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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, General**  
3 **Manager, Contracts, and Joint Oversight Committee**  
4 **MC/PG 117-05**

5 FOR the purpose of providing that the general manager of the Washington Suburban  
6 Sanitary Commission (WSSC) is the chair of the WSSC; requiring the County  
7 Executive of Prince George's County to interview certain applicants to the  
8 WSSC in regard to certain conflicts of interest in a certain manner; requiring  
9 interviews of certain applicants to the WSSC from Prince George's County to be  
10 transcribed and that certain transcriptions be made public and certain  
11 transcriptions be destroyed under certain circumstances; providing that, in  
12 Prince George's County, a commissioner of the WSSC may be removed by a  
13 resolution of the majority of the members of the County Council under certain  
14 circumstances; providing that, in Prince George's County, a certain hearing on  
15 the removal of a commissioner shall be held by the body initiating the removal  
16 proceedings under certain circumstances; repealing a provision relating to the  
17 salary and benefits of the chairman of the WSSC; repealing a provision relating  
18 to the election of a chairman of the WSSC; repealing provisions relating to  
19 vacancies in the position of chairman of the WSSC; prohibiting the chairman of  
20 the WSSC from voting except under certain circumstances; prohibiting the  
21 chairman of the WSSC from participating in discussion or votes on certain  
22 matters; providing that the vice-chairman of the WSSC shall perform the duties  
23 of the chairman under certain circumstances; requiring the WSSC to hire a  
24 general manager from a certain list of applicants prepared by the county  
25 executives of Prince George's County and Montgomery County and reviewed by  
26 a certain Joint Oversight Committee under certain circumstances; requiring a  
27 certain list of applicants to consist of a certain number of individuals and be  
28 completed within a certain amount of time; requiring that certain procurement  
29 contracts by the WSSC be referred to the Board of Public Works for final  
30 approval; authorizing the general manager of the WSSC to approve contracts  
31 that are less than a certain amount without approval of the WSSC; creating a  
32 Joint Oversight Committee for the WSSC; providing for the membership and  
33 duties of the Joint Oversight Committee; requiring the Joint Oversight  
34 Committee to appoint certain members to the Committee by a certain date;

1 authorizing the Joint Oversight Committee to solicit recommendations for the  
2 appointment of certain members of the Committee; providing that the members  
3 of the Joint Oversight Committee may not receive compensation, but are  
4 entitled to the reimbursement of certain expenses under certain circumstances;  
5 requiring the Joint Oversight Committee to report its findings to the General  
6 Assembly by a certain date each year; providing for the termination of certain  
7 provisions of this Act; providing for the effective dates of this Act; and generally  
8 relating to the governance and oversight of the WSSC.

9 BY repealing and reenacting, with amendments,  
10 Article 29 - Washington Suburban Sanitary District  
11 Section 1-102, 1-103, 1-104, and 1-105  
12 Annotated Code of Maryland  
13 (2003 Replacement Volume and 2004 Supplement)

14 BY adding to  
15 Article 29 - Washington Suburban Sanitary District  
16 Section 1-108, 1-109, and 3-111  
17 Annotated Code of Maryland  
18 (2003 Replacement Volume and 2004 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article 29 - Washington Suburban Sanitary District  
21 Section 1-108  
22 Annotated Code of Maryland  
23 (2003 Replacement Volume and 2004 Supplement)  
24 (As enacted by Section 1 of this Act)

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

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

28 1-102.

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

30 (2) The WSSC has jurisdiction over the Washington Suburban Sanitary  
31 District.

32 (b) The WSSC consists of:

33 (1) 3 commissioners from Prince George's County appointed by the  
34 County Executive subject to the confirmation of the County Council; and

35 (2) 3 commissioners from Montgomery County appointed by the County  
36 Executive subject to the confirmation of the County Council.

1 (B-1) THE GENERAL MANAGER OF THE WSSC IS THE CHAIRMAN OF THE WSSC.

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

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

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

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

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

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

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

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

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

21 1-103.

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

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

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

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

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

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

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

1                    [(ii)]    (2)    Unless the [Montgomery] County Executive disapproves  
2 the resolution in writing within 30 days of its adoption, by resolution of a majority of  
3 the 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 1-105.

15        (a)    (1)    The members of the WSSC shall receive the following salaries:

16                    (i)    [Chairman        .....    \$13,500.

17                    (ii)]    Vice-Chairman    .....    \$13,000.

18                    [(iii)]    (II)    Commissioners    .....    \$13,000.

19                    (2)    The salary shall be paid every 2 weeks.

