of WSSC customers about the hazards of putting grease in the sewer system.

As part of the

Internal Audit Office

Monthly Activity Report. Commissioners received a summary of the auditing activities from Ms. Maxene Bardwell, Internal Audit Manager. She noted that the DC WASA audit had completed with a \$2.2 million credit issued to WSSC for a future bill. The Acquisition Audit Report is under preparation. The Fraud Waste and Abuse Procedure is nearing readiness for Commissioner review.

The Board of Ethics reviewed two complaints.

ACTION ITEMS

Finance

FY 2011 Operating Budget - Approval for Publication.
Commissioners approved publication of a budget that included the summary of spending based on proposed rate increases as proposed by Montgomery County, Prince George's County and the WSSC Finance Office. Commissioner Mandel moved that the Commission approve the Fiscal Year 2011 preliminary budget for the purpose of a public hearing only with a

9.5 increase for publication for 30 days to include additional information as to what would be required if the budget would move forward at both 9.01% and 8%. Commissioner Jones seconded the motion. The motion carried with four affirmative votes. Commissioner Moore abstained to balance the voting because of Vice Chair Starks' absence. Chair Counihan asked that it be made clear none of the budget options includes a cost-of-living increase for any employee.

Consent Calendar

Commissioner Mandel moved that the Commission approve Resolution 2010-1852 that adopts the Consent Calendar for December 16, 2009 consisting of the following items: 2010 Front Foot Benefit Rate and House Connection Rate; Contracts: BL7053A86; BR4271H05; BR4939A09; 5660; 5687; and 5711. The motion carried with four affirmative votes. Commissioner Moore abstained to balance the voting because of Vice Chair Starks' absence.

COMMISSIONER ITEMS

Continued Business and Sub-committee Reports

Personnel/Governance Committee

Bylaws. Commissioner Moore asked that the committee's report be delayed to the January 2010 meeting because of Vice Chair Starks' absence and to avoid duplicate reporting from the committee. Commissioner Mandel asked that the committee include a statement on how to define abstention and resolve the vagueness as to the concept of "majority present and voting" which appears throughout the current WSSC Bylaws.

Bi-County Working Group Committee

Mr. Johnson noted that the committee is still in the stages of reforming and hopes to hold an initial meeting in January 2010.

Pension Committee

Commissioner Mandel shared highlights from the financial reports provided at the December 2009 meeting of the WSSC Employees Retirement Trustee Board meeting. She also recapped financial information on the Plan's investment portfolio and strategies.

CORPORATE SECRETARY

Ms. Bundy reviewed her non-routine activities for the month.

DEPARTMENT BRIEFINGS

Engineering & Construction

Mr. Gumm reviewed the award information for contracts that will be presented for award at the January 2010 meeting. Those contracts were: PM0015A08, Basic Ordering Agreement for Staff Augmentation Services; PM0016A08, Basic Ordering Agreement for Water Main Replacement/Relocation; BR4373B06, Water Main Replacement for Glenmont II, Montgomery County; BR4876C08, Water Main Replacement for Twinbrook Forest, Montgomery County.

Logistics

Mr. Wade then provided the information on Contract 5684 for Building Maintenance that will also need to be awarded in January 2010.

FINANCE OFFICE

Tom Traber and Mr. J.D. Noell presented a draft WSSC Debt Policy that was created from a directive in 2009 Maryland legislation to local government units and public corporations that are authorized to issue debt to adopt a debt policy that is compliant with all state statutes and local laws. The proposed WSSC policy follows Government Finance Officers Association guidelines. Mr. Traber advised that the policy is a summation of current practices and procedures at WSSC and conforms to requirements in Maryland Annotated Code, Title 29 as well as other federal, state and local rules.

Commissioners then recessed for lunch.

**COMMISSIONERS' CONFERENCE ROOM
ENGINEERING & CONSTRUCTION**

Commissioners were briefed by staff from the Engineering & Construction team about the information contained in two large maps that had been hung in the Conference Room during the summer of 2009.

EXECUTIVE SESSION

Commissioner Agarwal moved to close the meeting for December 16, 2009 pursuant to Subtitle 5 of Title 10 of the State Government Article, Maryland Code Section 10-508(a) (13) to approve November 18, 2009 closed session minutes. Commissioner Jones seconded the motion. The vote on the motion was five ayes so the motion carried. At 2:10 p.m. the meeting was declared closed.

ATTENDEES: Chair Gene Counihan, Commissioners Prem Agarwal, Adrienne Mandel, Roscoe Moore and Antonio Jones; General Manager Jerry Johnson, Deputy General Manager Teresa Daniell and Corporate Secretary Charlett Bundy were present.

Commissioner Mandel moved to approve the November 18, 2009 executive session minutes. Commissioner Jones seconded the motion. The motion to approve the minutes carried with five affirmative votes.

Commissioner Mandel moved to approve the November 30, 2009 executive session minutes. Commissioner Agarwal seconded the motion. The motion carried with five affirmative votes.

At 2:11 p.m. Commissioner Agarwal moved to end the executive session. Commissioner Jones seconded the motion. The motion to end the closed session carried with five affirmative votes.

OPEN SESSION RESUMED

At 2:12 p.m. Chair Counihan declared the meeting was declared open.

Adjournment

Commissioner Agarwal moved to adjourn the meeting for December 16, 2009. Commissioner Jones seconded the motion. The motion carried

with five affirmative votes such that at 2:12 p.m. Chair Counihan declared the meeting was adjourned.

Respectfully submitted,

Charlett Bundy
Corporate Secretary