

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 603

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “and” in line 2 down through “Committees” in line 3 and substitute “and General Manager - Duties and Removal Procedures”; strike beginning with “creating” in line 5 down through “WSSC;” in line 16; in line 22, after “WSSC;” insert “requiring the Chairman of the WSSC and the general manager of the WSSC to prepare certain agenda items for certain meetings; establishing the duties of the commissioners; establishing that the general manager is the chief executive officer of the WSSC; establishing certain duties of the general manager; requiring the vote of a certain number of commissioners in each county for the removal of the general manager;”; in line 26, strike “, 1-103,”; and in line 31, strike “1-103.1” and substitute “1-105(d), 1-108, and 1-109”.

AMENDMENT NO. 2

On pages 2 through 6, strike in their entirety the lines beginning with line 6 on page 2 through line 5 on page 6, inclusive, and substitute:

“1-102.

- (a) (1) There is a Washington Suburban Sanitary Commission.
- (2) The WSSC has jurisdiction over the Washington Suburban Sanitary District.
- (b) The WSSC consists of:
  - (1) 3 commissioners from Prince George’s County appointed by the County Executive subject to the confirmation of the County Council; and
  - (2) 3 commissioners from Montgomery County appointed by the County

(Over)

Executive subject to the confirmation of the County Council.

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

(2) The terms of commissioners are staggered as required by the terms provided for commissioners on July 1, 1982.

(3) At the end of a term, a commissioner continues to serve until a successor is appointed and takes the oath of office.

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

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

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

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

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

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

(F) (1) WHEN A NEW COMMISSIONER IS APPOINTED TO THE WSSC, THE GENERAL MANAGER AND THE CHAIRMAN OF THE WSSC SHALL PROVIDE AN ORIENTATION PROGRAM FOR THE COMMISSIONER.

(2) THE ORIENTATION PROGRAM SHALL PROVIDE THE COMMISSIONER WITH INFORMATION RELATING TO THE STRUCTURE AND OPERATION OF THE WSSC AND THE DUTIES OF A COMMISSIONER.

(a) A commissioner may be removed before the completion of the commissioner's term:

(1) [In Montgomery County:

(i) By the County Executive with the approval of a majority of the members of the County Council; or

[(ii) (2) Unless the [Montgomery] County Executive disapproves the resolution in writing within 30 days of its adoption, by resolution of a majority of the members of the County Council]; and

(2) In Prince George's County, by the County Executive with the approval of a majority of the members of the County Council].

(b) (1) Unless a hearing is waived in writing by the commissioner designated for removal, prior to any removal under this subsection a public hearing shall be held [:

(i) In Montgomery County,] by the body initiating the removal proceeding]; and

(ii) In Prince George's County, by the County Council].

(2) Each commissioner shall be given an opportunity at the hearing to present a defense.

1-105.

(D) THE CHAIRMAN AND THE GENERAL MANAGER SHALL PREPARE THE AGENDA ITEMS FOR EACH MEETING OF THE COMMISSIONERS.

1-108.

(A) IN ADDITION TO DUTIES SET FORTH ELSEWHERE IN THIS ARTICLE, THE

(Over)

COMMISSIONERS SHALL:

(1) ADOPT POLICIES FOR THE EFFICIENT AND EFFECTIVE OPERATION OF THE WSSC IN THE MISSION OF THE WSSC TO PROVIDE SAFE AND RELIABLE WATER AND RETURN CLEAN WATER TO THE ENVIRONMENT IN A FINANCIALLY RESPONSIBLE MANNER;

(2) CONDUCT THE BUSINESS OF THE WSSC IN A MANNER THAT:

(I) ENSURES THAT THE FIDUCIARY RESPONSIBILITY OF THE WSSC IS MET; AND

(II) PROMOTES THE PUBLIC TRUST;

(3) RECRUIT AND APPOINT THE GENERAL MANAGER AND THE INTERNAL AUDITOR;

(4) EVALUATE THE PERFORMANCE OF THE GENERAL MANAGER AND THE INTERNAL AUDITOR BY:

(I) ADOPTING AN ANNUAL PERFORMANCE PLAN FOR EACH THAT SPECIFIES MEASURABLE WORK OBJECTIVES; AND

(II) CONSULTING WITH THE GENERAL MANAGER AND THE INTERNAL AUDITOR AT LEAST TWICE A YEAR TO MEASURE EACH INDIVIDUAL'S PROGRESS IN FOLLOWING THE PERFORMANCE PLAN;

(5) ADOPT AND ANNUALLY UPDATE A STRATEGIC BUSINESS PLAN AND A MULTIYEAR FISCAL PLAN;

(6) ADOPT AND PERIODICALLY UPDATE A MANAGEMENT REPORTING SYSTEM TO MONITOR THE PROGRESS OF THE WSSC IN MEETING PERFORMANCE GOALS AND OBJECTIVES ESTABLISHED IN THE STRATEGIC BUSINESS PLAN;

(7) ENSURE FINANCIAL OVERSIGHT AND RISK MANAGEMENT THROUGH THE PERFORMANCE PLAN OF THE INTERNAL AUDIT OFFICE, THE RETENTION OF EXTERNAL AUDITORS, AND OTHER APPROPRIATE MECHANISMS;

(8) ENSURE THAT THE ANNUAL OPERATING BUDGET AND THE ANNUAL CAPITAL BUDGET ARE CONSISTENT WITH THE STRATEGIC BUSINESS PLAN AND THE MULTIYEAR FISCAL PLAN;

(9) PROMOTE EFFORTS TO SUSTAIN THE COMPETITIVENESS OF THE WSSC WHILE ENSURING ENVIRONMENTAL STEWARDSHIP, PROTECTION OF THE PUBLIC HEALTH, AND LONG-TERM ASSET MANAGEMENT;

(10) EVALUATE THE ADEQUACY OF THE COMPENSATION AND BENEFIT PROGRAMS OF THE WSSC, INCLUDING EFFECTIVE PAY FOR PERFORMANCE;

(11) ESTABLISH POLICIES FOR PUBLIC AND STAKEHOLDER INVOLVEMENT IN THE CONDUCT OF WSSC BUSINESS; AND

(12) ESTABLISH COMMITTEES FOR THE CONDUCT OF WSSC BUSINESS THAT INCLUDE THE PARTICIPATION OF COUNTY OFFICIALS.

(B) THE COMMISSIONERS MAY ADOPT, BY REGULATION, ADDITIONAL DUTIES THAT ARE CONSISTENT WITH THEIR ROLE AS COMMISSIONERS AND THAT ARE NOT OTHERWISE PROHIBITED IN THIS ARTICLE OR BY ANY OTHER PROVISION OF STATE LAW.

1-109.

(A) THE GENERAL MANAGER IS THE CHIEF EXECUTIVE OFFICER OF THE WSSC.

(B) IN ADDITION TO ANY OTHER DUTIES, THE GENERAL MANAGER IS:

(Over)

(1) ACCOUNTABLE TO THE COMMISSIONERS FOR CARRYING OUT THE POLICIES ADOPTED BY THE COMMISSIONERS; AND

(2) RESPONSIBLE FOR THE DAILY OPERATION AND MANAGEMENT OF THE WSSC.

(C) THE WSSC MAY REMOVE THE GENERAL MANAGER ONLY BY A VOTE OF TWO-THIRDS OF THE COMMISSIONERS IN EACH COUNTY.”.