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

Introduced and read first time: February 4, 2005
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 2005

CHAPTER _____

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission - Commissioners and**
3 **~~Commissioner Nominating Committees~~ and General Manager - Duties and**
4 **Removal Procedures**
5 **MC/PG 107-05**

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

1 certain duties of the general manager; requiring the vote of a certain number of
 2 commissioners in each county for the removal of the general manager; and
 3 generally relating to WSSC commissioners and Commissioner Nominating
 4 Committees.

5 BY repealing and reenacting, with amendments,
 6 Article 29 - Washington Suburban Sanitary District
 7 Section 1-102, ~~1-103~~, and 1-104
 8 Annotated Code of Maryland
 9 (2003 Replacement Volume and 2004 Supplement)

10 BY adding to
 11 Article 29 - Washington Suburban Sanitary District
 12 Section ~~1-103~~ 1-105(d), 1-108, and 1-109
 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~~

25 (2) ~~3 commissioners from Montgomery County appointed by the County~~
 26 ~~Executive subject to the confirmation of the County Council.~~

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

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

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

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

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

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

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

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

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

12 (F) ~~WHEN A NEW COMMISSIONER IS APPOINTED TO THE WSSC, THE GENERAL~~
13 ~~MANAGER AND THE CHAIR OF THE WSSC SHALL PROVIDE AN ORIENTATION~~
14 ~~PROGRAM FOR THE COMMISSIONER.~~

15 ~~1-103.~~

16 (a) (1) ~~The County Executive shall make any appointment from a list of~~
17 ~~applicants SUBMITTED BY THE COMMISSIONER NOMINATING COMMITTEE~~
18 ~~ESTABLISHED UNDER § 1-103.1 OF THIS SUBTITLE FOR THAT COUNTY. [The list of~~
19 ~~applicants shall:~~

20 (i) ~~Be completed at least 3 weeks before the date the County~~
21 ~~Executive makes the actual appointment; and~~

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

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

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

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

32 (i) ~~In a question and answer fashion; and~~

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

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

4 (3) A written transcript of the interview:

5 (i) Shall be made;

6 (ii) Unless waived by the applicant, may be reviewed by the
7 applicant;

8 (iii) May be altered for the applicant by the transcribing officer if
9 accompanied by a statement of the reason given by the applicant for the alteration;
10 and

11 (iv) Shall be signed by the applicant.

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

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

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

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

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

19 (ii) Destroy the complete transcript of all other applicants
20 immediately without the disclosure to anyone of any information contained in the
21 transcript.

22 ~~1-103.1.~~

23 (A) ~~THERE IS A COMMISSIONER NOMINATING COMMITTEE IN MONTGOMERY~~
24 ~~COUNTY AND A COMMISSIONER NOMINATING COMMITTEE IN PRINCE GEORGE'S~~
25 ~~COUNTY.~~

26 (B) ~~EACH COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS:~~

27 (1) ~~TWO MEMBERS SELECTED BY THE COUNTY EXECUTIVE;~~

28 (2) ~~TWO MEMBERS SELECTED BY THE COUNTY COUNCIL;~~

29 (3) ~~ONE MEMBER FROM THE COUNTY'S DELEGATION TO THE~~
30 ~~MARYLAND HOUSE OF DELEGATES, SELECTED BY THE CHAIR OF THE HOUSE~~
31 ~~DELEGATION;~~

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

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

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

3 (D) ~~THE GENERAL COUNSEL OF THE WSSC SHALL PROVIDE STAFF SUPPORT~~
4 ~~TO EACH COMMITTEE.~~

5 (E) ~~WHENEVER A VACANCY IN THE POSITION OF COMMISSIONER OF THE~~
6 ~~WSSC OCCURS, THE APPROPRIATE COMMITTEE SHALL:~~

7 (1) ~~ADVERTISE VACANCIES FOR THE POSITION OF COMMISSIONER OF~~
8 ~~THE WSSC;~~

9 (2) ~~RECRUIT CANDIDATES TO FILL VACANCIES FOR THE POSITION OF~~
10 ~~COMMISSIONER OF THE WSSC;~~

11 (3) ~~INTERVIEW CANDIDATES BASED ON THE CANDIDATES' KNOWLEDGE,~~
12 ~~EXPERTISE, EXPERIENCE, AND ANY OTHER CRITERIA THAT THE COMMITTEE~~
13 ~~CONSIDERS RELEVANT; AND~~

