

**Presented and Adopted: September 3, 2009**  
**Subject: Approval of Official/Legal Holidays**

**#09-93**  
**RESOLUTION**  
**OF THE**  
**BOARD OF DIRECTORS**  
**OF THE**  
**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

The Board of Directors of the District of Columbia Water and Sewer Authority, (“the Authority”), at its meeting on September 3, 2009, upon consideration of a joint-use matter, decided by a vote of eleven (11) in favor and none (0) opposed, to take the following action with respect to approval of Official/Legal Holidays:

**WHEREAS**, the Personnel Regulations approved on June 20, 2008, provide for the Board of Directors to determine the number of holidays that are granted to employees each year.

**WHEREAS**, the Authority observes the following 11 paid holidays:

- New Year’s Day
- Martin Luther King Jr. Birthday
- Presidential Inauguration Day (every 4 years)
- President’s Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Christmas Day

**WHEREAS**, this list and number of holidays is consistent with the federal official/legal holidays the Authority has been honoring.

**WHEREAS**, On July 22, 2009, the Human Resources and Labor Relations Committee reviewed the above described number of official/legal holidays.

**WHEREAS**, this Resolution shall remain in place each year, unless changed by the Board of Directors.

**NOW THEREFORE BE IT RESOLVED THAT:**

The General Manager is authorized to take all actions necessary to fully implement the official/legal holidays approved by the Board of Directors.

This resolution is effective immediately.

  
Secretary to the Board of Directors

**Presented and Adopted: September 3, 2009**

**Subject: Approval of Criteria for Severance Pay not Pursuant to a Reduction in Force**

**#09-94  
RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

The Board of Directors of the District of Columbia Water and Sewer Authority, (“the Authority”), at its meeting on September 3, 2009, upon consideration of a joint-use matter, decided by a vote of eleven (11) in favor and none (0) opposed to take the following action with respect to approval of criteria for severance pay not pursuant to a Reduction in Force:

**WHEREAS**, the Authority has discretion to establish compensation for employees; and

**WHEREAS**, the Board previously approved Resolution #00-32 authorizing the General Manager to implement an Executive Compensation Program to include a severance allowance, in the event of involuntary termination of employment that is not for cause, of four (4) weeks pay for each year of service to a maximum of 26 weeks and up to three months of outplacement service; and

**WHEREAS**, the Personnel Regulations approved June 20, 2008, provide for the Board of Directors to adopt criteria for the General Manager to authorize severance pay to employees who are voluntarily or involuntarily separated from Authority employment, when the General Manager determines that it is in the Authority’s best interest; and

**WHEREAS**, it is in the best interest of the Authority to authorize the General Manager to implement a severance program that includes the following elements:

- Severance pay for nonunion full-time employees not pursuant to a reduction in force for voluntary and involuntary separations
- Severance pay equal to four weeks pay for each year of service
  - up to 3 months for non-managers and managers
  - up to 6 months for directors/equivalents and executives
  - up to an additional six months, on a case by case basis, for extenuating circumstances

**WHEREAS**, on July 22, 2009 the Human Resources and Labor Relations Committee reviewed the above described severance pay not pursuant to a reduction in force and has recommended approval.

**NOW THEREFORE BE IT RESOLVED THAT:**

The General Manager is authorized to take all actions necessary to fully implement the nonunion severance not pursuant to a reduction in force program.

This resolution is effective immediately.

  
Secretary to the Board of Directors

**Presented and Adopted: September 3, 2009**

**Subject: Approval of Final Rulemaking to Amend the Procurement Regulations**

**#09- 95  
RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

The Board of Directors, (the "Board") of the District of Columbia Water and Sewer Authority ("Authority"), at its meeting on September 3, 2009, upon consideration of a joint-use matter, decided by a vote of eleven (11) in favor and none (0) opposed, to take the following action with respect to approval of final amendments to the Authority's Procurement Regulations.

