

WASHINGTON SUBURBAN SANITARY COMMISSION

Minutes for July 21, 2021 Commission Public Meeting

07/21/2021 | 10:00 AM - Eastern Time (US and Canada)

Virtual

Attendees

Chair, Keith Bell; Vice Chair, Howard Denis; Commissioners, Chris Lawson, Eloise Foster and Fausto Bayonet; General Manager/CEO, Carla Reid, General Counsel, Amanda Stakem-Conn and Corporate Secretary, Julianne M. Montes de Oca. Other members of WSSC Water management were called upon, during certain portions of the meeting, to provide information to the Commission.

Open Session - Morning Session

Chair Keith Bell called the virtual meeting of the Washington Suburban Sanitary Commission to order at 10:00 am, with due notice having been given to all members of the Commission and to the public.

Pledge of Allegiance

Chair Bell began the meeting by asking Vice Chair Denis to lead the pledge of allegiance.

Mission/Vision Statements

Chair Bell asked General Manager/CEO, Carla Reid to recite the Mission Statement which was followed by the recitation of the Vision Statement by Commissioner Bayonet.

Approval of Agenda

Commissioner Foster moved to adopt the Commission's Public Meeting Agenda of July 21, 2021, as drafted, to which Commissioner Bayonet seconded the motion.

The motion carried four to zero with Commissioner Lawson temporarily absent.

Approval of Minutes June 16, 2021

Having no corrections to the open session minutes of the June 16, 2021 Regular Commission Meeting, the minutes stood approved.

Retirees

Retirement & Investments Division Manager, Richard Baker recognized the Retiree for the month of June 2021, reporting from a power point presentation displayed at the meeting reflecting the Retiree's

name and photo. Retiree's information can be found in the archived meeting video and presentation, incorporated herein by reference.

Commissioners' Engineering Scholarship Awards

Chair Bell shared background information on the Commissioners' Engineering Scholarship Program as well as the Scholarships' recent increase to \$2,000 approved under former Chairman Howard A. Denis. The scholarship was awarded to two students; one from each governing county. Grace Pooley was the Prince George's County scholarship recipient and Kyle Dalrymple was the Montgomery County's scholarship recipient. Both students were present virtually and gave thanks and remarks to the Commission.

Commissioner Comments

Chair Bell began Commissioner comments by reading a letter from former Commissioner, Sandra L. Thompson. The letter announced her recent appointment to Acting Director of Federal Housing Finance Agency by President Joe Biden, resulting in her resignation from the WSSC Water Board of Commissioners. After reading the letter to all, Chair Bell and the entire board of Commissioners offered words of gratitude and well wishes to former Commissioner Thompson for her service to WSSC Water and its ratepayers. Commissioner Bayonet also recognized the planning committee for the Employee Service Awards and the recipients, including Commissioner Lawson. Commissioner Bayonet closed his remarks by encouraging all to take advantage of the COVID-19 vaccination.

Public Comments

There were no public comments.

Staff Reports

General Manager's Office

Monthly Report

General Manager (GM), Carla Reid provided her monthly report, reporting from a power point presentation displayed at the meeting and incorporated herein by reference. GM Reid began by offering her condolences to the families of two former employees who recently passed away; Jeffrey Farley and Gary Lord; honoring them both with a moment of silence. GM Reid recognized former Commissioner Sandra L. Thompson for her service to WSSC Water and congratulated her on her new appointment. GM Reid provided a Covid-19 update which included the start of Phase 3 which began on July 6, 2021, mask restrictions were lifted, and indoor meetings resume. and outlining the "Now Normal State" of WSSC Water. GM Reid covered topics such as commercial and residential turn offs, Capital Budget

Meetings and continued meter reading delays. Following Commissioner questions/comments, the Monthly Report was received as information.

