

HOUSE BILL 1145

L5

9lr2048

By: **Montgomery County Delegation and Prince George's County Delegation**
Introduced and read first time: February 13, 2009
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission - Membership**

3 **MC/PG 118-09**

4 FOR the purpose of altering the composition of the Washington Suburban Sanitary
5 Commission; providing for the appointment and removal of a certain
6 commissioner under certain circumstances; altering a certain appointment
7 requirement; providing for staggered terms; and generally relating to the
8 composition of the Washington Suburban Sanitary Commission.

9 BY repealing and reenacting, with amendments,
10 Article 29 – Washington Suburban Sanitary District
11 Section 1-102, 1-103, and 1-104
12 Annotated Code of Maryland
13 (2003 Replacement Volume and 2008 Supplement)

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

16 **Article 29 – Washington Suburban Sanitary District**

17 1-102.

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

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

21 (b) The WSSC consists of:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (2) 3 commissioners from Montgomery County appointed by the
4 County Executive subject to the confirmation of the County Council; **AND**

5 (3) **1 COMMISSIONER WHOSE APPOINTMENT SHALL ALTERNATE**
6 **BETWEEN THE GOVERNING BODY OF THE MUNICIPAL CORPORATION THAT**
7 **CONTAINS THE LARGEST NUMBER OF HOUSING UNITS SERVED BY THE**
8 **COMMISSION IN MONTGOMERY COUNTY AND THE GOVERNING BODY OF THE**
9 **MUNICIPAL CORPORATION THAT CONTAINS THE LARGEST NUMBER OF HOUSING**
10 **UNITS SERVED BY THE COMMISSION IN PRINCE GEORGE'S COUNTY.**

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

13 (2) The terms of commissioners are staggered as required by the terms
14 provided for commissioners on July 1, 1982, **AND JUNE 1, 2009.**

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

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

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

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

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

26 (3) No more than 2 commissioners [from] **APPOINTED BY THE**
27 **COUNTY EXECUTIVE OF** Montgomery County may be of the same political party.

28 (4) Each appointee from Montgomery County shall be a registered
29 voter of Montgomery County and each appointee from Prince George's County shall be
30 a registered voter of Prince George's County.

31 (5) **EACH APPOINTEE FROM A MUNICIPAL CORPORATION SHALL**
32 **BE A REGISTERED VOTER OF THAT MUNICIPAL CORPORATION.**

1 (a) (1) The **GOVERNING BODY OF A MUNICIPAL CORPORATION OR**
2 **THE** County Executive shall make any appointment from a list of applicants. The list
3 of applicants shall:

4 (i) Be completed at least 3 weeks before the date the
5 **GOVERNING BODY OF A MUNICIPAL CORPORATION OR THE** County Executive
6 makes the actual appointment; and

7 (ii) Be open to the public for inspection from the time the list is
8 first begun until an appointment is made by the **GOVERNING BODY OF A MUNICIPAL**
9 **CORPORATION OR THE** County Executive.

10 (2) If the **GOVERNING BODY OF A MUNICIPAL CORPORATION OR**
11 **THE** County Executive does not choose to appoint an individual from the names on the
12 list, the **GOVERNING BODY OF A MUNICIPAL CORPORATION OR THE** County
13 Executive shall prepare additional lists and follow the procedure applicable to the first
14 list. The 3–week period begins with the closing of each list.

15 (b) (1) Subject to paragraph (2) of this subsection, the **GOVERNING BODY**
16 **OF A MUNICIPAL CORPORATION OR THE** County Executive or a designee of the
17 **GOVERNING BODY OF A MUNICIPAL CORPORATION OR THE** County Executive may
18 interview in private each applicant for appointment or reappointment to the WSSC as
19 to possible or potential conflicts of interest.

20 (2) The **GOVERNING BODY OF A MUNICIPAL CORPORATION OR**
21 **THE** County Executive or a designee of the **GOVERNING BODY OF A MUNICIPAL**
22 **CORPORATION OR THE** County Executive shall interview in private, before
23 appointment, an applicant who is selected for appointment to the WSSC as to possible
24 or potential conflicts of interest.

25 (c) (1) In Montgomery County, if the County Executive or a designee of
26 the County Executive conducts an interview under subsection (b) of this section, the
27 applicant shall be interviewed:

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

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

32 (2) The County Executive of Montgomery County or a designee of the
33 County Executive may require the production of any documents that the County
34 Executive or designee wishes the applicant to produce.

35 (3) A written transcript of the interview:

- 1 (i) Shall be made;
- 2 (ii) Unless waived by the applicant, may be reviewed by the
3 applicant;
- 4 (iii) May be altered for the applicant by the transcribing officer if
5 accompanied by a statement of the reason given by the applicant for the alteration;
6 and
- 7 (iv) Shall be signed by the applicant.

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

- 9 (i) The applicant was duly sworn by the officer; and
- 10 (ii) The transcript is a true record of the testimony given by the
11 applicant.

12 (5) The County Executive of Montgomery County or a designee of the
13 County Executive shall:

- 14 (i) Publicly disclose the complete transcribed testimony of an
15 actual appointee to the WSSC 3 weeks after the appointment; and
- 16 (ii) Destroy the complete transcript of any other applicant
17 immediately without the disclosure to anyone of any information contained in the
18 transcript.

19 (6) The County Executive of Prince George's County or a designee of
20 the County Executive shall inform the Prince George's County Council, before
21 appointment, of possible or potential conflicts of interest of an applicant who is
22 selected for appointment to the WSSC.

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
28 the members of the County Council; or

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

1 (2) In Prince George's County, by the County Executive with the
2 approval of a majority of the members of the County Council; **AND**

3 **(3) IF APPOINTED BY THE GOVERNING BODY OF A MUNICIPAL**
4 **CORPORATION, BY THE GOVERNING BODY OF THE MUNICIPAL CORPORATION.**

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

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

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

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That:

14 (a) Notwithstanding the provisions of Article 29, § 1–102 of the Annotated
15 Code of Maryland, as enacted by Section 1 of this Act, the initial appointment of a
16 commissioner by the governing body of a municipal corporation shall be made by the
17 governing body of the municipal corporation that contains the largest number of
18 housing units served by the Commission in the Commission's entire service territory.

19 (b) The governing body of the municipal corporation containing the largest
20 number of housing units served by the Commission shall appoint a commissioner no
21 later than September 1, 2009.

22 (c) The term of the commissioner appointed by a municipal corporation on or
23 before September 1, 2009, shall expire on June 30, 2013.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 June 1, 2009.