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

Introduced and read first time: February 4, 2005

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Washington Suburban Sanitary Commission - Commissioners and**  
3                                   **Commissioner Nominating Committees**  
4                                   **MC/PG 107-05**

5 FOR the purpose of creating Commissioner Nominating Committees in Montgomery  
6 County and in Prince George's County; providing for the membership, duties,  
7 and staffing of the Commissioner Nominating Committees; requiring the  
8 Commissioner Nominating Committees to provide a list of candidates for the  
9 position of commissioner of the Washington Suburban Sanitary Commission  
10 (WSSC) to the County Executive of Montgomery County and the County  
11 Executive of Prince George's County under certain circumstances; requiring the  
12 list of candidates to be prepared by a certain date and be open to the public  
13 under certain circumstances; requiring certain County Executives to appoint a  
14 candidate to be commissioner of the WSSC from a certain list under certain  
15 circumstances; repealing a requirement that a certain County Executive create  
16 a certain list of applicants for the position of commissioner of the WSSC;  
17 providing that, in Prince George's County, a commissioner of the WSSC may be  
18 removed by a resolution of a majority of the members of the County Council  
19 under certain circumstances; providing that, in Prince George's County, a  
20 certain public hearing on the removal of a WSSC commissioner shall be held by  
21 the body initiating the removal; requiring the WSSC to provide an orientation  
22 program for a new commissioner of the WSSC; and generally relating to WSSC  
23 commissioners and Commissioner Nominating Committees.

24 BY repealing and reenacting, with amendments,  
25 Article 29 - Washington Suburban Sanitary District  
26 Section 1-102, 1-103, and 1-104  
27 Annotated Code of Maryland  
28 (2003 Replacement Volume and 2004 Supplement)

29 BY adding to  
30 Article 29 - Washington Suburban Sanitary District  
31 Section 1-103.1

1 Annotated Code of Maryland  
2 (2003 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 commissioners from Prince George's County appointed by the  
12 County Executive subject to the confirmation of the County Council; and

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

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

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

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

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

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

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

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

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

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

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

4 1-103.

5 (a) (1) The County Executive shall make any appointment from a list of  
6 applicants SUBMITTED BY THE COMMISSIONER NOMINATING COMMITTEE  
7 ESTABLISHED UNDER § 1-103.1 OF THIS SUBTITLE FOR THAT COUNTY. [The list of  
8 applicants shall:

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

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

13 (2) If a County Executive does not choose to appoint an individual from  
14 the names on the list, the [County Executive] COMMISSIONER NOMINATING  
15 COMMITTEE shall prepare additional lists and follow the procedure applicable to the  
16 first list. [The 3 week period begins with the closing of each list.]

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

20 (c) (1) In Montgomery County, the applicant shall be interviewed:

21 (i) In a question and answer fashion; and

22 (ii) Under oath about all sources of income, property holdings,  
23 business interests, and financial interests of the applicant, and the applicant's  
24 spouse, father, mother, brother, sister, or child.

25 (2) The County Executive of Montgomery County may require the  
26 production of any documents that the County Executive wishes the applicant to  
27 produce.

28 (3) A written transcript of the interview:

29 (i) Shall be made;

30 (ii) Unless waived by the applicant, may be reviewed by the  
31 applicant;

32 (iii) May be altered for the applicant by the transcribing officer if  
33 accompanied by a statement of the reason given by the applicant for the alteration;  
34 and

35 (iv) Shall be signed by the applicant.

1 (4) The transcribing officer shall certify on the transcript that:

2 (i) The applicant was duly sworn by the officer; and

3 (ii) The transcript is a true record of the testimony given by the  
4 applicant.

5 (5) The County Executive of Montgomery County shall:

6 (i) Publicly disclose the complete transcribed testimony of actual  
7 appointees to the WSSC 3 weeks after their appointment; and

8 (ii) Destroy the complete transcript of all other applicants  
9 immediately without the disclosure to anyone of any information contained in the  
10 transcript.

11 1-103.1.