**WHEREAS**, on or about June 4, 2009 the Board adopted revised Procurement Regulations (Resolution 09-74); and

**WHEREAS**, on July 2, 2009 the Board authorized publication of proposed amendments to Procurement Regulations (Resolution 09-87) pertaining to categorically exempt procurements; and

**WHEREAS**, the proposed amendments to the Procurement Regulations were published in the District of Columbia Register on July 10, 2009 for public comment; and

**WHEREAS**, there were no comments received during the comment period.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Board adopts as final the amendments to the Procurement Regulations pertaining to categorically exempt procurements which was proposed and published in the July 10, 2009 edition of the D.C. Register.
2. The Interim General Manager shall publish a Notice of Final Rulemaking in the D.C. Register and make such changes to the Notice as may be needed to insure that the final amendments to the Procurement Regulations further the intentions expressed in this resolution and otherwise conform to the publication requirements of the D.C. Office of Documents.

This resolution is effective immediately.

  
Secretary to the Board of Directors

**Presented and Adopted: September 3, 2009**  
**SUBJECT: Approval to Execute Contract Modification No. 2 of**  
**Contract No. WAS-08-025-AA-RV, Carter & Carter**  
**Enterprises, Inc.**

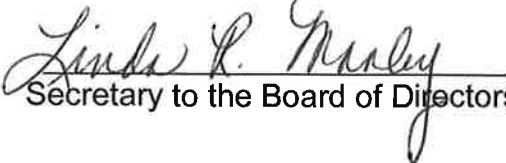
**#09-96**  
**RESOLUTION**  
**OF THE**  
**BOARD OF DIRECTORS**  
**OF THE**  
**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on September 3, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Contract Modification No. 2 of Contract No. WAS-08-025-AA-RV, Carter & Carter Enterprises, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Contract Modification No. 2 of Contract No. WAS-08-025-AA-RV, Carter & Carter Enterprises, Inc. The purpose of the contract modification is to purchase ferric chloride for removing phosphorus and enhancing settling. The contract modification amount is \$1,590,400.

This resolution is effective immediately.

  
Secretary to the Board of Directors

**Presented and Adopted: September 3, 2009**

**SUBJECT: Approval to Execute Contract Modification No. 1 of  
Contract No. WAS-07-047-AK-RE, OnPoint Consulting, Inc.**

**#09-97  
RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on September 3, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Contract Modification No. 1 of Contract No. WAS-07-047-AK-RE, OnPoint Consulting, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Contract Modification No. 1 of Contract No. WAS-07-047-AK-RE, OnPoint Consulting, Inc. The purpose of the contract modification is to authorize additional spending authority to continue the current level of services from October 1, 2009 to December 31, 2009, and as a contingency for additional staffing resources. The contract modification amount is \$250,000.

This resolution is effective immediately.

  
Secretary to the Board of Directors

**Presented and Adopted: September 3, 2009**

**SUBJECT: Approval to Execute Contract Modification No. 1 of  
Contract No. WAS-07-047-AJ-RE, Networking For Future,  
Inc.**

**#09-98  
RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on September 3, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Contract Modification No. 1 of Contract No. WAS-07-047-AJ-RE, Networking For Future, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Contract Modification No. 1 of Contract No. WAS-07-047-AJ-RE, Networking For Future, Inc. The purpose of the contract modification is to authorize additional spending authority to continue the current level of services from October 1, 2009 to December 31, 2009, and as a contingency for additional staffing resources. The contract modification amount is \$250,000.

This resolution is effective immediately.

  
Secretary to the Board of Directors

**Presented and Adopted: September 3, 2009**  
**SUBJECT: Approval to Execute Contract Modification No. 1 of**  
**Contract No. WAS-07-047-AI-RE, Namtra Business**  
**Solutions, Inc.**

**#09-99**  
**RESOLUTION**  
**OF THE**  
**BOARD OF DIRECTORS**  
**OF THE**  
**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on September 3, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Contract Modification No. 1 of Contract No. WAS-07-047-AI-RE, Namtra Business Solutions, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Contract Modification No. 1 of Contract No. WAS-07-047-AI-RE, Namtra Business Solutions, Inc. The purpose of the contract modification is to authorize additional spending authority to continue the current level of services from October 1, 2009 to December 31, 2009, and as a contingency for additional staffing resources. The contract modification amount is \$250,000.

This resolution is effective immediately.

  
Secretary to the Board of Directors

**Presented and Adopted: September 3, 2009**  
**SUBJECT: Approval to Execute Change Order No. 07 of Contract No. 040230, W.M. Schlosser**

**#09-100  
RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on September 3, 2009 upon consideration of a non-joint-use matter decided by a vote of six (6) in favor and none (0) opposed, to approve Change Order No. 07 of Contract No. 040230, W.M. Schlosser.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Change Order No. 07 of Contract No. 040230, W.M. Schlosser. The purpose of the change order is to provide power and instrumentation wiring, conduits, and terminal strips from the Control Transformers to the Motor Control Center for Pump #6 through #12. The change order amount is \$36,740.

