



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

## **BOARD OF DIRECTORS**

*Retail Rates Committee  
Thursday, October 23, 2007  
9:00 a.m.*

## **MEETING MINUTES**

### **BOARD MEMBERS**

Robin Martin, Chairman  
David J. Bardin  
Kenneth Davis  
Howard Gibbs  
Brenda Richardson  
Alan Roth

### **WASA STAFF**

Jerry Johnson, General Manager  
Olu Adebo, Acting Chief Financial Officer  
Avis M. Russell, General Counsel  
Linda Manley, Board Secretary

Chairman Martin called the meeting to order at 9:10 a.m. The purpose of this meeting is to discuss policy related to the Rate Stabilization Fund (RSF). In addition, discussion will be held on the policy related to the Impervious Surface rates, as well as the design and implementation schedule.

### **Rate Stabilization Fund Policy**

Mr. Johnson explained the RSF policy included in the committee package addresses the issues and concerns raised by the committee from a previous draft policy. Staff is prepared to advance this document as the proposed policy for the RSF. Mr. Martin noted in September of this year, the General Manager presented to the Finance and Committee a plan to split excess funds between Pay-As-You-Go (PAYGO) and the RSF. Mr. Martin further noted that, the General Manager does not ask for a recommendation from the Committee, but presents the final amount transferred. This practice is consistent with prior years.

Mr. Johnson further noted that the recommendation in this fiscal year of a 50/50 split is consistent with the process in previous years. The proposed amount is estimated due to the information being submitted prior to the end of the fiscal year. Mr. Martin noted that the word "recommendation" in the RSF policy implies that the Board will need to take action; however, in the policy's current form, the Committee cannot take action. Chairman Martin also asked when the Board can give input to discuss how the excess funds will be handled and if there was any discussion on the 50/50 split during the Revised FY 2008 budget process. Mr. Johnson responded that the transfer is completed after reporting to the Finance and Budget committee, and there is no further action required by the Board regarding the split and the money being transferred into the RSF. If there is no objection from the committee, the excess funds will be split as originally presented.

Mr. Adebo further noted that when our financial performance exceeds the budget, the excess funds will be used as PAYGO and or transferred to the RSF. This process is discussed in the budget book; however, it does not discuss how the funds will be split. Mr. Martin added, technically when the budget is submitted to the Finance and Budget Committee, it is not being submitted to the

Board. Mr. Johnson explained that when the Board acts on the budget, the Board does establish the amount that will be in the RSF.

Mr. Martin suggested the Revised FY 2008 budget submittal include the proposed split for excess funds. This process allows the Board the opportunity to discuss the proposed percentage split prior to acting on the Revised FY 2008 budget. The Chairman confirmed Mr. Adebo's assessment that the Revised FY 2008 budget submittal will also include specific methodology on dividing the excess funds. Mr. Adebo noted that in the proposed RSF policy, transfers in to the RSF will remain at the discretion of the General Manager. Mr. Bardin expressed his experience has been that funds could be available for transfer into the RSF at any time during the fiscal year and sometimes outside of the budget process. The huge arrearage paid by Washington Suburban Sanitary Commission (WSSC) was transferred into the RSF. In most years, revenues have been higher than expenditures. In the current fiscal year, \$17 to \$20 million of excess is projected. The Board may not be prepared to make a decision in January to the split between PAYGO and the RSF 50/50. Several questions remain unanswered: how large is the amount, how much does the amount differ from the original prediction, what is the public's perception. Mr. Bardin concluded, at this point, it does not have to be discussed in the context of setting a policy. However, the Authority along with the Board has to be prepared for a vigorous discussion on the merits of alternative treatments of the excess funds.

Mr. Bardin expressed that section (7d) of Attachment B – RSF Policy implies that the amount of the transfers in is final. This raises the concern that if for any reason the Board felt strongly enough to change the amount of the transfer, the Board would not be able to make changes. Mr. Martin recommended that the General Manager propose at the September Board meeting the amount to be transferred into the RSF with the understanding that the amount is subject to adjustment using the last few weeks' of outstanding financial data. The Board will approve how the proceeds will be divided between PAYGO and the RSF.

