
By: **Montgomery County Delegation and Prince George's County
Delegation**

Introduced and read first time: February 4, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission - Commissioners and Audits**
3 **MC/PG 105-05**

4 FOR the purpose of increasing the number of commissioners of the Washington
5 Suburban Sanitary Commission (WSSC); providing for the terms of the
6 commissioners of the WSSC; providing that a certain position of commissioner of
7 the WSSC shall remain vacant until a successor has been appointed under
8 certain circumstances; requiring the Legislative Auditor to perform certain
9 audits of the WSSC at certain intervals under certain circumstances; requiring
10 the WSSC to pay the cost of certain audits under certain circumstances; setting
11 forth procedures for the removal of the general manager of the WSSC and
12 certain other senior executives of the WSSC under certain circumstances;
13 providing for the duties of the commissioners of the WSSC; including the WSSC
14 in the definition of "unit" as it applies to audits conducted by the Office of
15 Legislative Audits; and generally relating to the commissioners of the WSSC
16 and audits of the WSSC.

17 BY repealing and reenacting, with amendments,
18 Article 29 - Washington Suburban Sanitary District
19 Section 1-102 and 1-106
20 Annotated Code of Maryland
21 (2003 Replacement Volume and 2004 Supplement)

22 BY adding to
23 Article 29 - Washington Suburban Sanitary District
24 Section 1-108 and 1-109
25 Annotated Code of Maryland
26 (2003 Replacement Volume and 2004 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article - State Government
29 Section 2-1220(a)

1 Annotated Code of Maryland
2 (1999 Replacement Volume and 2004 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article 29 - Washington Suburban Sanitary District**

6 1-102.

7 (a) (1) There is a Washington Suburban Sanitary Commission.

8 (2) The WSSC has jurisdiction over the Washington Suburban Sanitary
9 District.

10 (b) The WSSC consists of:

11 (1) [3] 4 commissioners from Prince George's County appointed by the
12 County Executive subject to the confirmation of the County Council; and

13 (2) [3] 4 commissioners from Montgomery County appointed by the
14 County Executive subject to the confirmation of the County Council.

15 (c) (1) The term of a commissioner is 4 years, beginning on [June 1]
16 OCTOBER 1 of the year of appointment.

17 (2) The terms of commissioners are staggered as required by the terms
18 provided for commissioners on [July 1, 1982] JULY 1, 2005.

19 (3) [At] IF, AT the end of a term, [a commissioner continues to serve
20 until a successor is appointed and takes the oath of office] A SUCCESSOR HAS NOT
21 BEEN APPOINTED, THE POSITION SHALL REMAIN VACANT UNTIL A SUCCESSOR HAS
22 BEEN APPOINTED.

23 (4) A commissioner who is appointed after a term has begun serves only
24 for the rest of the term [and until a successor is appointed and takes the oath of
25 office].

26 (d) A vacancy on the WSSC does not impair the right of the remaining
27 commissioners to exercise all the powers of the WSSC.

28 (e) (1) Each appointee shall be a resident of the sanitary district.

29 (2) An individual may not be appointed or continue in office as a member
30 of the WSSC if the individual holds any other position of profit or trust under the
31 Constitution or laws of this State or any political subdivision of this State.

32 (3) No more than 2 commissioners from Montgomery County may be of
33 the same political party.

1 (4) Each appointee from Montgomery County shall be a registered voter
2 of Montgomery County and each appointee from Prince George's County shall be a
3 registered voter of Prince George's County.

4 1-106.

5 (A) The WSSC shall:

6 (1) Publish annually in at least one newspaper in Montgomery County,
7 and one in Prince George's County, a copy of the current financial statement of the
8 WSSC;

9 (2) Employ a certified public accountant licensed to practice in this State
10 to audit the books and accounts of the WSSC;

11 (3) Keep available and open to public inspection during business hours,
12 at its principal office, the annual audit and current financial statements; and

13 (4) File annually with the County Executive and County Council of
14 Prince George's County and the County Executive of Montgomery County, a certified
15 copy of the annual audit and current financial statements.

16 (B) (1) THE LEGISLATIVE AUDITOR SHALL PERFORM A FISCAL/COMPLIANCE
17 AUDIT OF THE WSSC AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

18 (2) THE LEGISLATIVE AUDITOR SHALL PERFORM A PERFORMANCE
19 AUDIT OF THE WSSC ONCE EVERY 3 YEARS OR AT ANOTHER INTERVAL AS DIRECTED
20 BY THE WSSC.

