



**DISTRICT OF COLUMBIA
WATER AND SEWER AUTHORITY**

BOARD OF DIRECTORS

Governance Committee

July 24, 2008

11:30 a.m.

MEETING MINUTES

Committee Members

Keith Stone, Chairman
David Bardin
David Byrd
Anthony Griffin

WASA Staff

Jerry N. Johnson, General Manager
Avis Marie Russell, General Counsel
Linda R. Manley, Board Secretary
Gordon Fry, Director Governmental
Relations

Other Board Member in Attendance

Beverly Warfield

Keith Stone, Chairman, called the Governance Committee (the Committee) to order at 11:30 a.m. Chairman Stone summarized the informational items that had been submitted to the Committee following its last meeting. Chairman Stone addressed item 6 on the agenda "Emerging Issues" stating that the issue entitled "Policy for Videotaping of Board and Committee Meetings" would be taken out of order and be the first issue to be discussed under item 6.

Chairman Stone requested that the General Counsel, Avis Russell, address the second item on the agenda – "the Effects of the Passage of H. R. 5758". The General Counsel reviewed the various sections of H. R. 5758 (which amends the District of Columbia Home Rule Act) explaining the effects of each section on the District of Columbia Water and Sewer Authority (WASA). Committee Member David Bardin requested the General Counsel to e-mail the Committee members redlined versions of the amended portions of the Home Rule Act showing both the added and the deleted language. The General Counsel pointed out a clerical error in H.R. 5758 and a discussion ensued concerning the legislative processes in place to correct clerical errors. The Committee further discussed whether any Board action was necessary as a result of the passage of H.R. 5758. Chairman Stone noted that H. R. 5758 was discussed during the previous committee meeting held that morning – the Budget

and Finance Committee, and asked the General Manager to summarize the discussion for the Committee members who were not present. The General Manager stated that WASA's relationship with the District's Chief Financial Officer would continue as usual and that the information historically provided to that office would continue to be provided.

Chairman Stone directed the Committee's attention to item three on the agenda and requested the Director of Governmental Relations, Gordon Fry, to comment on "Proactive Steps Regarding Proposed Legislation Impacting WASA". Mr. Fry reported that meetings had taken place with Chairman Gray and Chairman Graham regarding proposed impervious area billing legislation and the needed timetable. Both Chairman Graham and Chairman Gray believed that emergency legislation was not the best way to get this legislation enacted. Chairman Graham had requested that WASA get back to his Committee with updated data on cost allocations and the impact it would have among different classes. Mr. Fry stated that there had been continuous dialogue with the environmentalist and business community on the proposed legislation. Mr. Fry told the Committee that WASA did a briefing on the IAB before the DC Chamber Government Affairs Committee 3 months ago and had been asked to do a follow up briefing at their September 18th meeting. Committee member Bardin requested that the General Counsel revisit the existing authority to see if WASA could develop a new impervious surface rate option.

Chairman Stone directed the Committee to item four on the agenda – "Approaches to Address Joint Use/Non-Joint Use Facilities". Committee member Bardin briefed the Committee on the discussion held by the Environmental Quality and Operations Committee on this issue. A discussion of the use of a definition for joint use and non-joint use facilities rather than a list ensued. The General Counsel suggested that the definition should define what is not a joint use facility. The General Counsel was requested to provide a draft definition for the September board meeting.

The Chairman requested the General Counsel to address item 5 on the agenda – "Review of By-Laws and Board Practices". The General Counsel stated that while a review of the enabling legislation and the by-laws did not reveal any conflicts, conflicts were found when the by-laws and board practices were examined. The General Counsel highlighted five conflicts covering the ability of committee members to vote, the role of ad hoc committees, and the review of the same matter by more than one committee. The General Counsel was requested to draft revisions to the by-laws in a redline format. The Committee stressed the need for the by-laws to exhibit flexibility.

The Chairman requested that the General Manager address the issue "Policy for Public Videotaping of Board and Committee Meetings" under agenda item 6. The General Manager explained how this item came up as an item for review and that currently there was no formal policy covering this matter. The Committee asked the General Manager to draft a policy

covering same. The Chairman requested Mr. Fry to address "Pending Legislation" under agenda item 6. Mr. Fry told the Committee that the House Appropriations Committee approved \$14 million for WASA for CSOs, and the Senate approved \$16 million for the 09 Budget. Mr. Fry stated that Congress is not expected to approve FY 09 spending bills, so in all likelihood there will be a continuing resolution passed. Mr. Fry stated that Congress would wait until January 09 for the new President to address these bills. Under a continuing resolution the funding will be at the FY 08 level which was \$8 million, or, Congress could consider the lower amount of the two bills; however, it was noted that, that had not been done in sometime. Mr. Fry stated that Congresswoman Candace Miller (R-MI) had introduced legislation requiring EPA to develop recommendations for public education strategies to prevent drugs from seeping into water ways. Mr. Fry updated the Committee on the Sewage Overflow Community Right to Know Act. He stated that the bill, having passed the House and pending in the Senate, would establish national standards for monitoring, reporting, and notifying the public of sewer overflows. WASA is working with national trade associations to assure that certain provisions, as well as clarity, are reflected in the Senate legislation. Mr. Fry reported that the House Homeland Security and Energy and Commerce Committees had begun discussions to resolve jurisdictional disputes over two competing chemical security bills pending in the House. Chairman Thompson of the House Homeland Security Committee introduced legislation to make permanent the chemical security regulations published by DHS which expire 2009. The Committee requested that staff review legislation being proposed by District Council members Graham and Mendelson concerning the creation of a parking space fee that could affect employers in the District of Columbia.

The Chairman requested that the issue covering "Board Member Training and Travel" under item 6 be tabled and that it be placed on the agenda for the September Committee meeting.

The Chairman then addressed item 7 on the agenda – "Upcoming Committee Meetings". The Chairman stated that he would be out of the country during the October Committee meeting as currently scheduled. The Chairman expressed his wish to lock in dates for a bimonthly schedule. The Chairman adjourned the meeting at 1:35 p.m.