Mr. Johnson stated that if the interest of the committee is to have the Board make the final determination on the amount being transferred into the RSF, he would recommend putting the money into an undesignated reserve fund. The Board could decide the amount of the transfer at the end of the fiscal year. However, the Authority requests that flexibility be built into this process. For example, dollars spent during a bond sale are reimbursable to the Authority. Mr. Martin suggested modifying Attachment B (5) to include the language that "transfers in and transfers out" would be approved by the Board. In addition, the General Manager would recommend the proposed split in the budget. This would be the standing policy unless the proposal is reversed or amended by the Board in September. Mr. Adebo referenced Mr. Bardin's earlier discussion regarding the Authority receiving the WSSC settlement. If the Authority receives the outstanding amount from the Potomac Interceptor customers and the budget specifies a 50/50 split, this would not provide the flexibility to apply the funds as needed.

Mr. Johnson responded that Mr. Adebo's point is worth noting. The Authority may need to put all of the money toward a major capital project (nitrogen), defer debt issuance, or reduce the rate impact. There has to be flexibility in this process to determine the best financial and economic interest for the Authority. One approach will be to have a separate policy on how to handle the undesignated fund balance as opposed to including the excess dollars with the current reserves. Mr. Martin noted Attachment B (7) could be modified at the September Board meeting to accommodate any type of windfall. Mr. Johnson also noted that this timeframe would not provide room for the Finance and Budget committee to take action; therefore, October may be a better month. Mr. Martin agreed that action in October would allow the Board to receive the most current information. Mr. Bardin suggested the month of November, because Staff will have the year end results at this time and it will be in advance of the Revised FY 2008 budget. The only case with the debate on the Board regarding RSF transfers was when the majority decided to transfer all of the WSSC settlement into the RSF and reject a proposal that all or some of the amount transferred in be used as an

immediate rate relief to rate payers that had been overcharged in prior years because the substantial amount of money wasn't forthcoming. This process will elevate the decision on the amount being transferred into the RSF and allows the Board to make changes and possibly get the positive attention of people outside of the Authority. Mr. Davis asked if the committee will have the benefit of seeing the proposal prior to the Board making the decision. Mr. Martin confirmed that is one reason for having it presented to the Board in October versus September.

### **Impervious Surface Rate**

Mr. Adebo reported that much progress has occurred since the signing of WASA's Impervious Area billing (IAB) contract in September and asked the IAB project manager, Mr. David Tweedy, to provide a project update.

### ***Consultant Key Deliverables Update***

Mr. Tweedy provided an update on the communications plan and the rate policy development process. The first month deliverables have been completed; most of the data requirements have been met and data analysis is underway; a communications task force has been established; and the rate policy review is progressing. Ms. Richardson asked who the members of the communications task force are. Mr. Tweedy responded the communications task force comprises a cross section of WASA senior staff from Engineering, Customer Service, Legal, Public Affairs, Human Resources and Finance. Mr. Tweedy noted that the communications task force is one component of the overall draft communications plan that consultants will be reviewing with the IAB Steering Committee. Next, Mr. Tweedy summarized the activities that had been completed and other upcoming activities. The team will meet to begin an implementation strategy for the communications plan and a preliminary policy review. In the next couple of months, the consulting team will begin a critical aspect of the project, communications outreach efforts to all of the Authority's stakeholders and other interested parties that may have significant input. The communications task force will develop strategies to identify the stakeholders and develop a consistent message.

The consultants will also continue their focus on another critical aspect of the project, database development and will gather additional data, formulate billing and credit for submission and review by the Retail Rates Committee. So far, consultants have gathered over 80 percent of the data required. Meetings with the District's Office of the Chief Technology Officer (OCTO) have been very cooperative, according to Mr. Tweedy, because OCTO is interested in the data that we received from them and once it is updated to a higher quality of data, OCTO is interested in securing that data back from DCWASA. The outstanding data primarily relates to federal properties. Mr. Tweedy outlined the communications plan process and milestones with the Committee. One key coordination issue is with the District's Department of the Environment, (DOE) that is responsible for the ongoing stormwater billing program. Consultants and staff are planning to meet with DOE representatives soon to discuss the impervious area billing system as a vehicle for them to collect stormwater charges.