Office of the Inspector General: Monthly Activity Report

Inspector General ("IG"), Arthur Elkins reported on the monthly activities of the Office of the Inspector General (OIG), for the month of June 2021. Mr. Elkins presented from a power point presentation displayed at the meeting and incorporated herein by reference. The full report can be found in the presentation handout and corresponding segment of the archived meeting video and both are referred to for this purpose. Mr. Elkin's report focused on the number of audits in the planning (0), fieldwork (6) and reporting (1) phases and the number of open and closed (0) corrective actions in the management action plans. Mr. Elkins extended kudos to Maxene Bardwell, Assistant Inspector General for being elected to the Maryland Association of Certified Public Accountants Board of Directors and Lucretia Morris, for her retirement after 31 years and 2 months of service with the WSSC. Following Commissioner questions/comments, the OIG Monthly Activity Report was received as information.

Corporate Secretary Report

Corporate Secretary, Julianne M. Montes de Oca began by thanking the Commissioner's Engineering Scholarship Board for their contribution in selecting the 2021 scholarship recipients and Wayne Anderson for technical knowledge sharing. Ms. Montes de Oca reported there are 35 pending Corporate Secretary level Refund Hearing Requests. Following Commissioner questions/comments, the Corporate Secretary Report was received as information.

Consent Calendar - Resolution 2022-2292

After verifying that no Commissioner desired to remove a contract from the Consent Calendar, Chair Bell requested a motion to approve the current Consent Calendar. A motion was then made by Commissioner Bayonet and seconded by Commissioner Lawson, to adopt Resolution 2022-2292, approving the three contracts on the Consent Calendar for the July 21, 2021 Commission Meeting, as follows:

A. Engineering and Construction

1. 16765, Dam Engineering Services (BOA)
2. PM0007A21, Construction Management Services (BOA)

B. General Services

1. 7337, Original Equipment Manufacturer (OEM) Replacement Parts and Services Change Order No. 1 in Option Year One

The motion carried unanimously with five affirmative votes.

Other Reports

Customer Service

Customer Financial Assistance Regulation Changes

Director of Customer Service Krystal Knight-Lee presented from a power point presentation displayed at the meeting and incorporated herein by reference. Ms. Knight-Lee covered the following topics during her presentation: status of past due accounts and amounts, current revenue recovery activities, status of customer assistance recommendations, revenue recovery and expanded financial assistance roadmap and the resumption of late fees and residential turnoffs. Ms. Knight-Lee opened by reporting the FY' 21 year-end results 20% percent of delinquent accounts totaling about 88,765 however, reported a steady increase in pay-plans as a result of customer outreach efforts. Following Commissioner questions/comments, the Plan for Addressing Delinquencies & GAP Customers was received as information.

Resolution 2022-2293, Customer Financial Assistance Regulation Changes

Director of Customer Service Krystal Knight-Lee provided an overview of the series of customer enhancements presented to the Commission in past months. Permanent waiver of late fees, waiver of late fees for customers who successfully complete their payment plans and reduced turn-on fees for customers enrolled in a Customer Assistance Plan (CAP). A motion was then made by Commissioner Lawson and seconded by Vice Chair Denis, to amend the provisions of WSSC Code of Regulations Chapter 3.45, Customer Assistance Program Administration, as recommended by management. The motion carried unanimously with five affirmative votes.

Finance

Resolution 2022-2294, Authorization for Issuance of Consolidated Public Improvements Bonds

Deputy General Manager for Administration, Joe Beach provided an overview of Authorization for Issuance of Consolidated Public Improvements Bonds. Mr. Beach explained that Resolution 2022-2294 would provide for the issuance, sale, and delivery of the Water Supply Bonds, the Sewage Disposal Bonds and General Construction Bonds; providing for the publication of the notice of sale; and providing for the consolidation of such bonds for issuance, sale and delivery as a single issue of bonds. After Commissioner questions, Chair Bell requested a motion to which Commissioner Foster moved and Commissioner Lawson seconded the motion approving the Authorization for Issuance of Consolidated Public Improvements Bonds.

