

**MINUTES  
REGULAR SESSION  
ST. MARY'S COUNTY METROPOLITAN COMMISSION  
JULY 10, 2014**

The meeting commenced at 3:01 p.m. In attendance were Commissioners Willing, DeMauro, Gaskin, Mummaugh, Pessagno, Russell, and Oliver (on behalf of Capt. Ben Shevchuk, Commanding Officer NAS Patuxent River); MetCom staff Meiser, Cullins, Elberti, Sullivan, Fehn, Edwards, and Comeau-Stanley.

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

**MOTION TO APPROVE AGENDA**

**Commissioner Russell moved to accept the Agenda, as presented. Commissioner Gaskin seconded the motion. Motion carried 5-0.**

**MOTION TO APPROVE CONSENT AGENDA**

**Commissioner Russell moved to accept the Consent Agenda as presented, and to hereby approve all matters contained upon the Consent Agenda. Commissioner Mummaugh seconded the motion. Motion carried 5-0.**

**APPROVAL OF MINUTES**

**Commissioner DeMauro moved to approve the minutes of the June 12, 2014 meeting. Commissioner Gaskin seconded the motion. Motion carried 5-0.**

**HUMAN RESOURCES DIRECTOR'S REPORT**

**A. Pension Comparison**

Ms. Cullins performed a detailed review of the Pension Plan Comparison Chart of the benefit plans for MetCom, Federal Employees, Charles County and Calvert County. Following the presentation, discussion ensued amongst the group and Ms. Cullins and Ms. Meiser fielded various questions from the Board members regarding refund of employee contributions when leaving the employ of MetCom, management of the current pension plan by the State of Maryland, and the associated cost for plan participation. In closing, Ms. Cullins noted that the State Retirement has a website that the Board members can visit to obtain additional reporting information and advised that MetCom and St. Mary's County government participate in the same State Pension system.

**CHIEF OF FACILITIES AND OPERATIONS REPORT**

**A. 2013 Water Quality Reports**

Mr. Sullivan advised the Board members that a copy of the 2013 Water Quality Reports for MetCom's twenty-eight (28) water systems is included in their meeting materials, noting that the reports are published each year under the guidelines of the Federal Safe Drinking Water Act. Mr. Sullivan detailed the publication requirements under the Federal Safe Drinking Water Act and noted that each report contains information regarding the source of the water, substances that may be in the water, as

well as a chart of the substances found specific to the sampling of the water from each system, contact information for MetCom, and water conservation tips. Mr. Sullivan advised that the reports are available for online viewing on MetCom's website and at the three (3) County Public Libraries, as well as MetCom's Operations and Administrative Offices. Brief discussion ensued amongst the group on the frequency and testing practices.

#### B. Hunting Quarter Tank Painting Change Order

Mr. Sullivan provided a review of the work associated with the proposed change order, citing that it includes the repair of the interior roof support beams and relocation of the exterior access ladder of the Hunting Quarters Water Storage Tank, which results in a contract cost increase of \$1,200.00. Mr. Sullivan noted that staff discovered these discrepancies as work commenced on the tank painting and maintenance. Through inspections, the on-site tank engineering firm further determined that corrective measures were necessary to structurally repair the tank and prevent a safety hazard, prompting staff to have the contractor to perform the work.

**Commissioner Russell moved to approve Change Order No. 1, dated June 26, 2014, to Contract #14-07-F, (Water Tanks – Painting and Maintenance Contract), with Nostos SS Contractors, LLC, of Reston, Virginia, to repair the interior beams and relocate the exterior ladder of the Hunting Quarters Water Storage Tank, thereby increasing the total contract cost by \$1,200.00. The approval of Change Order No. 1 is recommended by the Chief of Facilities and Operations. Commissioner DeMauro seconded the motion. Motion carried 5-0.**

### GENERAL LEGAL COUNSEL REPORT

#### A. Review of Proposed Code Revisions

Ms. Meiser advised the Board members the County Code is being submitted for Legislative Amendment during the 2015 Legislative Session, which will begin in January 2015. Section 113, which governs MetCom, will be a part of that Legislative Amendment and Ms. Meiser noted that she has begun rewriting Section 113. The Board members were provided a first draft of proposed changes and Ms. Meiser explained that this is an iterative process and not all MetCom staff, Board of County Commissioners (BOCC), or Land Use and Growth Management (LUGM) comments have been incorporated. Ms. Meiser noted that the County Attorney is endeavoring to provide the first draft of the proposed legislative amendments to the BOCC for their review next Tuesday. Ms. Meiser reiterated that this is a first draft and following an internal review by staff, the Board, as well as any County comments received, it is anticipated that several changes would occur, including three (3) new substantive sections.

#### B. Meeting Minutes Approval Responsibility

Ms. Meiser addressed the recent discussion relating to meeting minutes, specifically the approval of the minutes and the responsibility of Board members to review the minutes. Ms. Meiser noted that Board members have a fiduciary obligation to review the minutes prepared for each meeting and ensure that they accurately reflect the primary essence of the business conducted at the meeting. Ms. Meiser further noted that minutes are not meant to be a transcription of every word said; they are

intended to delineate and summarize briefly the topics discussed, and most importantly to memorialize the formal Board actions taken. Ms. Meiser advised that when draft minutes are presented for review, the Board's role is to review the minutes and make sure that they accurately reflect what happened at the meeting in a summarized manner. Furthermore, when voting on the minutes for adoption, a favorable vote on the minutes by a Board member indicates that they are an accurate reflection of what occurred at the meeting. If a Board member disagrees, they should not vote in favor of those minutes and the discrepancy or misrepresentation should be identified as part of the discussion phase of the vote.

Discussion ensued between Commissioner Mummaugh and Ms. Meiser on the methods of presenting amendments or substantive rewrites of minutes and the formal adoption of the same by the Board. Extensive discussion ensued amongst the Board and Ms. Meiser on the matter, as well as the Open Meetings Act and the prohibition of conducting business by email and outside of a Board meeting.

Commissioner Mummaugh cited an instance where information he believed was important was not included in a set of draft minutes from December 2013. Commissioner Mummaugh provided specific details of the particular subject addressed, but not detailed to his satisfaction in the minutes, which led to additional commentary by Commissioner Mummaugh regarding that particular portion of the meeting and why he wanted his comments included. Following additional discussion and questions from Board members, Commissioner Mummaugh indicated that the minutes were amended to include his requested changes prior to Board approval. In closing, Chairman Willing noted that he believes the question regarding the minutes has been answered and the issue has been resolved.

### **COMMISSION MEMBERS' TIME**

Chairman Willing addressed the Assistant Director position and advised that the Board has not provided Ms. Cullins with any direction on how they would like to proceed, in the wake of the failed attempt to fill the position. Chairman Willing noted that the Board should consider if they wish to re-advertise, change the position description in some way, or make a change to procedures associated with the interview panel. Discussion ensued amongst the group on the By-Laws regarding the interview panel, as well as the hiring policy for certain positions, which Ms. Meiser noted was modified and adopted at the Board's request in 2013. Additional discussion ensued on measures that could be considered to avoid another failed search. Following discussion, Chairman Willing requested that Ms. Cullins re-send the position description to all Board members by email so that additional review and discussion can occur at the next meeting.

### **ADJOURNMENT**

There being no further business, **Commissioner DeMauro moved to adjourn at 4:11 p.m. Commissioner Russell seconded the motion. Motion carried 5-0.**