### ***Rate Policy Development and Committee Review***

Next, Dan Lanning reported to the Committee on rate policy development. Consultants have completed the preliminary rate policy and the proposed structure for presenting the plan as well as a structure for providing the Committee with various policy considerations including a policy map, timeline for policy documentation, and a mechanism for tracking resolved and outstanding issues. Mr. Lanning discussed some of the previously identified policy issues and assumptions that are now ready for Steering Committee review and Committee consideration. Chairman Martin asked management to present the Committee with resolutions for each of the IAB policy considerations at their meeting next month for discussion and presentation to the full Board. Mr. Bardin stressed the need for a set of Board policies now, which would be augmented from time to time as needed, because while there have been prior conversations with Committees the issues

have not been resolved. Mr. Bardin noted that there is an impervious surface rate policy discussion scheduled for later in this meeting and he expects that Mr. Lanning will advise the Committee in areas where he believes advice is required so that the process will be expeditious and recommendations can proceed to the Board for action at their November meeting. Mr. Bardin stated that if the Committee is not going to do that today, then another golden opportunity to move with a sense of urgency as outlined by Chairman Martin, both to the Board and the D.C. Council as WASA's standard of performance. In response, Chairman Martin stated that he prefers that the policy work be done deliberately and thoughtfully. The assumptions discussed by Mr. Lanning should be submitted as resolutions at the next meeting of the Committee for consideration. Mr. Bardin noted that there is a big problem because he is strongly in favor of coordinating closely with the DOE, D.C. Council and the Mayor's Office on the stormwater fee development process. However, WASA has an independent responsibility to try to recover cost pool items the Authority is responsible for in an objective, fair and appropriate way. When WASA approved the IAB consulting contract WASA began work immediately. It is up to the District whether or not they want to use WASA's database or not. This is not a joint project, but a WASA project which can be tightly coordinated with the District. Our consultants accepted a timetable and assured WASA when it bid on the contract that it could meet that timetable.

Mr. Johnson agreed that management had previously had this discussion with the Committee and the need to advance the IAB project on an independent track while working cooperatively with other agencies. The path for policy considerations would include consultant recommendations, review by the IAB Steering Committee and management, with final review and consideration by the Committee. Mr. Adebo added that the monthly workshops are intended as the vehicle for Committee briefings and consideration. A differentiation will be needed on what constitutes a policy decision versus a working decision made by staff and consultants. Chairman Martin explained that the Committee will need to review the issues in some degree of detail to ensure that policy-related matters are appropriately identified as the Board is responsible to the public for policy decisions. Mr. Adebo explained that the workshops will provide consultants and management with a better understanding of what level of detail the Committee is interested in reviewing.

### ***Environmental Stewardship***

Ms Richardson raised a question concerning WASA customers applying for credits under the IAB plan. Mr. Cromwell explained that it is a general practice in implementation of impervious surface area fees to encourage customers to manage their impervious area and runoff and to adopt various practices to try to control runoff and they can apply for credit against their bill. This process is an issue to be determined through a deliberative process and it has not been defined at this point. WASA's consultants will obtain information from key stakeholders and developers as well as from other cities with impervious surface billing mechanisms. Ms. Richardson asked whether the Steering Committee could also include the District Office of Economic Development to ensure that considerations are give both to the customer and the developer's perspectives. Mr. Adebo explained WASA staff will develop the IAB strategy and begin implementation. As part of our communications strategy, WASA will ask various stakeholders and interested parties for input; this includes developers as well.