This resolution is effective immediately.

  
Secretary to the Board of Directors

**Presented and Adopted: September 3, 2009**  
**SUBJECT: Approval to Execute Change Order No. 01 of Contract No. 070010, Flippo Construction Co., Inc.**

**#09-101  
RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on September 3, 2009 upon consideration of a non-joint-use matter decided by a vote of six (6) in favor and none (0) opposed, to approve Change Order No. 01 of Contract No. 070010, Flippo Construction Co., Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Change Order No. 01 of Contract No. 070010, Flippo Construction Co., Inc. The purpose of the change order is to provide additional funding for the original contract scope. The change order amount is \$2,437,500.

This resolution is effective immediately.

  
Secretary to the Board of Directors

**Presented and Adopted: September 3, 2009**

**Subject: Approval to Revise the Resolutions for Implementing the  
Lead Service Line Replacement Policy**

**#09-102  
RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

The Board of Directors ("the Board") of the District of Columbia Water and Sewer Authority ("the Authority") at its meeting on September 3, 2009, upon consideration of a non-joint use matter, decided by a vote of five (5) in favor and one (1) opposed, to take the following action with respect to revising the implementation of the policy on the replacement of lead service lines in the District of Columbia ("the District").

**WHEREAS**, the Board, pursuant to the revised Lead Service Line Replacement Policy ("LSLR Policy") in Resolution #09-37, resolved that the General Manager would review the financial impact of the actions resulting from that resolution; and

**WHEREAS**, the Board desires to reallocate Authority CIP funds by reducing the proposed LSLR cost during fiscal year 2010 and thereafter to improve the Authority's ability to manage the impacts of the current national economic situation; and

**WHEREAS**, the Retail Services Committee was presented with an evaluation of cost impacts to the annual operating and Capital Improvement Program (CIP) budget; and

**WHEREAS**, the Retail Services Committee was presented with a recommendation to revise the implementation plan for the LSLR Policy beginning fiscal year 2010 to conduct lead service line replacements concurrent with water main replacement/rehabilitation activities and in conjunction with customer voluntary replacement of the private lead service line; and

**WHEREAS**, the Board believes that it is in the best interests of the Authority ratepayers to eliminate the performance of lead service replacements performed in conjunction with District Department of Transportation (DDOT) beginning fiscal year 2010, which will provide further decrease the proposed budget by an additional \$ 1.2 million per year.

**NOW THEREFORE BE IT RESOLVED THAT:**

Resolution #09-37 is amended, paragraphs numbered 3 and 4 are revised, and the resolution is amended to read as follows.

1. Lead service lines will continue to be replaced in conjunction with water main replacement/rehabilitation activities, providing specific information about the risks related to partial replacements to any customer not undertaking a full replacement and additional mitigation efforts to help address such risks.
2. With discretionary funds expressly allocated in the annual budget of the Authority for that budget year for the purpose stated in this paragraph, and at locations to be determined by the Authority, lead service lines will be replaced where the owner agrees to participate and pay for the private side replacement.
3. The total expenditures for discretionary lead service line replacements not associated with water main replacements shall not exceed \$500,000 in a budget year without the approval of the Board of Directors.
4. The General Manager is to implement this resolution, and is to review the financial impact of the actions resulting from this resolution.
5. The General Manager is to provide to the Board no later than January 2011 any reasons that may have arisen, including the results of the independent water quality study, for updating, revising, or amending any aspect of this or related resolutions.

This resolution is effective immediately.

  
Secretary to the Board of Directors

**Presented and Adopted: September 3, 2009**

**Subject: Final Water and Sewer Service Rates, Right of Way and  
PILOT Fee and Impervious Area Surface Charge (IAC) For  
Fiscal Year 2010**

**#09-103  
RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

The District members of the Board of Directors ("Board") of the District of Columbia Water and Sewer Authority ("the Authority") at the Board meeting held on September 03, 2009, on a non-joint use matter, decided by a vote of six (6) in favor and none (0) opposed, to approve the following action with respect to proposed retail rates for water and sewer service, impervious area surface charge and the right of way and payment in lieu of taxes (PILOT) fee.

