

**MINUTES
REGULAR SESSION
ST. MARY'S COUNTY METROPOLITAN COMMISSION
JUNE 9, 2016**

The regular session of the St. Mary's County Metropolitan Commission meeting commenced at 3:05 p.m. In attendance were Commissioners, Willing, Russell, Barthelme, Gaskin, Mummaugh, Pessagno, and Thompson. MetCom staff in attendance included Bundy, Cullins, Shick, Elberti, Fehn, Sullivan, Meiser, Edwards, and Comeau-Stanley. Others Jason Babcock (*Reporter, The Enterprise*) and Dick Myers (*Reporter, The BayNet*).

Chairman Willing welcomed everyone and performed a review of the meeting agenda.

MOTION TO APPROVE AGENDA

Commissioner Russell moved to approve the Agenda, as presented. Commissioner Thompson seconded the motion. Motion carried 6-0.

APPROVAL OF CONSENT AGENDA

Commissioner Pessagno inquired about the septic hauling services provided by two contractors to haul seed sludge to Marlay-Taylor, following the failure of the biological reactor. Mr. Sullivan confirmed the use of two separate hauling services and advised that fees for their services are going to be back charged to the general contractor.

Commissioner Russell moved to accept the Consent Agenda, as presented, and to hereby approve all matters contained upon the Consent Agenda. Commissioner Gaskin seconded the motion. Motion carried 6-0.

APPROVAL OF MEETING MINUTES

Commissioner Mummaugh indicated that he has not yet reviewed the minutes and requested that the Board defer action for a couple of weeks. Hearing no objection from the Board, Chairman Willing announced that the approval of the minutes would be tabled until the next meeting.

EXECUTIVE DIRECTOR'S REPORT

Mr. Bundy announced that just prior to the meeting, he offered his resignation to the Chairman and advised that it has been a pleasure working here and he appreciates it very much. Mr. Bundy noted that he has offered to stay for a period of 2-months, as that is how long it took to fill the position. Mr. Bundy recommends that an executive search firm be hired to find his replacement.

A. Deputy Director Interviews

Mr. Bundy suggested that the Board rethink the interviews, as he does not believe that any of the applicants would make a good director and although they may fit into the deputy director position, it is Mr. Bundy's opinion that they simply do not have the background needed here.

B. FY 2017 Board Elections

Mr. Bundy advised that Board Elections for FY 2017 Chairman and Vice-Chairman would occur at the next meeting.

C. Commission Meeting & Schedule Format

Mr. Bundy suggested that the proposal to modify the Commission Meeting schedule and format may no longer be appropriate, in light of his resignation, but noted that a meeting schedule would need to be adopted at the next meeting.

D. Employment Contract

Mr. Bundy advised that an employment contract is a moot point and discussion is not necessary.

E. Legal Services RFP

Mr. Bundy advised that from the beginning, he has at previous meetings and in writing, asked the Board to have a dialogue with General Counsel to determine what the concerns and expectation were of both parties and that has not been done. Mr. Bundy referenced the May 12 meeting, where the Board voted to issue an RFP for General Legal Counsel Services and following that action, Mr. Bundy asked for a closed session to seek direction from the Board on their expectations for the position. Mr. Bundy explained that there was discussion on various topics related to the position during closed session, as he does not know everything that we need to have done. Mr. Bundy noted that discussion also included a great number of unfiled easements. Mr. Bundy then clarified that it was not his intent to suggest that the reason for the number of unfiled easements was because General Legal Counsel was absent from her job. Mr. Bundy reiterated that when seeking direction from the Board, he received no direction on how they wished to proceed and what they expected. Mr. Bundy apologized to anyone who was offended by what he said or took it the wrong way, but it was not his intent to denigrate Mrs. Meiser in any way.

Commissioner Russell inquired about the easements referenced and Mr. Bundy advised that there are a host of issues dealing with easements that have not been addressed, but that is not to say that General Counsel did not do what she was supposed to do with easements.

Commissioner Thompson inquired about wiggle room in Mr. Bundy's employment decision and Mr. Bundy indicated that he does not think so. Chairman Willing thanked Mr. Bundy, noted that he is saddened to receive this news, and accepted Mr. Bundy's resignation. Chairman Willing noted that the other items that were for action are better left to consider at the next meeting.

APPROVAL OF EXECUTIVE SESSION MINUTES

Board members took some time to review the Executive Session minutes of May 12, 2016 and following the recommendation of the Corporate Secretary, Chairman Willing suggested that given the volume of the minutes, the Board defer any action until the next meeting, when both the regular and executive session minutes of May 12, 2016 could be voted upon. Chairman Willing noted that he has found one critical change to the minutes.

COMMISSION MEMBERS' TIME

Commissioners Barthelme and Mummaugh expressed their desire to issue an RFP for legal services as a retainer and sought input from Mr. Bundy. Mr. Bundy advised that the Board can do whatever it wants and emphasized the need for the Board to discuss what those services will be. Chairman Willing

advised that he agrees that the Board should come up with a very detailed list of expectations for the position, whether it is as a contractual or in-house position, before moving forward.

Discussion ensued amongst the group on the resignation of Mr. Bundy and brief commentary by Commissioner Barthelme on the topic. Commissioner Mummaugh suggested that the Board go into Executive Session to discuss the Director's resignation, at which time Mr. Bundy advised he likely would not participate in that discussion and further advised that he did not talk to any of the Commissioners today before the meeting about resigning.

EXECUTIVE SESSION

Commissioner Mummaugh moved to go into Executive Session at 3:22 p.m. to discuss personnel matters. Commissioner Barthelme seconded the motion. Motion carried 6-0.

The meeting reconvened at 4:28 p.m.

Commissioner Barthelme moved to direct the Executive Director to forward the Legal Services RFP, based on an annual retainer, to Kurt Fischer for his review and advice, as to the sufficiency of the RFP for the needs of MetCom. Further, move that the Executive Director be authorized to retain Mr. Fischer at his normal rate for performing this service. Motion seconded by Commissioner Mummaugh. Motion carried 6-0.

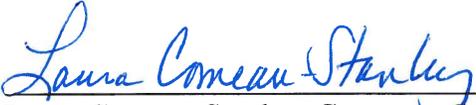
COMMISSION MEMBERS' TIME

Commissioner Gaskin inquired about the hiring of a new Executive Director, specifically when the Board is going to address the matter. Mr. Bundy advised that the Board has a little time, in light of the timing of his departure, as stated in his resignation letter. Chairman Willing sought input from Ms. Cullins on the status of the applicants for the Deputy Director position. Ms. Cullins advised that direction was given by Mr. Bundy to contact the applicants to set up interviews, although she has not yet taken action. Mr. Bundy reminded the Board of his recommendation earlier in the meeting regarding the applications, noting that he does not believe they possess the background needed for the position of Executive Director, if in fact the Board were to consider any of the applicants to replace him. Chairman Willing provided direction to Ms. Cullins that she make the applications available for his and Commissioner Thompson's review next week.

Commissioner Mummaugh sought clarification of when the newly requested project status data would be included in the Engineers' Reports. Mr. Elberti noted that it is planned for inclusion next month.

ADJOURNMENT

There being no further business, **Commissioner Russell moved to adjourn the meeting at 4:36 p.m. Commissioner Barthelme seconded the motion. Motion carried 6-0.**



Laura Comeau-Stanley, Corporate Secretary