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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 - Terms of**  
3 **Office and Appointment and Removal Process**  
4 **MC/PG 110-05**

5 FOR the purpose of repealing a provision that required the County Executive of  
6 Prince George's County and the County Executive of Montgomery County to  
7 make an appointment to the Washington Suburban Sanitary Commission  
8 (WSSC); requiring the County Executive and County Council of Prince George's  
9 County and the County Executive and County Council of Montgomery County to  
10 prepare certain lists within a certain period of time under certain  
11 circumstances; requiring the Bi-County Committees of the Prince George's  
12 County and Montgomery County delegations to the House of Delegates to  
13 present a certain short list of candidates for the WSSC to the county delegations  
14 to the General Assembly within a certain period of time under certain  
15 circumstances; requiring the Prince George's County and Montgomery County  
16 delegations to the General Assembly to make certain appointments to the WSSC  
17 from certain lists under certain circumstances; requiring the chairs of the Prince  
18 George's County and Montgomery County delegations to the Senate and the  
19 House of Delegates to interview certain applicants for appointment or  
20 reappointment to the WSSC in regard to certain conflicts of interest in a certain  
21 manner; requiring certain interviews to be transcribed and those transcriptions  
22 made public under certain circumstances; altering procedures for the removal of  
23 a commissioner of the WSSC under certain circumstances; altering the date on  
24 which the term of a commissioner of the WSSC commences; altering the terms of  
25 the members of the WSSC; providing for the termination of the term of office for  
26 each commissioner of the WSSC; authorizing certain commissioners whose term  
27 is terminated to reapply as commissioner of the WSSC; and generally relating to  
28 the terms, appointment process, and removal process of the commissioners of  
29 the WSSC.

30 BY repealing and reenacting, with amendments,  
31 Article 29 - Washington Suburban Sanitary District  
32 Section 1-102, 1-103, and 1-104

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] MAY 1  
16 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] JUNE 1, 2005.

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 1-103.

2 (a) (1) The [County Executive] COUNTY DELEGATION TO THE GENERAL  
3 ASSEMBLY shall make any appointment from a list of applicants PREPARED BY THE  
4 COUNTY EXECUTIVE AND COUNTY COUNCIL AND REVIEWED BY THE BI-COUNTY  
5 COMMITTEE OF THE COUNTY DELEGATION TO THE HOUSE OF DELEGATES. The list  
6 of applicants shall:

7 (i) BE PREPARED BY THE COUNTY EXECUTIVE AND COUNTY  
8 COUNCIL;

9 (ii) CONSIST OF SIX APPLICANTS, THREE FROM THE COUNTY  
10 EXECUTIVE AND THREE FROM THE COUNTY COUNCIL;

11 (iii) Be completed at least [3 weeks] 60 DAYS before the date the  
12 [County Executive] COUNTY DELEGATION TO THE GENERAL ASSEMBLY makes the  
13 actual appointment; and

14 [(iv)] (iv) Be open to the public for inspection from the time the list  
15 is first begun until an appointment is made by the [County Executive] COUNTY  
16 DELEGATION.

17 (2) THE BI-COUNTY COMMITTEE OF THE COUNTY DELEGATION SHALL  
18 REVIEW THE LIST OF APPLICANTS PREPARED BY THE COUNTY EXECUTIVE AND  
19 COUNTY COUNCIL AND PRESENT A SHORT LIST OF THREE APPLICANTS TO THE  
20 COUNTY DELEGATION TO THE HOUSE OF DELEGATES AT LEAST 15 DAYS BEFORE THE  
21 DATE THE COUNTY DELEGATION TO THE GENERAL ASSEMBLY MAKES THE ACTUAL  
22 APPOINTMENT.

23 (3) (I) THE COUNTY DELEGATION TO THE HOUSE OF DELEGATES  
24 SHALL SELECT AN APPLICANT FROM THE SHORT LIST RECOMMENDED BY THE  
25 BI-COUNTY COMMITTEE BY A MAJORITY VOTE OF THE TOTAL NUMBER OF  
26 DELEGATES TO RECOMMEND TO THE COUNTY DELEGATION TO THE SENATE FOR  
27 APPOINTMENT TO THE WSSC.

28 (II) THE COUNTY DELEGATION TO THE SENATE MAY ALSO  
29 CONSIDER THE OTHER APPLICANTS ON THE SHORT LIST RECOMMENDED BY THE  
30 BI-COUNTY COMMITTEE FOR APPOINTMENT.