**WHEREAS**, the Board has adopted a rate-setting policy that calls for implementation of retail rate increases in a gradual and predictable manner, avoiding large one-time rate increases; and

**WHEREAS**, the Board has adopted a ten year financial plan that requires annual rate increases to generate sufficient revenues to pay for the Authority's projected operating and capital expenses and will assure compliance with Board policies regarding maintenance of senior debt coverage and cash reserves; and

**WHEREAS**, on April 24, 2009, the Authority published notice of proposed rulemaking (56 DCR 3191) which, if adopted, would increase the rate for retail metered water service from \$2.30 per One Hundred Cubic Feet of water used to \$2.53 per One Hundred Cubic Feet of water used, effective October 1, 2009; and

**WHEREAS**, in the same notice, the Authority published notice of proposed rulemaking (56 DCR 3191) which, if adopted, would increase the rate for retail metered sewer service from \$3.31 per One Hundred Cubic Feet of water used to \$3.63 per One Hundred Cubic Feet of water used, effective October 1, 2009; and

**WHEREAS**, in the same notice, the Authority published notice of proposed rulemaking (56 DCR 3191) which, if adopted, would increase the Impervious Surface Area Charge (IAC) from \$1.24 to \$2.20 per month per Equivalent Residential Unit (ERU), effective October 1, 2009; and

**WHEREAS**, in the same notice, the Authority published notice of proposed rulemaking (56 DCR 17) which, if adopted, would increase the Right of Way Occupancy Fee Pass Through/PILOT Fee from \$0.52 per One Hundred Cubic Feet of water used to \$0.57 per One Hundred Cubic Feet of water used, effective October 1, 2009; and

**WHEREAS**, the comment period on the notice of proposed rulemaking for retail water and sewer rates, impervious area surface charge and the Right of Way Occupancy Fee Pass Through Charge/PILOT Fee ended on June 8, 2009; and

**WHEREAS**, the Authority published a public hearing notice in the D.C. Register on April 24, 2009 (56 DCR 3191), which described the same rate and fee proposals referred to above; and

**WHEREAS**, a notice of public hearing on the rate and fee proposals was published on the Authority's website and also in several local newspapers including: the Washington Post on April 23, 2009; Washington Times April 23, 2009; and other community newspapers; and

**WHEREAS**, on June 10, 2009, a public hearing was held to receive comments on the rate and fee proposals; and

**WHEREAS**, the Authority also conducted four (4) community meetings from April 29 through May 13 to receive comments on the rate and fee proposals; and

**WHEREAS**, the record of the June 10 public hearing was left open to receive written comments for a period of 30 days through July 9, 2009; and

**WHEREAS**, comments were received during the June 10, 2009 public hearing; and

**WHEREAS**, the Retail Rates Committee met on July 23, 2009 to consider the comments offered at the June 10, 2009 public hearing, comments received during the record period, and during the comment period of the proposed rulemaking and recommendations from the General Manager regarding action on the proposed rate and fee changes; and

**WHEREAS**, the Retail Rates Committee has considered comments made at the June 10, 2009 public hearing, during the open record period and during the comment period of the proposed rulemaking and the General Manager's report on the matter which sets forth the basis for the proposed rate and fee adjustments; and

**WHEREAS**, given the revenue requirements of the Authority, anticipated expenditures and potential federal funding the General Manager recommended a rate increase of 10%; and

**WHEREAS**, upon consideration of the comments offered at the public hearing and during the comment periods, the Retail Rates Committee made a recommendation to

raise rates by nine percent (9.0%), given the revenue requirements of the Authority, anticipated expenditures and potential federal funding; and

**WHEREAS**, after consideration of the recommendation of the Retail Rates Committee, the report of the General Manager on this subject and public comments at the June 10, 2009 public hearings and during the comment period of the proposed rulemaking and open record period, the District members of the Board of Director's, upon further consideration and discussion, recommended a rate increase of nine percent (9.0%); and

**WHEREAS**, adoption of a rate increase of nine percent (9.0%) would increase the average residential customer's monthly bill by approximately \$5.63 per month or \$67.56 per year; and

**WHEREAS**, the increase in water and sewer rates would result in a combined water and sewer rate that approximates 88 and 6/10 cents per 100 gallons of metered water; and