The motion passed unanimously with five affirmative votes.

Resolution 2022-2295, Authorization for issuance of Consolidated Public Improvement Refunding Bonds

Deputy General Manager for Administration, Joe Beach explained Resolution 2022-2295 provided for the issuance, sale and delivery of Sewage Disposal Refunding Bonds, Water Supply Refunding Bonds and General Construction Refunding Bonds to refund certain outstanding bonds of the Washington Suburban Sanitary District and providing for the payment of such outstanding bonds from an escrow account; providing for the payment of such refunding bonds; providing for the publication of the notice of sale; and providing for the consolidation of such bonds for issuance, sale and delivery as a single issue of bonds. There being no questions, Chair Bell requested a motion to adopt Resolution 2022-2295, Authorization for issuance of Consolidated Public Improvement Refunding Bonds. Commissioner Lawson moved, and Commissioner Bayonet seconded the motion. The motion passed unanimously with five affirmative votes.

Resolution 2022-2296, Revised Business Investment and Growth Program

Deputy General Manager for Administration, Joe Beach explained the amendments to BIG Program are required to allow WSSC Water the flexibility to take advantage of other investments offered by the community banks participating in the BIG Program including Insured Demand Deposits. There being no questions, Chair Bell requested a motion to adopt Resolution 2022-2296, Revised Business Investment and Growth Program, amending WSSC Code of Regulations Chapter 5.105, Local Business Investment and Growth Program, as recommended by management. Vice Chair Denis moved, and Commissioner Lawson seconded the motion. The motion carried unanimously with five affirmative votes.

Fiscal Years 2023-2028 Capital Improvements Program

Budget Division Manager, Letitia Carolina-Powell and Budget Section Manager, Brian Halloran, presented from a power point presentation displayed at the meeting and incorporated herein by reference. In depth information pertaining to the Capital Improvements Program (CIP) review process, CIP benefits, Capital budget policy guidelines and affordability, FY 2023 CIP highlights and CIP reduction impacts were all provided during the presentation. Following Commissioner questions, Fiscal Years 2023-2028 Capital Improvements Program was received as information.

General Counsel's Office

Ethics Monthly Update

The monthly Ethics Program Update was provided in the advanced materials. There were no Commissioner questions.

Code of Ethics Changes

Ethics Officer, Angelique Dorsey provided information on proposed amendments to the WSSC Code of Regulations, Code of Ethics Chapters 1.70.110 and 1.70.340. Ms. Dorsey reported the Board of Ethics reviewed the WSSC Code of Regulations, Code of Ethics and recommends amendments to two chapters. One amendment is to the confidentiality chapter and the other is to a chapter in the financial disclosure article. The Board of Ethics voted to recommend the changes at its May 12, 2021 and June 9, 2021 meetings. This agenda item was submitted as information during the July Commission Meeting in order to be presented at the August 18, 2021 Commission meeting with a resolution for approval of the amendments. Following Commissioner questions Code of Ethics Changes was received as information.

Utility Services

16792, On-call Emergency and Urgent Water and Sewer Repair Replacement Services

Deputy General Manager of Operations, Jay Price provided an overview of construction contract 16792, On-call Emergency and Urgent Water and Sewer Repair Replacement Services. There being no questions, Chair Bell requested a motion to approve Contract 16792, On-Call Emergency and Urgent Water and Sewer Repair and Replacement Services to Fort Myer Construction Corp, Orbit Construction Corp, Ross Contracting Inc, Sagres Construction Corp, and W.F. Wilson and Sons Inc, in the not to exceed amount of \$42 million, with one 2-year option term, not to exceed \$28 million for a total of \$70 million, as recommended by management. A motion was then made by Vice Chair Denis and seconded by Commissioner Lawson. The motion passed unanimously with five affirmative votes.