20                    (3)    While holding office, commissioners may participate in any WSSC  
21 program of group health, life, and disability insurance to the same extent and under  
22 the same terms as WSSC officers and employees.

23        (b)    (1)    From among its members, the WSSC shall elect a [chairman and a]  
24 vice-chairman.

25                    (2)    The election of the [chairman and] vice-chairman shall be at the  
26 first meeting of the WSSC in June of each year, or as soon thereafter as possible.

27                    (3)    Each officer shall:

28                    (i)    Perform the duties designated by the WSSC; and

29                    (ii)    Serve for 1 year or until a successor is elected.

30                    (4)    (i)    [One of the officers shall be from Montgomery County and 1 of  
31 the officers shall be from Prince George's County.

1 (ii) The offices of chairman and] THE OFFICE OF THE  
2 vice-chairman shall alternate between Montgomery County and Prince George's  
3 County from year to year.

4 [(iii)] (II) By unanimous vote the WSSC may waive the provisions of  
5 paragraph [(4)(ii)] (4)(I) of this subsection for 1 year. The WSSC may not waive the  
6 provisions of paragraph [(4)(ii)] (4)(I) of this subsection for 2 successive years.

7 (c) (1) If a vacancy exists in the position of [chairman or] vice-chairman,  
8 the WSSC promptly shall elect a new [chairman or] vice-chairman for the remaining  
9 portion of the 1 year term of the office.

10 (2) If the vacancy in the position of [chairman or] vice-chairman results  
11 from that officer's resignation or removal from the WSSC for any reason, the election  
12 to fill the unexpired portion of the officer's term shall be held only after the WSSC  
13 vacancy has been filled. However, the WSSC may elect an acting [chairman or]  
14 vice-chairman to serve until the vacancy has been filled.

15 (D) THE CHAIRMAN MAY NOT VOTE EXCEPT TO DECIDE A TIE VOTE.

16 (E) (1) NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION, THE  
17 CHAIRMAN MAY NOT PARTICIPATE IN ANY DISCUSSION OR VOTE ON ANY MATTER  
18 CONCERNING THE POSITION OF GENERAL MANAGER.

19 (2) WHEN THE WSSC DISCUSSES OR VOTES ON ANY MATTER  
20 CONCERNING THE POSITION OF GENERAL MANAGER, THE VICE-CHAIRMAN SHALL  
21 PERFORM THE DUTIES OF THE CHAIRMAN.

22 1-108.

23 (A) THE WSSC SHALL HIRE A GENERAL MANAGER OF THE WSSC FROM A LIST  
24 OF APPLICANTS SUBMITTED BY THE COUNTY EXECUTIVES OF PRINCE GEORGE'S  
25 COUNTY AND MONTGOMERY COUNTY AND REVIEWED BY THE JOINT OVERSIGHT  
26 COMMITTEE FOR THE WSSC.

27 (B) THE LIST OF APPLICANTS SHALL:

28 (1) CONSIST OF THE NAMES OF THREE INDIVIDUALS SELECTED BY  
29 EACH COUNTY EXECUTIVE; AND

30 (2) BE COMPLETED AT LEAST 1 MONTH BEFORE THE DATE THE WSSC  
31 HIRES AN INDIVIDUAL AS THE GENERAL MANAGER.

32 (C) IF THE WSSC DOES NOT DECIDE TO HIRE A GENERAL MANAGER FROM  
33 AMONG THE INDIVIDUALS ON THE LIST, THE COUNTY EXECUTIVES SHALL PREPARE  
34 ADDITIONAL LISTS, FOLLOWING THE PROCEDURES SET FORTH IN SUBSECTION (B)  
35 OF THIS SECTION.

1 3-111.

2 (A) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ANY  
3 CONTRACT FOR THE PROCUREMENT OF GOODS, SERVICES, OR CONSTRUCTION,  
4 INCLUDING DESIGN/BUILD CONTRACTS AS SET FORTH IN § 3-102 OF THIS TITLE,  
5 THAT EXCEEDS \$1,000,000 SHALL BE REFERRED TO THE BOARD OF PUBLIC WORKS  
6 FOR FINAL APPROVAL.

7 (B) THE GENERAL MANAGER OF THE WSSC MAY APPROVE ANY CONTRACT  
8 THAT IS LESS THAN \$750,000 WITHOUT THE APPROVAL OF THE WSSC.

9 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
10 read as follows:

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

12 1-109.

13 (A) THERE IS A JOINT OVERSIGHT COMMITTEE FOR THE WSSC.

