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

Introduced and read first time: February 3, 2005

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **WSSC Commissioners - Removal**  
3 **MC/PG 102-05**

4 FOR the purpose of removing all of the commissioners of the Washington Suburban  
5 Sanitary Commission (WSSC); providing for the appointment of new  
6 commissioners of the WSSC; providing that certain commissioners of the WSSC  
7 are not eligible for reappointment as commissioners of the WSSC; making this  
8 Act an emergency measure; and generally relating to the removal and  
9 appointment of the commissioners of the WSSC.

10 BY repealing and reenacting, without amendments,  
11 Article 29 - Washington Suburban Sanitary District  
12 Section 1-102, 1-103, and 1-104  
13 Annotated Code of Maryland  
14 (2003 Replacement Volume and 2004 Supplement)

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

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

18 1-102.

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

20 (2) The WSSC has jurisdiction over the Washington Suburban Sanitary  
21 District.

22 (b) The WSSC consists of:

23 (1) 3 commissioners from Prince George's County appointed by the  
24 County Executive subject to the confirmation of the County Council; and

1           (2)     3 commissioners from Montgomery County appointed by the County  
2 Executive subject to the confirmation of the County Council.

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

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

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

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

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

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

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

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

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

22 1-103.

23       (a)     (1)     The County Executive shall make any appointment from a list of  
24 applicants. The list of applicants shall:

25                   (i)     Be completed at least 3 weeks before the date the County  
26 Executive makes the actual appointment; and

27                   (ii)    Be open to the public for inspection from the time the list is first  
28 begun until an appointment is made by the County Executive.

29           (2)     If a County Executive does not choose to appoint an individual from  
30 the names on the list, the County Executive shall prepare additional lists and follow  
31 the procedure applicable to the first list. The 3 week period begins with the closing of  
32 each list.

33       (b)     The County Executive or a designee of the County Executive shall  
34 interview in private each applicant for appointment or reappointment to the WSSC as  
35 to possible or potential conflicts of interest.

- 1 (c) (1) In Montgomery County, the applicant shall be interviewed:
- 2 (i) In a question and answer fashion; and
- 3 (ii) Under oath about all sources of income, property holdings,  
4 business interests, and financial interests of the applicant, and the applicant's  
5 spouse, father, mother, brother, sister, or child.
- 6 (2) The County Executive of Montgomery County may require the  
7 production of any documents that the County Executive wishes the applicant to  
8 produce.
- 9 (3) A written transcript of the interview:
- 10 (i) Shall be made;
- 11 (ii) Unless waived by the applicant, may be reviewed by the  
12 applicant;
- 13 (iii) May be altered for the applicant by the transcribing officer if  
14 accompanied by a statement of the reason given by the applicant for the alteration;  
15 and
- 16 (iv) Shall be signed by the applicant.
- 17 (4) The transcribing officer shall certify on the transcript that:
- 18 (i) The applicant was duly sworn by the officer; and
- 19 (ii) The transcript is a true record of the testimony given by the  
20 applicant.
- 21 (5) The County Executive of Montgomery County shall:
- 22 (i) Publicly disclose the complete transcribed testimony of actual  
23 appointees to the WSSC 3 weeks after their appointment; and
- 24 (ii) Destroy the complete transcript of all other applicants  
25 immediately without the disclosure to anyone of any information contained in the  
26 transcript.
- 27 1-104.
- 28 (a) A commissioner may be removed before the completion of the  
29 commissioner's term:
- 30 (1) In Montgomery County:
- 31 (i) By the County Executive with the approval of a majority of the  
32 members of the County Council; or

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

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

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

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

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

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding Article  
15 29, § 1-104 of the Code, all of the commissioners of the Washington Suburban  
16 Sanitary Commission or their successors selected to fill a vacancy who are in office as  
17 of one month after the effective date of this Act shall be removed from office effective  
18 at the end of 30 days after the effective date of this Act. New commissioners shall be  
19 appointed as of the 31st day after the effective date of this Act in accordance with  
20 Article 29, § 1-103 of the Code. Each commissioner whose appointment begins on the  
21 31st day after the effective date of this Act shall serve the remainder of the term and  
22 until a successor is appointed and qualifies in accordance with Article 29, §§ 1-102  
23 and 1-103 of the Code.

24 SECTION 3. AND BE IT FURTHER ENACTED, That a commissioner of the  
25 Washington Suburban Sanitary Commission in office on the effective date of this Act,  
26 or a successor selected to fill a vacancy who is in office 30 days after the effective date  
27 of this Act, and who is removed from office in accordance with Section 2 of this Act is  
28 not eligible for reappointment as a commissioner of the Washington Suburban  
29 Sanitary Commission.

30 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency  
31 measure, is necessary for the immediate preservation of the public health or safety,  
32 has been passed by a ye and nay vote supported by three-fifths of all the members  
33 elected to each of the two Houses of the General Assembly, and shall take effect from  
34 the date it is enacted.