Next Ms. Richardson asked for clarification of several unidentified areas on the Impervious Area map previously discussed by the consultants. Mr. Tweedy explained that the consultants will try to obtain better data to determine what is impervious versus pervious surface areas. Either the data is nonexistent for some federal properties or ambiguities exit. The goal is to improve the integrity of the data. Ms. Richardson asked how WASA will always be assured that the integrity of the data is solid. Mr. Tweedy responded that the integrity of the data will be as good as the owners of the data, or the original sources of the data. For example, the Limnotech data is not original source data as they obtained their source data from the same source WASA obtained its data from; that is why the consultants do not recommend use of Limnotech's data. Once the program is

implemented, if someone raises questions on how WASA looked at their property to determine what IA rates apply, there will be total transparency. WASA will have the property data from the D.C. Tax records, impervious data from the OCTO and we can explain exactly how the IA bill was computed. WASA is not creating data.

Ms. Richardson stressed the importance of including televised information as part of WASA's overall IAB communication strategy. This will help to ensure that everyone has access to the information.

Mr. Bardin added that although other jurisdictions may have some form of IAB, he is not for just copying from their plans because the District has its own land use, socio-economic patterns and political considerations that WASA's consultants may or may not be knowledgeable of. Beginning in January, the District Council's Committee on Public Works and the Environment, that has oversight over WASA's operations and also over the DOE, held a hearing on stormwater issues, in general, of which stormwater fees are only one consideration. The Committee Chairperson, Council member Jim Graham announced that a task force would be created on stormwater issues. Mr. Bardin believes that WASA and the General Manager would be included on the stormwater task force as well as the Director of the DOE; Mr. Bardin is unclear as to whether the task force is being created by the Council or by the Mayor or some other entities. However, it is certain that in the context of the MS4 permit costs recovery, they will be looking at many of those same issues. Perhaps that is an area where DOE can take the lead if their effort begins soon. But, this is not what is needed for the WASA project's critical path.

Mr. Adebo explained that the intent of today's meeting was intended to focus on the process and not the details as they are preliminary at this point.

Mr. Gibbs offered his continuing protest that consultants are continuing to propose billing customers based on measurements which were not made or certified by a registered professional land surveyor which could present potential challenges after the bill is implemented.

Chairman Martin noted that the Committee has not fully completed its review of Mr. Bardin's input and that of the consultants. Nor will the Committee reach those considerations at this meeting. Through the workshop in November and the next Committee meeting, which may be at the same time, the Committee has to be on the same track with all WASA Committees coordinating their communication and policy considerations.

Mr. Johnson again asked that the Committee focus on the framework for Committee review of these issues so that the integration will occur between management and the consultants. WASA's Public Affairs Office did make a presentation to the Customer and Community Services Committee at their October meeting which included the proposed first steps of the communications plan. Since that meeting, several of that Committee's suggestions have been integrated. Chairman Martin asked that in the future the consultants should not provide the Committee with sample policies, unless they are blank, because it just encourages more discussions which may not be helpful. Rather, they should provide the Committee with information that has been vetted and ready for consideration.

Mr. Martin asked whether PB Consult can now provide more detail on their schedule so that the Committee knows when certain policy discussions will occur, and when the report on the database will be provided. That way the Committee can plan what the agenda will be for each of those meetings. Mr. Tweedy responded that the consultants did present a very detailed schedule to the IAB Steering Committee and the first monthly meeting will be held on Monday, October 29 where the schedule will be discussed. At this early date, it may not be possible to determine which policy discussions will occur at the monthly meetings.

Mr. Martin stressed that it would be helpful that if management and the consultants know what the discussion topic will be before various meetings this would give the Committee a sense of what will be discussed in advance of the meetings.

