



**DISTRICT OF COLUMBIA
D.C. Water and Sewer Authority
Board of Directors
Customer and Community Services Committee**

**Tuesday, July 15, 2008
11:00 a.m.**

Meeting Minutes

Board Members Present

Alan J. Roth
Brenda Richardson
Howard Gibbs
Joseph Cotruvo
Steven McLendon

Staff Present

Jerry N. Johnson, General Manager
Johnnie Hemphill, Chief of Staff
Michele Quander-Collins, Public Affairs Director
Gordon Fry, Government Relations Director
Jay McCoskey, Customer Service Director
Mujib Lodhi, Information Technology Director
Meena Gowda, Principal Counsel
Linda R. Manley, Board Secretary

Call to Order

Mr. Roth called the meeting to order at approximately 11:10 a.m.

The General Manager introduced the new Customer Service Director, Mr. Jay McCoskey, whom he noted formerly worked as the city-wide Customer Service Manager in Austin Texas.

Broadcasting/Webcasting of Board Meetings

As requested at the previous Customer & Community Services Committee meeting, Michele Quander-Collins provided a written report which outlined three options on the feasibility of broadcasting/webcasting Board meetings. With regards to Option 1 (Office of Cable Television (OCT) onsite video taping at Blue Plains), OCT was unwilling to reduce the estimated cost of \$5,850 per meeting.

For Option 3 (purchasing the TV video/audio equipment for installation in the WASA Board room and purchasing the software and server space to host the webcast), she noted that WASA's CIO, Mujib Lodhi, recommends outsourcing the function to a consultant. Alternatively, WASA could hire a full-time technician who could perform other functions as well.

There was also some discussion around producing public service announcements (PSA) and other audio/visual materials using the new capabilities and staffing. Mr. Johnson pointed out that the requirements for PSA production are different than those for broadcasting Board meetings. PSAs require studios and much more sophisticated equipment.

The Committee indicated that based on various constraints which are out of the Authority's control, relocating the Board meetings to the Wilson Building and using the DC Council's broadcasting/webcasting facilities (Option 2) would be impractical.

Mr. Roth noted the importance of advancing the most practical option with the best possible quality to the full Board. There was a discussion on the budget implications for Option 3, and Mr. Johnson noted that the costs would need to be built into the revised FY 09 budget in October should the Committee and full Board decide to move forward with this project. The Committee asked if the system was portable and whether the system had any other production capabilities. Ms. Quander-Collins agreed to get more information on a portable unit and to present it at the September meeting. In conclusion, it was the consensus of the Committee to have staff prepare a draft resolution that would address advancing the concept to the full Board for inclusion in the revised FY 09 and proposed FY 10 budgets, pending receipt of the requested information on portability and other production capabilities at the September 2008 meeting.

Public Information Policy Implementation Review

Mr. Roth commended staff in its efforts to improve public perception within the last seven months and noted that several Board members have expressed the same since the implementation of the Public Information Policy and Implementation Plan. He asked Ms. Quander-Collins to identify specific areas in which WASA has improved and any areas still needing improvement. Ms. Quander-Collins responded as follows:

Areas of Improvement over last six months

- Expanded outreach to reporters, editorial boards, and the community has been particularly successful in our review of the lead service line replacement policy and the impervious area billing proposal.
- This year's strategy in dealing with the chlorine burn was to engage all of the Aqueduct's customers so that it was not a WASA-specific issue. WASA hosted a press conference to get ahead of the issue to educate the press.
- More focus on community papers, which give more balanced coverage.
- More engaged in national stories, giving the local angle.
- Partnerships – Latino event, Mayor's green team.
- Generated construction project releases.
- Held media training for potential WASA spokespeople.

Areas Still Needing Improvement:

- Get better coverage in local papers.
- Partnerships with city agencies; get to know new personnel better.

The Committee provided staff with feedback and thought their outreach to neighborhood papers was particularly a good strategy.

The Committee inquired about the status or progress of several elements of the Implementation Plan approved last fall. As to the planned WASA Speakers' Bureau,

Ms. Quander-Collins noted that the program is not active at present and that there is a challenge to recruit volunteers. She also noted that a training presentation is planned for September.

As to crisis communications, Ms. Quander-Collins indicated that she has reviewed the existing document and that it is being updated. Mr. Roth noted that a review should be conducted annually and that since the plan was implemented January 2008, it should be reviewed and completed by January 2009. The Committee expects to receive a report in the fall.

As to press tours, one is being planned as part of a proposal for the 70th anniversary celebration for Blue Plains, which has not yet been reviewed by the General Manager.

