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

Introduced and read first time: February 9, 2006
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission - Commissioners and General**
3 **Manager - Duties and Removal Procedures**
4 **PG/MC 116-06**

5 FOR the purpose of providing that, in Prince George's County, a commissioner of the
6 Washington Suburban Sanitary Commission (WSSC) may be removed by a
7 resolution of a majority of the members of the County Council under certain
8 circumstances; providing that, in Prince George's County, a certain public
9 hearing on the removal of a WSSC commissioner shall be held by the body
10 initiating the removal; requiring the WSSC to provide an orientation program
11 for a new commissioner of the WSSC; requiring the chairman of the WSSC and
12 the general manager of the WSSC to prepare certain agenda items for certain
13 meetings; establishing the duties of the commissioners; establishing that the
14 general manager is the chief executive officer of the WSSC; establishing certain
15 duties of the general manager; requiring the vote of a certain number of
16 commissioners in each county for the removal of the general manager; and
17 generally relating to the WSSC and its management.

18 BY repealing and reenacting, with amendments,
19 Article 29 - Washington Suburban Sanitary District
20 Section 1-102 and 1-104
21 Annotated Code of Maryland
22 (2003 Replacement Volume and 2005 Supplement)

23 BY adding to
24 Article 29 - Washington Suburban Sanitary District
25 Section 1-105(d), 1-108, and 1-109
26 Annotated Code of Maryland
27 (2003 Replacement Volume and 2005 Supplement)

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

Article 29 - Washington Suburban Sanitary District

1-102.

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

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

(b) The WSSC consists of:

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

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

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

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

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

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

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

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

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

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

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

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

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

4 1-104.

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

7 (1) [In Montgomery County:

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

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

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

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

18 (i) In Montgomery County,] by the body initiating the removal
19 proceeding]; and

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

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

23 1-105.

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

26 1-108.

27 (A) IN ADDITION TO OTHER DUTIES STATED IN THIS ARTICLE, THE
28 COMMISSIONERS SHALL:

29 (1) ADOPT POLICIES FOR THE EFFICIENT AND EFFECTIVE OPERATION
30 OF THE WSSC TO PROVIDE SAFE AND RELIABLE WATER AND RETURN CLEAN WATER
31 TO THE ENVIRONMENT IN A FINANCIALLY RESPONSIBLE MANNER;

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

33 (I) ENSURES THAT THE FIDUCIARY RESPONSIBILITY OF THE WSSC
34 IS MET; AND

1 (II) PROMOTES THE PUBLIC TRUST;

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

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

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

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

11 (5) ADOPT AND ANNUALLY UPDATE A STRATEGIC BUSINESS PLAN AND A
12 MULTIYEAR FISCAL PLAN;

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

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

19 (8) ENSURE THAT THE ANNUAL OPERATING BUDGET AND THE ANNUAL
20 CAPITAL BUDGET ARE CONSISTENT WITH THE STRATEGIC BUSINESS PLAN AND THE
21 MULTIYEAR FISCAL PLAN;

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

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

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

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

31 (B) THE COMMISSIONERS MAY ADOPT, BY REGULATION, ADDITIONAL DUTIES
32 THAT ARE CONSISTENT WITH THEIR ROLE AS COMMISSIONERS AND THAT ARE NOT
33 OTHERWISE PROHIBITED BY LAW.

34 1-109.

35 (A) THE GENERAL MANAGER IS THE CHIEF EXECUTIVE OFFICER OF THE
36 WSSC.

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

2 (1) ACCOUNTABLE TO THE COMMISSIONERS FOR CARRYING OUT THE
3 POLICIES ADOPTED BY THE COMMISSIONERS; AND

4 (2) RESPONSIBLE FOR THE DAILY OPERATION AND MANAGEMENT OF
5 THE WSSC.

6 (C) THE WSSC MAY REMOVE THE GENERAL MANAGER ONLY BY A VOTE OF
7 TWO-THIRDS OF THE COMMISSIONERS FROM EACH COUNTY.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 June 1, 2006.