31 (4) A COMMISSIONER MAY ONLY BE APPOINTED BY A MAJORITY VOTE  
32 OF THE TOTAL NUMBER OF DELEGATES IN THE COUNTY DELEGATION TO THE  
33 GENERAL ASSEMBLY.

34 (5) (I) IF A COUNTY DELEGATION TO THE GENERAL ASSEMBLY DOES  
35 NOT CHOOSE TO APPOINT AN INDIVIDUAL FROM THE SHORT LIST OF THREE  
36 APPLICANTS RECOMMENDED BY THE BI-COUNTY COMMITTEE, THE COUNTY  
37 DELEGATION MAY APPOINT AN INDIVIDUAL FROM THE REMAINING APPLICANTS ON  
38 THE LIST PREPARED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL.

1 (II) If a [County Executive] COUNTY DELEGATION TO THE  
2 GENERAL ASSEMBLY does not choose to appoint an individual from the names on the  
3 list OF APPLICANTS PREPARED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL,  
4 the County Executive AND COUNTY COUNCIL shall prepare additional lists and follow  
5 the procedure applicable to the first list. The [3 week] 60 DAY period begins with the  
6 closing of each list.

7 (b) The [County Executive or a designee of the County Executive] CHAIR OF  
8 THE COUNTY DELEGATION TO THE SENATE AND THE CHAIR OF THE COUNTY  
9 DELEGATION TO THE HOUSE OF DELEGATES OR A DESIGNEE OF EACH CHAIR shall  
10 interview in private each applicant for appointment or reappointment to the WSSC as  
11 to possible or potential conflicts of interest.

12 (c) (1) [In Montgomery County, the] THE applicant shall be interviewed:

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

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

17 (2) The [County Executive of Montgomery County] CHAIR OF THE  
18 COUNTY DELEGATION TO THE SENATE AND THE CHAIR OF THE COUNTY  
19 DELEGATION TO THE HOUSE OF DELEGATES may require the production of any  
20 documents that the [County Executive] EACH CHAIR wishes the applicant to  
21 produce.

22 (3) A written transcript of the interview:

23 (i) Shall be made;

24 (ii) Unless waived by the applicant, may be reviewed by the  
25 applicant;

26 (iii) May be altered for the applicant by the transcribing officer if  
27 accompanied by a statement of the reason given by the applicant for the alteration;  
28 and

29 (iv) Shall be signed by the applicant.

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

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

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

34 (5) The [County Executive of Montgomery County] CHAIR OF THE  
35 COUNTY DELEGATION TO THE SENATE AND THE CHAIR OF THE COUNTY  
36 DELEGATION TO THE HOUSE OF DELEGATES shall:

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

3 (ii) Destroy the complete transcript of all other applicants  
4 immediately without the disclosure to anyone of any information contained in the  
5 transcript.

6 1-104.

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

9 (1) [In Montgomery County:] BY A VOTE OF THE MAJORITY OF THE  
10 TOTAL NUMBER OF DELEGATES IN THE COUNTY DELEGATION TO THE GENERAL  
11 ASSEMBLY ON:

12 (i) [By] THE RECOMMENDATION OF the County Executive with  
13 the approval of a majority of the members of the County Council; or

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

17 (2) [In Prince George's County, by the County Executive with the  
18 approval of a majority of the members of the County Council.] BY VOTE OF  
19 TWO-THIRDS OF THE TOTAL NUMBER OF DELEGATES IN THE COUNTY DELEGATION.

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

23 (i) In Montgomery County,] by the body initiating OR  
24 RECOMMENDING the removal proceeding[; and

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

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the  
29 provisions of Article 29, §§ 1-102 and 1-104 of the Annotated Code of Maryland, the  
30 term of office for each commissioner of the Washington Suburban Sanitary  
31 Commission shall end at the end of August 31, 2005. Each commissioner whose term  
32 of office ends at the end of August 31, 2005, may reapply as commissioner of the  
33 Washington Suburban Sanitary Commission.

34 SECTION 3. AND BE IT FURTHER ENACTED, That, at the start of the term of  
35 office for the Washington Suburban Sanitary Commission that begins on September  
36 1, 2005, the commissioners shall draw lots to determine when each commissioner's

1 term ends. The terms of the members of the Washington Suburban Sanitary  
2 Commission that begin on September 1, 2005, shall expire as follows:

3           (1)       one member from Montgomery County and one member from Prince  
4 George's County in 2007;

5           (2)       one member from Montgomery County and one member from Prince  
6 George's County in 2008; and

7           (3)       one member from Montgomery County and one member from Prince  
8 George's County in 2009.

9       SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 June 1, 2005.