Additional Briefings/Policies/Regulations

Commission Office

Committee Reports Information

Chair Bell began Committee Reports by announcing the FY' 22 Committee Board Chairs. The Chairs were appointed as follows:

WSSC Employees' Retirement Plan Board of Trustees Chair: Commissioner Lawson. Commissioner Foster is also a Trustee.

Governance & Strategic Visioning Chair: Commissioner Foster

Legislative & Compliance Chair: Commissioner Bayonet

Acting Audit Chair: Vice Chair Denis

WSSC Employees' Retirement Plan Board of Trustees

Commissioner Lawson provided an update for the WSSC Employees' Retirement Plan Board of Trustees meeting held June 30, 2021. Plan assets were at \$972.7 million as of May 31 30, 2021 representing a year-to-date investment gain of \$94.7 million or an increase of 10% from December 31,

2020 to May 31, 2021. Commissioner Lawson added to his report by providing a few market indicators such as the rate of unemployment being 5.8% and stating that number may be misleading given how many have not returned to work since last year's pandemic-induced layoffs and retail sales are still strong, although shortages of goods rather than weak demand may have slightly lowered May sales numbers.

Governance & Strategic Visioning

Commissioner Foster reported that she, Chair Bell, Vice Chair Denis, and the General Manager and her leadership team met in the Second Annual Meeting to discuss enhancements to the governing process. This meeting was a follow up to a meeting held in July 2020. Commissioner Foster stated that Commissioners believed the General Manager and her leadership team did a stellar job in implementing the four requests initially discussed in the July 2020 meeting. The final request for the Commissioners to create an External Engagement Strategy was said to be a work in progress, but Commissioners and management team look forward to tackling the project.

Legislative & Compliance

No report

Audit

No report

Adjournment

Upon completion of the Committee Reports, Chairman Bell declared that the Commission had completed its open session business and that he would entertain a motion to enter Closed Session.

Whereby, at 12:46 a.m., Commissioner Lawson moved that the Commission go into Closed Session, Pursuant to Maryland Code Annotated, General Provisions Article, Title 3, Open Meetings Act, Subtitle 3, Open Meetings Requirements - Closed Sessions: Section 3-305(b)(13) to approve the June 16, 2021 Closed Session Minutes and June 18, 2021 Closed Session Minutes; Section 3-305(b)(7) to consult with counsel to obtain legal advice; and Section 3-305(b)(1) to discuss the performance evaluation of an appointee, employee, or official over whom this public body has jurisdiction. Commissioner Foster seconded the motion. The motion carried unanimously with five affirmative votes.

Chairman Bell declared the Open Session of the Commission meeting adjourned at 1:03 p.m. The Chairman then called for a short recess. The Commission reconvened in Closed Session by virtual meeting at 1:15 p.m.

Closed Session

Attendees:

Chair Bell, Vice Chair Denis, Commissioners Bayonet, Foster, and Lawson.

Staff: General Manager/CEO, Carla Reid; Deputy General Managers, Monica Johnson, James Price and Joseph Beach; Corporate Secretary, Julianne M. Montes de Oca; General Counsel, Amanda Stakem Conn; Deputy General Counsel, Russel Beers; Police & Homeland Security Division Manager Dave McDonough; and Outside Counsel James Paulino and Addia Rodriguez of Mullen Coughlin.

Closed Session Minutes: There being no corrections to the Closed Session Minutes of June 16, 2021, or June 18, 2021 the Minutes stood approved.

Legal Matter: The General Counsel's Office and outside counsel presented on a legal matter.

Performance Evaluation: The Commissioners conducted a performance evaluation for a direct report.

Following completion of the Closed Session business, Commissioner Bayonet moved, and Commissioner Lawson seconded, to end Closed Session and Adjourn.

The motion passed by a unanimous vote of 5-0.

Chair Bell declared Closed Session Adjourned at 2:14 pm.



Julianne M. Montes de Oca
Corporate Secretary

Approved 8/18/21
jmu