Mr. Roth responded that Mr. Johnson previously answered the question in that the Customer and Community Services Committee (CCCS) did discuss the communications aspects of the IAB plan. The meeting did not include PB Consult but it did include WASA's Public Affairs staff and Mr. Roth acknowledged that as the consultants reported, the CCCS did identify key stakeholders as well as how to strategically approach stakeholder communications. The CCCS has not heard anything since that meeting on further development of the schedule to determine whether all of the Committee members would agree that it complies with what was discussed at the CCCS meeting. Mr. Martin asked whether the IAB communications plan will be on every monthly CCCS agenda for the next six to eight months. Mr. Roth responded affirmatively and added that some discussions may be brief, while others more extensive. One of the points Mr. Roth raised, with general consensus by the Committee, is that it is important that WASA begin the outreach process with stakeholders whom we have reason to believe would be supportive of this initiative as opposed to stakeholders who would have reason not to be supportive. This will enable WASA to begin the process of building support. Mr. Bardin discussed the importance of integrating what WASA is doing along with the activities of the D.C. Council on a parallel track in a related area. Mr. Roth is hopeful that what is identified in the consultant's presentation today is indicative of the directive from the CCCS.

Ms. Richardson asked who is representing the environment on WASA's Communication Task Force. Mr. Adebo explained that right now all of the communication task force members are internal staff and Dr. Mohsin Siddique is the representative for environmental issues.

Mr. Bardin asked a question related to Mr. Gibb's concern about use of aerial photography in lieu of data certified by a registered professional land surveyor. Mr. Bardin asked management and or consultants to find out whether other jurisdictions such as Denver, Colorado or Montgomery County, Maryland confronted the issue of use of aerial photography as a basis for charging their impervious surface fees. Find out whether or not anyone has challenged this methodology administratively. Mr. Gibbs added that management and consultants also need to review the D.C. Law which governs the measurement of land which requires that such work be done by a surveyor. It will not matter what Montgomery County does if their laws are different.

Mr. Bardin asked that WASA's General Counsel talk with Mr. Gibbs and follow up on research of the appropriate D.C. laws; an amendment may or may not be required. Mr. Johnson explained that at the time that Limnotech was doing their work, WASA learned that a great deal of reconciliation was required between the then existing property records and what was obtained through satellite observations which was deemed to be somewhat more accurate. A good bit of reconciliation and changes in the tax maps was occurring during that time which was not initiated by WASA but occurred when the District was converting to GIS-based mapping. Mr. Johnson will research this issue and report back to the Committee at their next meeting.

### ***Schedule for IAB Meetings***

Mr. Martin discussed the schedule and asked that except for the December 19 meeting (Public Meeting), and then starting in April, the meetings in November, January, February and March are all workshops and we do not know at this point what work will be done that will require Committee review. The purpose of a workshop is to have discussions among the board members which are not in the public setting. Mr. Martin recommended that each of the meetings should be designated as a public meeting and the Committee Chairman will convene an executive session as needed. This will allow as much information as possible to be available to the public and it will also document which action items the Committee endorsed for recommendation to the Board. Mr. Roth agreed and asked that to the extent possible that the workshops be combined with the public

meetings which would allow the Committee to recommend action to the Board. Mr. Bardin also agreed to public meetings on this matter with executive sessions as needed.

Mr. Bardin also raised the necessity of a public hearing process should the Board decide to implement the IAB, which is not listed on the Retail Rates calendar. Mr. Johnson explained that this was an oversight and that management did discuss June for the public hearing on both the normal rates and the IAB rate.

### **Impervious Surface Rate Policy Discussion**

At Chairman Martin's request, General Manager Johnson continued with IAB policy discussion noting that Mr. Bardin has submitted a proposed policy document and he and Mr. Adebo worked into the night to finalize the proposal. Mr. Johnson asked Ms. Manley to distribute copies of the proposal to the Committee. Mr. Martin asked for an explanation of the handouts. Mr. Adebo explained that there are two draft IAB resolutions, which are subject to review by General Counsel and staff to update. The third item is a notice of further impervious surface rate policies under consideration.

Mr. Bardin added that the notice of further impervious surface rate policies under consideration is not a policy the Committee would be recommending to the Board at this time but it does reflect one strong view that WASA should be sharing with the public long before the end of the road that the WASA Board is discussing these policies so that people who care, such as the D.C. Appleseed Center, which is working on a report now can know what we are working on now and follow our thinking as it develops.

