






## COMMISSION SUMMARY

**AGENDA CATEGORY:** General Counsel's Office

**ITEM NUMBER:**

**DATE:** August 18, 2021

<b>SUBJECT</b>	Vote – Proposed Amendments to the WSSC Code of Regulations, Code of Ethics Chapters 1.70.110 and 1.70.340
<b>SUMMARY</b>	The purpose of this agenda item is for the Commissioners to approve Resolution 2022-2298 amending the Confidentiality provision (Ch. 1.70.110) and Financial Disclosure provision (Ch. 1.70.340) of the Code of Ethics. The proposed amendments were presented at the July 21, 2021 Commission meeting.
<b>SPECIAL COMMENTS</b>	N/A
<b>CONTRACT NO./ REFERENCE NO.</b>	N/A
<b>COSTS</b>	N/A
<b>AMENDMENT/ CHANGE ORDER NO. AMOUNT</b>	N/A
<b>MBE PARTICIPATION</b>	N/A
<b>PRIOR STAFF/ COMMITTEE REVIEW</b>	Carla A. Reid, General Manager  <sup>DS</sup> Russel L. Beers, Acting, General Counsel  <sup>DS</sup> Angelique Dorsey White, Ethics Officer  <sup>DS</sup>
<b>PRIOR STAFF/ COMMITTEE APPROVALS</b>	Board of Ethics
<b>RECOMMENDATION TO COMMISSION</b>	Approve
<b>COMMISSION ACTION</b>	Vote

Resolution Number: 2022-2298  
Adopted: August [ ], 2021  
Effective Date: September [ ], 2021

WASHINGTON SUBURBAN SANITARY COMMISSION

RESOLUTION

SUBJECT: A RESOLUTION by the Washington Suburban Sanitary Commission ("Commission" or "WSSC") adopting amendments to Chapter 1.70, Code of Ethics, of the WSSC Code of Regulations

WHEREAS, on June 11, 2003, the Commission adopted Resolution No. 2003-1669 which established the Commission's Code of Ethics;

WHEREAS, the WSSC Board of Ethics has reviewed the Code of Ethics in accordance with Chapter 1.70.040(d)(7) and recommends changes to the confidentiality provisions contained in Chapter 1.70.110 to allow discussion of ongoing investigations with management; and

WHEREAS, the WSSC Board of Ethics has reviewed the Code of Ethics in accordance with Chapter 1.70.040(d)(7) and recommends changes to the financial disclosure provisions contained in Chapter 1.70.340 to establish a process to request an extension of time to file a financial disclosure statement and to implement Md. Code Ann., Pub. Util. § 19-107(b) which allows assessment of fees for filing a disclosure late and to establish a process to request an extension of time to file the disclosure statement.

NOW, THEREFORE, BE IT RESOLVED, that the Commission hereby adopts the recommended amendments to Chapter 1.70, Code of Ethics; and

BE IT FURTHER RESOLVED, that notice of this resolution and this action taken hereunder shall be published in at least one (1) newspaper of general circulation in each county of the Washington Suburban Sanitary District for thirty (30) days prior to the effective date.

BE IT FURTHER RESOLVED, that this resolution shall take effect September [ ], 2021.

A true copy:

---

Julianne Montes De Oca, Corporate Secretary

## 1.70.110 Confidentiality.

(a) Except as provided in subsections [\(b\)](#) and [\(c\)](#) of this section, after a complaint is filed:

(1) The proceedings, meetings, and activities of the Board and its employees relating to the complaint are confidential; and

(2) Information relating to the complaint, including the identity of the complainant and respondent, may not be disclosed by the:

(i) Board or the Ethics Office;

(ii) General Counsel's Office;

(iii) Complainant; or

(iv) Respondent.

(b) Except as provided in subsection [\(c\)](#) of this section, the restrictions in subsection [\(a\)](#) of this section apply unless:

(1) The matter is referred for criminal prosecution under WSSC [1.70.120](#); or

(2) The Board finds a violation of these regulations.

(c)

(1) The Board may release information relating to a complaint to WSSC's Inspector General.

(2) The Board may release any information at any time if the respondent agrees in writing to the release.