12 (A) THERE IS A COMMISSIONER NOMINATING COMMITTEE IN MONTGOMERY  
13 COUNTY AND A COMMISSIONER NOMINATING COMMITTEE IN PRINCE GEORGE'S  
14 COUNTY.

15 (B) EACH COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS:

16 (1) TWO MEMBERS SELECTED BY THE COUNTY EXECUTIVE;

17 (2) TWO MEMBERS SELECTED BY THE COUNTY COUNCIL;

18 (3) ONE MEMBER FROM THE COUNTY'S DELEGATION TO THE  
19 MARYLAND HOUSE OF DELEGATES, SELECTED BY THE CHAIR OF THE HOUSE  
20 DELEGATION;

21 (4) ONE MEMBER FROM THE COUNTY'S DELEGATION TO THE SENATE OF  
22 MARYLAND, SELECTED BY THE CHAIR OF THE SENATE DELEGATION; AND

23 (5) ONE MEMBER SELECTED BY THE GENERAL MANAGER OF THE WSSC.

24 (C) EACH COMMITTEE SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS.

25 (D) THE GENERAL COUNSEL OF THE WSSC SHALL PROVIDE STAFF SUPPORT  
26 TO EACH COMMITTEE.

27 (E) WHENEVER A VACANCY IN THE POSITION OF COMMISSIONER OF THE  
28 WSSC OCCURS, THE APPROPRIATE COMMITTEE SHALL:

29 (1) ADVERTISE VACANCIES FOR THE POSITION OF COMMISSIONER OF  
30 THE WSSC;

31 (2) RECRUIT CANDIDATES TO FILL VACANCIES FOR THE POSITION OF  
32 COMMISSIONER OF THE WSSC;

1 (3) INTERVIEW CANDIDATES BASED ON THE CANDIDATES' KNOWLEDGE,  
2 EXPERTISE, EXPERIENCE, AND ANY OTHER CRITERIA THAT THE COMMITTEE  
3 CONSIDERS RELEVANT; AND

4 (4) PREPARE LISTS OF CANDIDATES ELIGIBLE TO FILL VACANCIES FOR  
5 THE POSITION OF COMMISSIONER OF THE WSSC.

6 (F) (1) THE COMMITTEE SHALL SEND TO THE APPROPRIATE COUNTY  
7 EXECUTIVE A LIST OF NOT FEWER THAN THREE CANDIDATES AND NOT MORE THAN  
8 SEVEN CANDIDATES, FROM WHICH THE COUNTY EXECUTIVE SHALL APPOINT A  
9 COMMISSIONER.

10 (2) THE LIST OF CANDIDATES SHALL:

11 (I) BE COMPLETED AT LEAST 3 WEEKS BEFORE THE DATE THE  
12 COUNTY EXECUTIVE MAKES THE ACTUAL APPOINTMENT; AND

13 (II) BE OPEN TO THE PUBLIC FOR INSPECTION FROM THE TIME  
14 THE COMMITTEE SUBMITS THE LIST TO THE COUNTY EXECUTIVE UNTIL THE  
15 COUNTY EXECUTIVE MAKES THE APPOINTMENT.

16 (3) IF THE COUNTY EXECUTIVE DOES NOT APPOINT AN INDIVIDUAL  
17 FROM THE CANDIDATES ON THE LIST, THE COMMITTEE SHALL PREPARE ONE OR  
18 MORE ADDITIONAL LISTS, AS NEEDED, IN ACCORDANCE WITH THIS SECTION.

19 (4) THE 3-WEEK PERIOD BEGINS WITH THE SUBMISSION OF EACH LIST  
20 TO THE COUNTY EXECUTIVE.

21 (G) THE COUNTY EXECUTIVE MAY ONLY APPOINT AS A COMMISSIONER AN  
22 INDIVIDUAL WHO IS ON A LIST SUBMITTED BY THE COMMITTEE.

23 1-104.

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

26 (1) [In Montgomery County:

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

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

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

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

1  
2 proceeding[; and

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

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

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

Each commissioner shall be given an opportunity at the hearing to

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 June 1, 2005.