**WHEREAS**, the final rules and rates adopted by the Board would:

1. Provide for a Fiscal Year 2010 increased revenue requirement from retail rates of approximately \$17.2 million due to the 9.0 percent increase and an increase revenue requirement from the right of way / PILOT fee of approximately \$1.6 million, and an approximate \$3.8 million increase to the IAC;
2. Implement a retail rate increase of nine percent (9.0%) for Fiscal Year 2010 effective, October 1, 2009;
3. Revise the IAC from \$1.24 per month to \$2.20 per month for Fiscal Year 2010 effective, October 1, 2009;

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Board finds that the Authority's projected expenditures require that it adopt rate increases with the following changes in retail water and sewer rates:

Revise Water Service Rates

- a. An increase in the rate for retail metered water service from \$2.30 per One Hundred Cubic Feet ("Ccf"), to \$2.51 per Ccf, effective October 1, 2009.

Revise Sewer Service Rates

- b. An increase in the rate for retail sanitary sewer service from \$3.31 per Ccf to \$3.61 per Ccf, effective October 1, 2009.

### Impervious Surface Area Charge

- c. An increase in the Impervious Surface Area Charge (IAC) from \$1.24 to \$2.20 per month Equivalent Residential Unit (ERU), effective October 1, 2009.

### Right of Way / PILOT Fee

- d. An increase in the Right of Way / PILOT fee from \$0.52 per Ccf to \$0.57 per Ccf, effective October 1, 2009, divided as follows:
  - i. Payment in Lieu of Taxes to the Office of the Chief Financial Officer (OCFO) of the District of Columbia - \$0.43 per Ccf; and
  - ii. District of Columbia Right of Way fee - \$0.14 per Ccf.
2. The General Manager shall publish a notice of final rulemaking that is consistent with the intentions expressed in the resolution.
3. The General Manager is authorized to take all actions as may be required to insure that the final regulations conform to the publication requirements of the Office of Documents.

This resolution is effective immediately.

  
Secretary to the Board of Directors

**Presented and Adopted: September 3, 2009**  
**SUBJECT: Appointment of General Manager**

**#09-104**  
**RESOLUTION**  
**OF THE**  
**BOARD OF DIRECTORS**  
**OF THE**  
**D.C. WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, (the "Authority") at its meeting on September 3, 2009, upon consideration of a joint use matter, decided by a vote of eleven (11) in favor and none (0) opposed, to appoint a General Manager.

**WHEREAS**, Jerry N. Johnson resigned as General Manager of the Authority on April 2, 2009 to be effective July 3, 2009; and

**WHEREAS**, the Authority's Board, at its July 2, 2009 meeting, appointed Avis Marie Russell as Interim General Manager to assume the duties and responsibilities previously exercised by Jerry N. Johnson beginning July 3, 2009 until the appointment of a new General Manager ; and

**WHEREAS**, a Search Committee was appointed by the Board's Chairman that included representatives of the District of Columbia, and the participating jurisdictions of Maryland and Virginia; and

**WHEREAS**, an international recruiting company was selected to undertake a nationwide search to fill the position of General Manager; and

**WHEREAS**, the Search Committee interviewed applicants recruited by the international recruiting company in order to make a recommendation to the Board; and

**WHEREAS**, the Search Committee formally recommends to the Board that George S. Hawkins, Esq. be appointed as the next General Manager of the Authority;

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Board of Directors of the District of Columbia Water and Sewer Authority hereby appoints George S. Hawkins, Esq. to serve as

General Manager for the Authority beginning October 19, 2009, subject to the successful negotiation of an employment agreement.

2. The Board's Human Resources Committee shall conduct the negotiation of the employment agreement and forward the negotiated agreement to the Board for consideration and approval at the Board's October 1, 2009 meeting.

3. Upon the approval of an employment agreement by the Board, George S. Hawkins, Esq., on and after October 19, 2009 shall exercise all the duties and responsibilities of the position of General Manager of the Authority including but not limited to those set out in the Authority's enabling statute, codified in § 34-2202.01 et seq. of the District of Columbia Official Code, the District of Columbia Municipal Regulations, Board Resolutions, including but not limited to Board Resolutions 97-89 and 97-91, attached hereto, and Board policies and such other authority as may be delegated to the General Manager from time to time by the Board.

This resolution is effective September 3, 2009.

  
Secretary of the Board of Directors