21 (3) THE WSSC SHALL PAY THE COST OF EACH AUDIT UNDER THIS
22 SUBSECTION.

23 1-108.

24 (A) THE WSSC MAY REMOVE THE GENERAL MANAGER ONLY BY A VOTE OF
25 TWO-THIRDS OF THE MEMBERS OF THE WSSC WITH THE APPROVAL OF THE COUNTY
26 EXECUTIVE OF PRINCE GEORGE'S COUNTY AND THE COUNTY EXECUTIVE OF
27 MONTGOMERY COUNTY.

28 (B) THE WSSC MAY REMOVE A SENIOR EXECUTIVE OF THE WSSC OTHER THAN
29 THE GENERAL MANAGER ONLY BY A VOTE OF TWO-THIRDS OF THE MEMBERS OF
30 THE WSSC WITH THE APPROVAL OF THE GENERAL MANAGER.

31 1-109.

32 THE DUTIES OF THE COMMISSIONERS OF THE WSSC INCLUDE:

33 (1) PROVIDING GENERAL OVERSIGHT OF THE WSSC;

34 (2) SETTING THE POLICY OF AND GOALS FOR THE WSSC;

1 (3) PREPARING THE BUDGET FOR THE WSSC;

2 (4) ENTERING INTO CONTRACTS FOR THE PROCUREMENT OF GOODS,
3 SERVICES, AND CONSTRUCTION; AND

4 (5) REVIEWING AUDITS PERFORMED IN ACCORDANCE WITH § 1-106 OF
5 THIS SUBTITLE.

6 **Article - State Government**

7 2-1220.

8 (a) (1) In this subsection, "unit" includes each State department, agency,
9 unit, and program, including THE WASHINGTON SUBURBAN SANITARY COMMISSION,
10 each clerk of court, and each register of wills.

11 (2) (i) At least once every 3 years, the Office of Legislative Audits shall
12 conduct a fiscal/compliance audit of each unit of the State government, except for
13 units in the Legislative Branch.

14 (ii) In determining the audit schedule for a unit, the Office of
15 Legislative Audits shall take into consideration:

16 1. the materiality and risk of the unit's fiscal activities with
17 respect to the State's fiscal activities;

18 2. the complexity of the unit's fiscal structure; and

19 3. the nature and extent of audit findings in the unit's prior
20 audit reports.

21 (iii) Each agency or program may be audited separately or as part of
22 a larger organizational unit of State government.

23 (iv) 1. The Office of Legislative Audits has the authority to
24 conduct a separate investigation of an act or allegation of fraud, waste, or abuse in
25 the obligation, expenditure, receipt, or use of State funds.

26 2. The Legislative Auditor shall determine whether an
27 investigation shall be conducted in conjunction with an audit undertaken in
28 accordance with this paragraph or separately.

29 (3) If, on request of the Comptroller, the Joint Audit Committee so
30 directs, the Office of Legislative Audits shall audit or review a claim that has been
31 presented to the Comptroller for payment of an expenditure or disbursement and that
32 is alleged to have been made by or for an officer or unit of the State government.

33 (4) The Office of Legislative Audits shall conduct an audit or review to
34 determine the accuracy of information about or procedures of a unit of the State
35 government, as directed by the Joint Audit Committee or the Executive Director.

1 SECTION 2. AND BE IT FURTHER ENACTED, That:

2 (a) Notwithstanding the provisions of Article 29, §§ 1-102 and 1-104 of the
3 Annotated Code of Maryland, the County Executive of Montgomery County and the
4 County Executive of Prince George's County shall provide for the expiration of the
5 terms of the members of the Washington Suburban Sanitary Commission who are in
6 office on the effective date of this Act as follows:

7 (1) in 2006, one member from Montgomery County and one member
8 from Prince George's County, each selected by the respective county executive;

9 (2) in 2007, one member from Montgomery County and one member
10 from Prince George's County, each selected by the respective county executive; and

11 (3) in 2008, one member from Montgomery County and one member
12 from Prince George's County, each selected by the respective county executive; and

13 (b) The terms of the members of the Washington Suburban Sanitary
14 Commission whose initial terms begin on October 1, 2005, shall expire at the end of
15 September 30, 2009.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 July 1, 2005.