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

16 (F) (1) ~~THE COMMITTEE SHALL SEND TO THE APPROPRIATE COUNTY~~
17 ~~EXECUTIVE A LIST OF NOT FEWER THAN THREE CANDIDATES AND NOT MORE THAN~~
18 ~~SEVEN CANDIDATES, FROM WHICH THE COUNTY EXECUTIVE SHALL APPOINT A~~
19 ~~COMMISSIONER.~~

20 (2) ~~THE LIST OF CANDIDATES SHALL:~~

21 (I) ~~BE COMPLETED AT LEAST 3 WEEKS BEFORE THE DATE THE~~
22 ~~COUNTY EXECUTIVE MAKES THE ACTUAL APPOINTMENT; AND~~

23 (II) ~~BE OPEN TO THE PUBLIC FOR INSPECTION FROM THE TIME~~
24 ~~THE COMMITTEE SUBMITS THE LIST TO THE COUNTY EXECUTIVE UNTIL THE~~
25 ~~COUNTY EXECUTIVE MAKES THE APPOINTMENT.~~

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

29 (4) ~~THE 3 WEEK PERIOD BEGINS WITH THE SUBMISSION OF EACH LIST~~
30 ~~TO THE COUNTY EXECUTIVE.~~

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

33 4-104.

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

- 1 (1) ~~[In Montgomery County:~~
- 2 (i) By the County Executive with the approval of a majority of the
- 3 ~~members of the County Council; or~~
- 4 (ii) (2) Unless the ~~[Montgomery] County Executive disapproves~~
- 5 ~~the resolution in writing within 30 days of its adoption, by resolution of a majority of~~
- 6 ~~the members of the County Council]; and~~
- 7 (2) ~~In Prince George's County, by the County Executive with the~~
- 8 ~~approval of a majority of the members of the County Council].~~
- 9 (b) (1) Unless a hearing is waived in writing by the commissioner
- 10 ~~designated for removal, prior to any removal under this subsection a public hearing~~
- 11 ~~shall be held];~~
- 12 (i) ~~In Montgomery County,] by the body initiating the removal~~
- 13 ~~proceeding]; and~~
- 14 (ii) ~~In Prince George's County, by the County Council].~~
- 15 (2) ~~Each commissioner shall be given an opportunity at the hearing to~~
- 16 ~~present a defense.~~
- 17 1-102.
- 18 (a) (1) There is a Washington Suburban Sanitary Commission.
- 19 (2) The WSSC has jurisdiction over the Washington Suburban Sanitary
- 20 District.
- 21 (b) The WSSC consists of:
- 22 (1) 3 commissioners from Prince George's County appointed by the
- 23 County Executive subject to the confirmation of the County Council; and
- 24 (2) 3 commissioners from Montgomery County appointed by the County
- 25 Executive subject to the confirmation of the County Council.
- 26 (c) (1) The term of a commissioner is 4 years, beginning on June 1 of the
- 27 year of appointment.
- 28 (2) The terms of commissioners are staggered as required by the terms
- 29 provided for commissioners on July 1, 1982.
- 30 (3) At the end of a term, a commissioner continues to serve until a
- 31 successor is appointed and takes the oath of office.
- 32 (4) A commissioner who is appointed after a term has begun serves only
- 33 for the rest of the term and until a successor is appointed and takes the oath of office.

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

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

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

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

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

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

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

18 1-104.

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

21 (1) [In Montgomery County:

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

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

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

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

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

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

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

3 1-105.

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

6 1-108.

7 (A) IN ADDITION TO DUTIES SET FORTH ELSEWHERE IN THIS ARTICLE, THE
8 COMMISSIONERS SHALL:

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

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

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

16 (II) PROMOTES THE PUBLIC TRUST;

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

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

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

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

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

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

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

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

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

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

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

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

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

17 1-109.

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

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

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

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

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

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