

MINUTES
ST. MARY'S COUNTY METROPOLITAN COMMISSION
REGULAR MEETING
SEPTEMBER 14, 2017

The regular meeting commenced at 3:01 p.m. In attendance were Chairman Carey, Commissioners Gaskin, Mummaugh, Russell, Willing and Oliver (On behalf of Captain Jason G. Hammond, USN, Commanding Officer, NAS, Patuxent River, MD). MetCom Staff in attendance were Erichsen, Cullins, Shick, Hollander, Sullivan, Fehn, Harding and Comeau-Stanley. Others Present: Chris Beaver (*MetCom Legal Counsel*), Jason Babcock (*The Enterprise Newspaper*) and several MetCom staff in attendance for the Length of Service Award presentation to Chris Soussanin.

APPROVAL OF AGENDA

Commissioner Carey welcomed everyone and performed a review of the agenda. **Commissioner Russell moved to approve the agenda, as presented. Commissioner Willing seconded the motion. Motion carried 6-0.**

LENGTH OF SERVICE AWARD

Following a review of his service to the Metropolitan Commission by Ms. Cullins, Director of Human Resources, Chairman Carey presented at 15-Year Length of Service Award to Chris Soussanin, Chief of Construction and Inspections.

APPROVAL OF MEETING MINUTES

Commissioner Willing moved to approve the Regular Session meeting minutes of August 10, 2017. Commissioner Russell seconded the motion. Motion carried 3-0-2. Commissioners Carey and Gaskin abstained, as they were not present at the August 10, 2017 meeting.

APPROVAL OF CONSENT AGENDA

1. Piney Point Property (Cobbs Property) Demolition Contract Award
2. Renewal of Service and Commodity Contracts
3. Check Registers – 08/24, 8/31 & 9/7

Commissioner Willing moved to accept the Consent Agenda and to hereby approve all matters contained upon the Consent Agenda. Commissioner Gaskin seconded the motion. Motion carried 5-0.

APPROVAL OF MEETING MINUTES

Commissioner Russell moved to approve the Regular Session meeting minutes of July 27, 2017. Commissioner Gaskin seconded the motion. Motion carried 3-0-2. Commissioners Carey and Willing abstained, as they were not present at the July 27, 2017 meeting.

SPECIAL PRESENTATION

Chapter 113 Proposed Amendments Task Force Interim Presentation

Referring to the Memorandum in the meeting binders, Mr. Erichsen provided Board members with a brief historical overview of the Task Force, established by the Commissioners of St. Mary's County (CSMC) and the MetCom Commissioners at the last Joint Meeting held in May, 2017. Mr.

Erichsen performed a summary of the Amendments Matrix, detailing the major changes to the various sections of the Code, which are intended to address several important lingering issues and some general housekeeping items, in lieu of a full rewrite of Chapter 113.

Mr. Erichsen noted the upcoming key presentation dates, as shown in the memorandum timeline and advised that the proposed text amendments are to be presented at the Joint Meeting between the CSMC and the MetCom Commissioners, which is tentatively scheduled for November 7. Mr. Erichsen indicated that the Task Force is seeking the endorsement of the CSMC in advance of their meeting with the Southern Maryland Delegation on December 5. Mr. Erichsen thanked all of the fourteen (14) members of the Task Force for their time and input on this endeavor. Brief discussion ensued amongst the Board, Mr. Erichsen and Mr. Beaver on the proposed amendments presented and Chairman Carey noted his desire to have all MetCom Board comfortable with the proposed changes and comfortable signing the endorsement letter to the CSMC and the Delegation.

EXECUTIVE DIRECTOR'S REPORT

1. Radiological Plan/Calvex FEMA Graded Exercise

Mr. Erichsen announced that the Calvex Graded Exercise was conducted on Tuesday, September 12 and went smoothly. Mr. Erichsen noted that it was more involved than in the past and included various agencies. Mr. Erichsen provided an overview of the process and activities evaluated by the Federal Emergency Management Agency (FEMA) and Maryland Emergency Management Agency (MEMA) as part of the exercise and noted that once an evaluation report is issued to the County, a copy would be provided to the Board.

2. Presentation of MD WQFA Bond Resolution to CSMC (9/19/17)

Mr. Erichsen advised that the presentation of the Maryland Water Quality Finance Administration (WQFA) Bond Resolution to the CSMC is planned for Tuesday, September 19 at 9:15 a.m., which authorizes the issuance and sale of general obligation bonds for the Great Mills Wastewater Pump Station, one of MetCom's high-priority projects. Mr. Erichsen noted that he does not believe that there will be any concerns with the presentation or the CSMC approval and issuance of a corresponding resolution. Brief discussion ensued amongst the group on the drawdown of project funds, the process associated with MDE Loans and the standard procedures related to presentations to the CSMC.