14 (B) THE JOINT OVERSIGHT COMMITTEE CONSISTS OF THE FOLLOWING  
15 MEMBERS:

16 (1) 1 MEMBER FROM THE PRINCE GEORGE'S COUNTY DELEGATION TO  
17 THE MARYLAND HOUSE OF DELEGATES, SELECTED BY THE CHAIR OF THE HOUSE  
18 DELEGATION;

19 (2) 1 MEMBER FROM THE MONTGOMERY COUNTY DELEGATION TO THE  
20 MARYLAND HOUSE OF DELEGATES, SELECTED BY THE CHAIR OF THE HOUSE  
21 DELEGATION;

22 (3) 1 MEMBER FROM THE PRINCE GEORGE'S COUNTY DELEGATION TO  
23 THE MARYLAND SENATE, SELECTED BY THE CHAIR OF THE SENATE DELEGATION;

24 (4) 1 MEMBER FROM THE MONTGOMERY COUNTY DELEGATION TO THE  
25 MARYLAND SENATE, SELECTED BY THE CHAIR OF THE SENATE DELEGATION;

26 (5) 1 MEMBER FROM THE PRINCE GEORGE'S COUNTY COUNCIL,  
27 SELECTED BY THE PRESIDENT OF THE COUNCIL;

28 (6) 1 MEMBER FROM THE MONTGOMERY COUNTY COUNCIL, SELECTED  
29 BY THE PRESIDENT OF THE COUNCIL;

30 (7) 1 MEMBER DESIGNATED BY THE COUNTY EXECUTIVE OF PRINCE  
31 GEORGE'S COUNTY;

32 (8) 1 MEMBER DESIGNATED BY THE COUNTY EXECUTIVE OF  
33 MONTGOMERY COUNTY; AND

1 (9) 3 MEMBERS THAT REPRESENT THE MARYLAND BUSINESS  
2 COMMUNITY AND THAT HAVE NO CONNECTION WITH THE WSSC, SELECTED BY THE  
3 OTHER MEMBERS OF THE COMMISSION.

4 (C) THE JOINT OVERSIGHT COMMITTEE SHALL MEET AT LEAST 4 TIMES EACH  
5 YEAR TO REVIEW THE STATUS OF THE WSSC AND THE ACTIONS OF THE WSSC AND  
6 THE GENERAL MANAGER IN MANAGING THE WSSC.

7 (D) (1) THE JOINT OVERSIGHT COMMITTEE SHALL APPOINT THE MEMBERS  
8 THAT REPRESENT THE MARYLAND BUSINESS COMMUNITY ON OR BEFORE  
9 DECEMBER 1, 2005.

10 (2) BEFORE APPOINTING MEMBERS THAT REPRESENT THE MARYLAND  
11 BUSINESS COMMUNITY, THE JOINT OVERSIGHT COMMITTEE MAY SOLICIT  
12 RECOMMENDATIONS FOR THE APPOINTMENT FROM THE COUNTY EXECUTIVE AND  
13 COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY AND THE COUNTY EXECUTIVE AND  
14 COUNTY COUNCIL OF MONTGOMERY COUNTY.

15 (E) A MEMBER OF THE JOINT OVERSIGHT COMMITTEE:

16 (1) MAY NOT RECEIVE COMPENSATION; BUT

17 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
18 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

19 (F) IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE,  
20 THE JOINT OVERSIGHT COMMITTEE SHALL REPORT ITS FINDINGS TO THE GENERAL  
21 ASSEMBLY BEFORE DECEMBER 1 OF EACH YEAR.

22 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
23 read as follows:

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

25 1-108.

26 (a) The WSSC shall hire a general manager of the WSSC from a list of  
27 applicants submitted by the county executives of Prince George's County and  
28 Montgomery County [and reviewed by the Joint Oversight Committee for the  
29 WSSC].

30 (b) The list of applicants shall:

31 (1) Consist of the names of three individuals selected by each county  
32 executive; and

33 (2) Be completed at least 1 month before the date the WSSC hires an  
34 individual as the general manager.



1 (c) If the WSSC does not decide to hire a general manager from among the  
2 individuals on the list, the county executives shall prepare additional lists, following  
3 the procedures set forth in subsection (b) of this section.

4 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
5 take effect July 1, 2005. It shall remain effective for a period of 5 years and, at the end  
6 of June 30, 2010, with no further action required by the General Assembly, Section 2  
7 of this Act shall be abrogated and of no further force and effect.

8 SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall  
9 take effect July 1, 2010.

10 SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in  
11 Sections 4 and 5 of this Act, this Act shall take effect July 1, 2005.