



***DISTRICT OF COLUMBIA
WATER AND SEWER AUTHORITY***

BOARD OF DIRECTORS

***Governance Committee
November 12, 2008***

MEETING MINUTES

Committee Members

Keith Stone, Chairman
David J. Bardin
Kathleen Boucher
F. Alexis Robinson

WASA Staff

Jerry N. Johnson, General Manager
Linda R. Manley, Board Secretary
Katherine Cahill, Principal Counsel

Board Member

Beverly Warfield for Committee member David Byrd

Keith Stone, Chairman, called the Governance Committee (the Committee) to order at 9:35 a.m. The Chairman reminded the Committee that, in light of time constraints, only two items, the definition of joint use facilities and amendments to the Board's by-laws, were considered during the September 25, 2008 meeting, both of which were considered and passed upon at the October Board meeting.

Chairman Stone requested the General Manager to address item two on the agenda covering the public videotaping of Board and committee meetings. The General Manager noted that the Policy being presented to the Committee set general parameters for the public, including the news media, to record Board and committee meetings. WASA staff had examined the practices of surrounding agencies and the draft Policy was in line with current practices. The Policy had been vetted by the General Counsel's Office. The Committee discussed the draft Policy and requested that the General Manager consider the possible inclusion of a requirement for persons wishing to record to provide prior notice. The General Manager further commented that the Policy was operational in nature and would not require Board approval.

Chairman Stone called upon Gordon Fry, Director of Governmental Relations, to address item three on the agenda covering an update on governmental affairs. Mr. Fry updated the Committee on the status of the Impervious Surface Charge legislation. He informed the

Committee that the Committee on Public Works and the Environment was currently revising the legislation which would be the 3rd version of the bill. Mr. Fry stated that the Committee Council staff agreed that the definition of Impervious Surface should be identical to the definition that the District Department of the Environment (DDOE) would use in their pending legislation on storm-water. He informed the Committee that another area of concern in the legislation was the provision that would cap rate increases for low income households. Mr. Fry said that both Appleseed and DDOE had sent letters to Chairman Graham expressing concern that this provision could be interpreted as a tax instead of a fee for service and could potentially be challenged in Court. Mr. Fry stated that, as of this date, mark-up on the legislation was expected on November 14th. Mr. Fry noted that WASA was working with DDOE to make sure the Impervious Surface legislation and the Storm- water legislation were on the same track.

Mr. Fry further commented that Councilmember Graham did not wish to address the definition of joint use facilities in the current legislation, but wished to address it at a later time. Mr. Fry also mentioned Councilmember Graham's desire to have a general clean –up bill for out of date provisions of the District Code. The Board discussed these matters and requested Mr. Fry to continue to update them on the legislation. The Committee also requested the General Counsel's Office to research the relationship between WASA's enabling legislation and pertinent sections of the Home Rule Act covering the Mayor's ability to set water and sewer rates. Specifically, the question was raised whether this authority had been delegated to WASA.

Mr. Fry informed the Committee that on November 14th Chairman Phil Mendelson would be conducting a roundtable on fire hydrants in the Committee on Public Safety and the Judiciary. He said that both FEMS and WASA would be updating the Committee on the maintenance, inspection and repair of hydrants in the District. Mr. Fry further informed the Committee that Mr. Mendelson also requested a status report on the coordination efforts between WASA and FEMS.

Mr. Fry stated that the Council Committee on Public Works and the Environment was planning to hold Mr. William Walker's confirmation hearing on the 14th of November. He told the Committee that WASA had not, as yet, received the questions that Mr. Walker would be asked during the hearing, although they should be forthcoming. Mr. Fry said that confirmations only require a first reading from the DC Council, and that he would check with Council staff concerning the time-line.

Mr. Fry informed the Committee that WASA was looking at the stimulus legislation package that was passed earlier by the House of Representatives to see if there were opportunities for WASA. Mr. Fry said that Mayor Fenty's office met with Speaker Pelosi's office and was

informed that they were more interested in broad concepts than individual projects. Mr. Fry stated that WASA was working closely with Congresswoman Norton's Office and with trade associations to which WASA belongs to assure that WASA has input in the process.

Chairman Stone then turned the Committee's attention to item four on the agenda which concerned Board member travel and training. The General Manager provided the Committee with a matrix that had been provided to the Committee at an earlier meeting setting out the practices of various surrounding agencies. The General Manager stated that the most common practice was for Board members to follow the travel and training practices adopted by an agency for its employees. A discussion of WASA's travel and training practices for its employees ensued. The Chairman requested that the Committee members be provided with a summary of WASA's current practices. Chairman Stone also requested the Board Secretary, Linda Manley, to poll the Board members to see what training they felt they needed. The Chairman requested that this item be revisited at the January meeting as well as the issue on videotaping Board and committee meetings.

Chairman Stone then turned the Committee's attention to item five – emerging issues. The Committee discussed meeting times and the Chairman requested the Board Secretary to poll the Committee members regarding availability. The Committee also discussed the procedure for the Board's rotating vice-chair position.

During the discussion on emerging issues, the suggestion was made to invite Board member Roth to the next meeting of the Governance Committee to discuss matters of concern to both the Committee of which he is chair and the Governance Committee. Chairman Stone also requested that the matter of the acquisition of the Aqueduct be placed on the January meeting agenda for discussion purposes.

Chairman Stone adjourned the Committee meeting at 10:58 a.m.