3. Greenbrier Water Storage Tank Property Acquisition Status

Mr. Erichsen presented the Board with a status update on the Greenbrier Water Storage Tank property acquisition, noting that the property is needed to support the construction of a larger tank, which is programmed for construction in the FY 2019 Capital Improvement Budget. Mr. Erichsen explained that under a Public Works Agreement and Amendment between the developer and MetCom, land adjacent to the existing tank would be conveyed should MetCom request it to construct a larger storage tank. Mr. Erichsen explained that the conveyance was to have occurred within 30-120 days from the execution of the Amendment back in 2006, but unfortunately did not occur. Mr. Erichsen advised that staff is currently in contact with the developer and the homeowners association (HOA) concerning the conveyance and recordation of documents for MetCom to now take title to this property.

NEW BUSINESS

1. Implementation of Limited Personal Guarantee for Septage Haulers

Ms. Shick announced the implementation of a new procedure regarding a limited personal guarantee for septage haulers. Ms. Shick noted that the personal guarantee will be required for all new and renewed septage hauler accounts, effective October 1, 2017, which should help protect MetCom from being placed in a position to have to write-off accounts that go unpaid. Ms. Shick indicated that the limited personal guarantee will be issued in conjunction with the Health Department Permit and renewal of their account will be required upon the expiration of same. Brief discussion ensued amongst the group on the new procedure and the legal definition of Limited Personal Guarantee. Mr. Erichsen advised that should any problems arise with the administration of the practice, staff would advise the Board.

2. Banking and Investment Overview

Ms. Shick provided a banking and investment overview, in response to Board inquiries made immediately following the presentation of the fourth quarter financial statements on August 24, 2017. Ms. Shick detailed the different investment options, which MetCom utilizes, including the Certificate of Deposit Account Registry (CDARS), the Maryland Local Government Investment Pool (MLGIP), and Old Line Bank Sweep Account, noting that all is in conformance with MetCom's Investment Policy. Ms. Shick fielded a small number of questions from the Board members during the course of her presentation.

3. Draft Tower Climber Differential Pay Policy

Ms. Cullins presented the draft Tower Climber Differential Pay Policy, advising that tower climbing is both risky and strenuous work and far outside the realm of all job positions, with the exception of the SCADA Technician. Ms. Cullins advised that Occupational Safety and Health Act (OSHA) Regulations, as well as MetCom Safety Programs, dictates that two (2) certified tower climbers are on site for every climbing operation over 41 feet. Ms. Cullins further advised that, as there is only one SCADA Technician and in order to comply with regulations, secondary climbers, comprised of staff willing to take on the additional risk and duties, become certified and perform climbs on an as-needed basis. Furthermore, under the proposed policy, they would be compensated at a rate of 1.5 times their regularly hourly rate for the time that they are actively involved in climbing operations. Discussion ensued amongst the group on the draft policy and establishing a flat rate vice a multiplier. Following discussion, Ms. Cullins advised that based on discussion, she would present this at a future meeting with two (2) compensation options for the Board's consideration and approval.

4. Draft Revised Drug Policy: Global Random Drug Testing

Ms. Cullins provided historical and background information regarding MetCom's Drug and Alcohol Free Workplace Policy, which has been in place since 1996. Ms. Cullins noted that presently, only employees holding Commercial Driver's Licenses (CDL) and those in safety sensitive positions are randomly drug tested. However, it has been recommended that we modify the policy to provide that all employees be subject to random drug screening. Ms. Cullins performed a review of the proposed revisions to the policy and noted that the recommended changes address the not only the inclusion of the testing of all employees, but also makes clearer the expectations and consequences,

to addresses several ambiguities contained within the current Drug and Alcohol Policy. Extensive discussion ensued amongst the group regarding the current procedures and protocol, in-house vetting of the proposed changes, estimated costs associated with increases testing of staff, safety of employees and the public, and the controversial nature of drug testing in the workplace. Ms. Cullins and Mr. Erichsen fielded several questions during the course of the presentation and in closing, Mr. Erichsen advised that the revised policy and the additional cost analysis requested would be presented at a future meeting for the Board's consideration and approval.

5. Interview Panel Selection

Ms. Cullins announced that in light of the low number of applications received, the Chief Engineer position was re-advertised and garnered the receipt of more applications. Ms. Cullins noted that any prior applicants were required to reapply and she contacted all prior applicants by email and phone to alert them. Brief discussion ensued amongst the group regarding the data included in the advertisement, as well as the ability for the position of Chief Engineer to be a Contract position. Chairman Carey announced that the next step in the procedure is to select an interview panel and Mr. Erichsen read aloud the sections of the By-Laws relating to Personnel Authority of the Director and brief discussion ensued amongst the Board and staff. Mr. Erichsen and Ms. Cullins collectively recommended that the Chairman serve on the interview panel, as well as Commissioner Gaskin; both Commissioners agreed to serve.