The main document is the proposed policy dated October 23 as recommended by Mr. Bardin. Mr. Bardin explained that the purpose is for the Board to begin setting policy, to commit itself to the idea that it wants impervious surface rates and a database developed. That means that the Board has not decided yet to impose impervious surface rates but wants to get to the ready line to be able to do so and is creating some very general high level policies toward that end. This would reflect that the Board is taking action in this regard. Next, Mr. Bardin reviewed the proposed policy in detail.

Following his review, Mr. Bardin recommended that the Committee forward it to the Board for consideration at their meeting in November. This tells the public where WASA is going and what the Board's principles are and that WASA will work with the District Council and others and it will prevent persons from asking why WASA is slow again. WASA has had in its Enabling Act since 2001 the requirement to collect rates for the stormwater program. Anyone who wants to misinterpret the issue could say that for seven years WASA has been charging single family homes \$7/year regardless of whether it is a small dwelling, a large mansion or Ambassador's residence. Mr. Johnson noted that management has advanced several proposals and one decision that was made was that the establishment of a rate would not be a WASA rate but rather a D.C. Council rate because it was to address a permit that was issued directly to the District of Columbia. These proposals were advanced to the D.C. Council but not embraced.

Mr. Martin thanked Mr. Bardin for a terrific start on the policy work that the Board will need to do on billing for impervious surfaces and covers most of the areas that the consultants raised. Mr. Martin offered several amendments:

1. List this policy as number 1 as there will be other policies to follow
2. Number the bullets
3. Add private streets to the first line
4. Add the wording "Once fully implemented", impervious surface rates shall be predictable
5. Use identical language "gradual and predictable rates"

Mr. Roth apologized for arriving after the first hour of today's meeting. He assumes that there is a legal reason for that characterization of "user fee" and the word rates can be taken in two different ways. It can mean generally speaking the charge or it can mean the calculation of the charge. Mr. Roth suggested that unless there is a legal basis to do otherwise, heretofore all documents should refer to an impervious surface user fees. Mr. Bardin explained that there is an issue in stormwater a question as to whether the federal government should pay, because the federal government does not pay taxes. There has always been a question as to whether any charges WASA imposes are taxes or utility rates. The federal government pays utility rates but not taxes. This has been a big issue and discussion that the stormwater fees are not taxable because in some jurisdictions typically the long-term control plans are paid for by real property or sales taxes, etc. Mr. Bardin does not think this is a real issue for WASA because the federal government has been paying WASA's rates and charges, which is the nomenclature of the statute. When the D.C. Council amended the WASA Enabling Act it added that WASA also has to collect charges for water and sewer services from apartment houses (7%) and office buildings (2%). The federal government has paid those bills for its office buildings for the stormwater bill since it was imposed in 2001, so there is no question of whether WASA calls its user charges or rates and fees, it is collectable. Mr. Bardin suggested that someone do the research before the Board meeting and make edits as necessary. Mr. Martin and Mr. Roth agreed to wait on General Counsel's review.

Mr. Roth asked that in the instance of a change in use, what is the process of a property owner securing an adjustment in the charge upward or downward. Mr. Martin responded that this issue is premature and will probably be covered in future policies. The current resolution is intended to be higher level which does not set detailed policy. Mr. Bardin explained that the District re-photographs the City every five years and this is a legitimate issue which the Committee will need to work through.

Hearing no further questions on the policy, Chairman Martin turned the Committee's focus to the proposed resolution. Mr. Martin asked to reorder the whereas statements to enable the substantive information to be on impervious surfaces, as opposed to stormwater which is not this policy's primary focus. Rather than commentary, some of the information could be provided as a background document as to why the policy is necessary and the fact that this policy will be a part of a number of continuing policies relative to IAB. The resolution as it reads now reads more as an MS4 Stormwater document. The Committee should highlight the policy. Mr. Martin asked Mr. Bardin and staff to revisit the document and implement those suggestions and recommend the document to the Board for action at their November meeting.