(3) On request of the respondent, the Board at any time shall disclose the identity of the complainant to the respondent. (Res. 2019-2211; Res. 2003-1669 § 1(2-7))

**(4) THE BOARD OR ITS DESIGNEE MAY DISCUSS A COMPLAINT WITH WSSC MANAGEMENT TO THE EXTENT NECESSARY TO RESOLVE AN INVESTIGATION OR IMPLEMENT A SETTLEMENT.**

## Article V. Financial Disclosure

### 1.70.330 Who must file financial disclosure statements.

(a) The following persons must file a financial disclosure statement under oath:

- (1) All persons holding positions under the executive salary schedule, merit and nonmerit positions;
- (2) All persons holding merit or nonmerit positions on level of Grade 12 or above; and
- (3) Other persons holding positions, designated by the General Manager, after review and recommendation by Team Chiefs and the heads of the staff offices, that are responsible, either as a decision-maker or an advisor to another making decisions, for:
  - (i) Contracting or procurement, including the drafting of specifications and the negotiating or executing of contracts, and the approval of invoices for payment that exceed \$500.00;
  - (ii) Regulatory matters, including planning, sewer category classifications, development or permit review, and inspections; legal matters and the payment or settlement of claims;
  - (iii) Financial matters, including audit, benefits and retirement administration (including staff and members of the Retirement Plan Board of Trustees), and the administration of grants, subsidies or credits;
  - (iv) Land acquisition;
  - (v) Law enforcement;
  - (vi) Controlling confidential information, including information technology systems; and
  - (vii) Other matters that would further the purposes of this article.

(b) Members of WSSC advisory boards or committees must file financial disclosure forms. However, the Board shall limit the information required on such forms to information concerning any financial interest or gift that may create a conflict of interest between the board or committee member's personal interests and advisory duties. (Res. 2019-2230; Res. 2016-2112; Res. 2003-1669 § 1(5-1))

### 1.70.340 When to file.

(a) Financial disclosure statements shall be filed on or before April 30th of each year. Statements due April 30th of each year shall be for the period commencing January 1st and ending December 31st of the preceding year.

(b) A person who is appointed or hired on or after April 30th of any year to fill a position for which a disclosure statement is required shall file within 30 days of employment. The disclosure statement shall cover the previous year whether or not employed by WSSC during the previous year.

(c) A person who leaves a position for which a disclosure statement is required shall file the statement within 60 days after leaving the position. The disclosure statement shall cover the year preceding the year in which the person left the position, unless a disclosure statement covering that year has already been filed. In addition, the disclosure statement shall cover the portion of the current year in which the person held the position. (Res. 2019-2230; Res. 2007-1779; Res. 2003-1669 § 1(5-2))

**(D)(1) A PERSON REQUIRED TO SUBMIT A FINANCIAL DISCLOSURE STATEMENT UNDER THIS CHAPTER MAY SUBMIT A REQUEST FOR AN EXTENSION OF THE FILING DUE DATE TO THE ETHICS OFFICE.**

**(2) TO BE CONSIDERED, THE REQUEST FOR EXTENSION MUST BE FILED WITH THE ETHICS OFFICE ON OR PRIOR TO THE DATE THAT THE FINANCIAL DISCLOSURE STATEMENT IS DUE.**

**(3) THE ETHICS OFFICER MAY GRANT A FILING EXTENSION UP TO 30 CALENDAR DAYS UPON GOOD CAUSE SHOWN.**

**(4) IF THE ETHICS OFFICER DENIES THE REQUEST, THE PERSON MAY, WITHIN 10 DAYS AFTER THE DATE THAT THE DENIAL IS ISSUED, SUBMIT A REQUEST IN WRITING ASKING THE BOARD OF ETHICS TO REVIEW THE DENIAL.**

**(5) ANY ADDITIONAL REQUESTS FOR EXTENSION BEYOND THE INITIAL REQUEST SHALL BE SUBMITTED TO THE BOARD OF ETHICS AS A WAIVER REQUEST UNDER WSSC CODE OF ETHICS CHAPTER 1.70.070.**