Commissioner Willing moved to approve the proposed interview panel, consisting of Commissioner Cary, Commissioner Gaskin, Mr. Erichsen, Executive Director, and Ms. Cullins, Director of Human Resources. Commissioner Russell seconded the motion. Motion carried 5-0.

CONTINUING BUSINESS

1. By-Laws Change(s) Call In Meeting Attendance

Mr. Beaver advised that the required twenty (20) day cycle prior to voting on the text modifications has elapsed for the four (4) sections of the By-Laws presented at the last meeting. Mr. Beaver performed an overview of the text addition to Sections 2.3.12 and changes to Sections 2.3.2, 3.3.2 and 3.7.1. and noted that no comments were received from Board members. Brief discussion ensued on the adoption of the Call In procedures referenced in Section 2.3.12.

Commissioner Russell moved that in accordance with Article IX of the By-Laws, which requires a twenty (20) day review period for amendment to the By-Laws, said review period having expired on or about September 13, 2017, the amendments to Article II and Article II of the By-Laws, as proposed for consideration on August 24, 2017, be hereby approved, effective immediately. Commissioner Gaskin seconded the motion. Motion carried 5-0.

2. Board Procedure: Executive Session Minutes

Mr. Beaver noted that at the last meeting, a question was raised on the review of executive session minutes by members of the Board who did not attend and whether the By-Laws should be amended to reflect the same. Mr. Beaver noted that this issue was addressed by the Commission in 2013, at which time the Board voted unanimously to allow Commission members to review executive

session minutes whether they attended the session or not. Mr. Beaver referenced the documents contained in the meeting materials in support of this decision, which contains background and historical data, and noted that he does not think it is necessary to add that to the By-Laws and recommended that a list of policies may be better suited in these instances. Commissioner Mummaugh expressed his desire to codify that practice as a formal policy within the By-Laws and brief discussion ensued amongst the Board and Mr. Beaver on the matter. Following discussion, Mr. Beaver was directed to come up with the appropriate language to include this in the By-Laws for the Board's future consideration and approval. Suggestion made that the language include a provision regarding a demonstrated need to know, should the minutes that Commissioners request to review extend beyond a Commissioners term of service and additional discussion ensued amongst the group. In closing, Chairman Carey noted that there would likely be more discussion on this topic in the future.

FUTURE AGENDA ITEMS

Mr. Erichsen noted that he neglected to mention that due to only one meeting scheduled for November and one meeting in December, there may be a need for the Chairman to sign documents, such as deeds and plats, outside of the meeting cycle.

COMMISSION MEMBERS' TIME

Commissioner Mummaugh advised that he had a couple of insurance companies contact him regarding the Workers Compensation bids; asking if the bid was cancelled. Ms. Cullins advised that the bid was delayed, but is currently back out for bid.

Chairman Carey noted that the Hollywood Water Tower project appears to be complete and looks good. He inquired about a ribbon cutting ceremony and a corresponding press release. Mr. Carey also inquired about questions or comments that Management may have for the Board from staff, as the Board wants to hear what the staff has to say.

Chairman Carey asked that in the future, staff provide general project status updates and Mr. Erichsen noted that staff intends to provide that particular information as part of the upcoming Capital Improvement Budget cycle.

Chairman Carey also noted that as part of his role as Chairman, he has executed some legal documents recently, including public works agreements and property acquisition documents.

EXECUTIVE SESSION

Commissioner Willing moved to go into Executive Session at 5:00 p.m. to Discuss Personnel Matters and Potential Litigation. Commissioner Russell seconded the motion. Motion carried 6-0.

The meeting reconvened at 5:22 p.m.

APPROVAL OF MEETING MINUTES

Minutes

Regular Meeting, 09/14/17

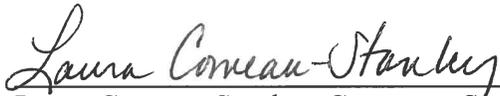
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Commissioner Russell moved to approve the Executive Session meeting minutes of July 27, 2017. Commissioner Gaskin seconded the motion. Motion carried 3-0-2. Commissioners Carey and Willing abstained.

Commissioner Russell moved to approve the Executive Session meeting minutes of August 10, 2017. Commissioner Willing seconded the motion. Motion carried 3-0-2. Commissioners Carey and Gaskin abstained.

ADJOURNMENT

There being no further business, Commissioner Russell moved to adjourn at 5:24 p.m. Commissioner Gaskin seconded the motion. Motion carried 5-0.



Laura Comeau-Stanley, Corporate Secretary