Public Disclosure Issues

There was a discussion on the City Administrator's Letter regarding Department of Health's requests for lead data underlying certain WASA maps previously provided to DOH and the public. Mr. Hemphill reported that he researched the matter and found that there was an obvious delay by staff in dealing with this particular case both before and after DOH was told to convert its inquiry into a FOIA request. He noted that the delays were long and that there should have been better communication and more urgency in dealing with this request. He indicated that DC agencies are not typically required to submit FOIA requests unless there are "unusual circumstances." The General Counsel's office deemed this request to involve unusual circumstances based on a 2004 Board Resolution stating that customer information is confidential.

Mr. Roth responded that according to his reading of the FOIA statute, FOIA is not applicable to requests from sister DC agencies at all. FOIA addresses requests for information made by a "person," which is a defined term in the statute and explicitly *excludes* the Mayor, the Council, or another agency. WASA cannot decide for itself that agencies will be subject to FOIA if it thinks there's an "unusual circumstance" – that's not the law. The appropriate way to handle these situations is through consultations with sister agencies and ultimately, if necessary, with the Mayor's office, particularly because the City Administrator sits on the WASA Board.

More broadly, the Committee noted that FOIA requesters should, within a reasonable period of time, either be given an answer, asked for clarification of their request, or told that their request is granted or denied due to a statutory privilege or exemption, but that no response at all or a long-delayed response is unacceptable. It was also reiterated that there is a need for a written set of policies that are communicated to all levels of the organization about how WASA responds to requests for disclosure of data, whether from a FOIA requester or another agency, and what WASA's expectations are with regard to the conduct of individuals within the organization who receive the requests and what WASA's philosophy is in dealing with the requests. The policy should also include a process for some formal communication between WASA and the requesting agency to deal with questions or issues surrounding the request.

Mr. Roth asked staff about the status of Mr. Ralph Scott's FOIA request, which the Committee had previously discussed. Mr. Hemphill responded that the documents were

ready for Mr. Scott's pick-up and that Mr. Scott had been informed of that quite some time ago. Mr. Roth asked Mr. Hemphill to send him the information on when Mr. Scott was notified that his data was ready for pick-up and an estimate of the number of pages included the package.

Mr. Roth renewed the Committee's unanimous request from the May meeting that staff prepare a first draft of a policy for dealing with FOIA and other information disclosure requests for the Committee to review in September. Mr. Johnson noted that he would consult the General Counsel and get back to the Committee.

In response to an inquiry about whether WASA has a "written records retention policy", Mr. Johnson responded that WASA has never had a document management system or a document retention policy and that staff has been working towards the implementation of an electronic records retention policy. He noted that he would provide a timetable on the implementation of the policy once he has been briefed on the document.

High-Use Notification Alert

Mr. McCoskey reported on the High-Use Notifications Alert (HUNA) system by exception. He pointed out that there is now an effort to update the system and market the technology to others. He also noted that the level of participation has increased and that staff has had success in contacting customers with HUNA (86% one-time contact by emails and 89% one-time contacts by phone).

Mr. Johnson added that there are approximately 8,000 active participants in the program and that Public Affairs recently published an article about the program in "What's on Tap" mailing.

Departmental Reports/Updates

- **Government Relations**

Mr. Fry reported that the House Appropriations Committee approved \$14 million for WASA for the CSO and that during the week of July 7th the Senate Appropriations Committee approved the budget for 2009 for the District of Columbia. He also noted that although the final budget numbers have not been released, it is the understanding of staff that the \$14 million is in the Senate bill also.

Mr. Fry indicated that Congress is unlikely to approve FY09 spending bills by the beginning of FY09, so in all likelihood there will be a continuing resolution passed, and they will wait until January 2009 for the new President to address these bills.

The House has suspended all floor action on appropriations because the Republicans have threatened to attach language on legislation related to offshore drilling.

Mr. Fry noted that H.R. 5778, to preserve WASA's independence, passed both the House and Senate. The bill was sent to the President on July 7th and he has until July 18th to sign the bill into law.

Mr. Fry informed the Committee that today is the last day of DC Council meetings before the summer recess. He stated that WASA staff continues to monitor the Clean and Affordable Energy Act of 2007 and that its first and second readings are expected today. The bill provides for the management of a Sustainable Energy Utility (SEU) by DC DOE, whose purpose is reducing energy use in the District. The bill also sets up a Sustainable Energy Trust Fund and Energy Assistance Trust Fund for which energy users would be assessed a fee. The bill has undergone several revisions since its introduction, and WASA has provided verbal and written comments to the Committee on Public Services and Consumer Affairs. Pepco is currently the only utility opposing the bill. Councilmember Cheh and Committee staff has agreed to work with WASA on issues of concern after the bill is voted out of Council.

Hearing no other business, the meeting was adjourned at approximately 1:15 p.m.