**(E)(1) IF A COMPLAINT IS FILED AGAINST A PERSON FOR NOT TIMELY FILING A STATEMENT UNDER THIS CHAPTER, AND THE BOARD FINDS A VIOLATION, THE BOARD MAY IMPOSE A FEE OF \$5.00 FOR EACH LATE DAY, NOT TO EXCEED A TOTAL OF \$500.**

**(2) IF A PERSON FAILS TO SUBMIT A FINANCIAL DISCLOSURE STATEMENT PRIOR TO THE EXPIRATION OF AN EXTENSION GRANTED UNDER SUBSECTION (D) OF THIS CHAPTER, THE BOARD MAY INCLUDE THE TIME GRANTED IN THE EXTENSION IN CALCULATING THE LATE FEE TO BE IMPOSED.**

### 1.70.350 Statement contents.

(a) Forms shall be developed by the Ethics Office in consultation with the Board. Except as provided in subsections (b) and (d) of this section, or otherwise required by this Code, the disclosure statement to be filed by the employee shall be substantially similar to the form and content prescribed by the State Ethics Commission for state employees under the General Provisions Article, § 5-607, Annotated Code of Maryland.

(b) References in the State Ethics Commission form to “business with the State” and “employment with the State” shall be deemed to mean “business with WSSC,” and “employed by WSSC,” respectively.

(c) Attribution of interests for disclosure shall be as provided under the General Provisions Article, § 5-608, Annotated Code of Maryland. However, for purposes of this subsection, the interests of a significant other shall be attributed to an employee to the same extent required for a spouse.

(d) The Commission may develop electronic forms, if secured, and at no cost to employees. It may also simplify state forms and, among other things, use ranges to reflect the dollar values of interests held by filers similar to those in use by the Montgomery County government. (Res. 2019-2230; Res. 2019-2211; Res. 2003-1669 § 1(5-3))

### 1.70.360 Execution and where to file – Use.

(a)

(1) The financial disclosure statement shall be prepared, dated, and signed under oath by the maker and submitted to an employee’s supervisor, as designated by the General Manager, for review as to completeness and potential or existing conflicts of interests or appearance of conflict of interest.

(2) The Ethics Officer shall review financial disclosure statements submitted by employees who report directly to the Commission.

(b) A financial disclosure statement is filed under oath if the person signs a declaration that the financial disclosure statement is made under the penalties of perjury. (Res. 2019-2230; Res. 2019-2211; Res. 2003-1669 § 1(5-4))

### 1.70.370 Financial disclosure statements as public records.

(a) Financial disclosure statements are public documents and these statements shall be made available by the Ethics Office to the public for examination and copying, subject to a reasonable fee for the time and material.

(b) Any person requesting to examine and/or copy a financial disclosure statement shall provide to the Ethics Office that person's name, business address and home address and the name of the employee whose disclosure statement is to be examined and/or copied. The person shall also provide a driver's license or other government issued photo identification card, which may be copied by the Ethics Office. In addition, the Ethics Office may not release the requested financial disclosure statement until 24 hours after the request has been made, in order to allow time to attempt to transmit notification of the request to the employee prior to the release of the requested financial disclosure statement. (Res. 2019-2230; Res. 2019-2211; Res. 2006-1747; Res. 2003-1669 § 1(5-5))

## Legal Review of Regulations

As requested, proposed amendments to the following Regulations have been reviewed as required by Chapter 1.42 of the WSSC Manual of Standard Procedures:

1. Title 1. Governance  
Subtitle III. Ethics  
Article II. Administration  
Chapter 1.70.110 Confidentiality
2. Title 1. Governance  
Subtitle III. Ethics  
Article V. Financial Disclosure  
Chapter 1.70.340 When to File

### Legal Sufficiency Review:

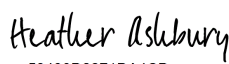
The amendments to the regulations listed above have been reviewed and determined to be legally sufficient.

*If not legally sufficient, details provided below*

N/A

### 1. Approval Authority

The Commission has the authority to adopt this Regulation.

DocuSigned by:  
  
60490D2271DA4CD...

---

Heather L. Ashbury  
Associate General Counsel II

Jul 6, 2021 | 4:37 PM EDT

---

Date