Mr. Martin referred to the second and last "Be it further resolved", part B, that the Authority stands ready to collect on behalf of the District if the D.C. Council amends D.C. Law 13-311 the Stormwater Fee... and asked for consideration of this policy matter. Mr. Martin asked if the Authority collects the stormwater fee now. Mr. Johnson responded that the Authority does collect the stormwater fee now as per a Memorandum of Agreement that was established with the District Government so it is not necessary to discuss this matter as a part of the current resolution. If the District makes changes in their approach in the future that would be up to them to decide. Mr. Bardin disagreed based on his historical perspective is that initially he had the impression that WASA was dragging its feet unconscionably for responsibility for collecting this fee. Eventually the General Manager reached an agreement with the Mayor which was reflected in legislation amending WASA's Enabling Act. The existing fees can only be collected by WASA and deposited into a special account and WASA performs certain administrative functions for the DOE. Mr. Bardin said that WASA may be accused of not trying to work cooperatively with the Mayor and the District as they work through their stormwater issues.

Ms. Russell explained that she does not believe that language pertaining to collections of a fee that is now administered by the District is now germane as subject matter to this WASA resolution.



Mr. Martin asked that the language could be included unless General Counsel can present a legal reason not to include this language.

Mr. Roth offered language to substitute for paragraph B: The Authority proposes, if the District of Columbia Council so desires, WASA will coordinate and work with the District of Columbia to integrate development and introduction of its impervious surface rate with whatever impervious surface rate the District of Columbia may substitute for the current stormwater fee. Mr. Bardin responded that he does not like the language because the D.C. Council sat on this issue for six or seven years. Jim Graham sounded great in January but no one knows what will happen and how long the District's process will take. WASA should not slow down its process to conform to the District's plans. This was announced by Councilmember Jim Graham in January 2007 and now it is almost November and their first meeting may just be a ceremonial kick off meeting. Mr. Martin proposed that the language be dropped until a later date when the Board can see what the District is actually doing.

Mr. Gibbs asked what the impact of the resolution is since WASA is already in the process of preparing this resolution. Mr. Martin responded that the resolution is the formal advisement and notification of Council of what is going on. This gets to the point of improving WASA's communications with the District and the D.C. Council. Mr. Gibbs asked why that can not be accomplished through the proposed communications policy. Mr. Roth expressed concern that in the absence of something in B, the communications with the District may not be as effective.

Mr. Martin asked that Mr. Bardin and staff take (A) and add coordinating cooperating language. Mr. Bardin asked that Mr. Johnson have his governmental relations staff contact Mr. Graham to find just where the task force is. Also, Mr. Johnson should talk to the Director of DOE about this task force. Everyone that Mr. Bardin has spoken with indicates that the Director of DOE will be the chairman of this task force. Mr. Martin asked Mr. Bardin to work on the language of the resolution. Mr. Roth asked staff to review the percentages listed in the "Future Policy Consideration document" for accuracy and make necessary corrections.

Mr. Martin asked that Mr. Bardin's proposal to issue a notice about further impervious surface rate policies under consideration be tabled for discussion in November.

Hearing no further business, Chairman Martin adjourned the meeting at 11:30 am.

## **FOLLOW-UP ITEMS**

1. Chairman Martin asked management to present the Committee with proposed IAB policy considerations and background information for consideration at their monthly meetings.
2. In response to Mr. Gibb's concern about use of aerial photography in lieu of data certified by a registered professional land surveyor - Mr. Bardin asked management and or consultants to find out whether other jurisdictions such as Denver, Colorado or Montgomery County, Maryland confronted this issue. Find out whether or not anyone has challenged the methodology administratively.
3. Mr. Gibbs further requested that management and consultants also need to review the D.C. law which governs the measurement of land which requires that such work be done by a surveyor. It will not matter what Montgomery County does if their laws are different.
4. Mr. Bardin suggested that General Council research Mr. Roth's suggestion that unless there is a legal basis to do otherwise, heretofore all documents should refer to an impervious surface "user fees" and not rates or bill.
5. Mr. Bardin asked that Mr. Johnson have his governmental relations staff contact Mr. Graham to find just where the task force is. Also, Mr. Johnson should talk to the Director of DOE about this task force.