

**MINUTES
REGULAR SESSION
ST. MARY'S COUNTY METROPOLITAN COMMISSION
DECEMBER 9, 2010**

The meeting commenced at 3:09 p.m. In attendance were Commissioners Werner, Lancaster, Colonna, Owen, and Oliver (On behalf of Captain Stephen Schmeiser, Commanding Officer, NAS Patuxent River); MetCom staff Meiser, Ichniowski, Cullins, Shick, Elberti, Sullivan, Fehn, Edwards, and Comeau-Stanley.

MOTION TO APPROVA AGENDA

Commissioner Lancaster moved to approve the Agenda as presented by staff. Commissioner Colonna seconded the motion and approval was unanimous.

LENGTH OF SERVICE AWARDS

Commissioner Werner presented staff members Francis Morgan and Eddie Pickeral with a 10-Year Length of Service Award.

APPROVAL OF MINUTES

Commissioner Lancaster moved to approve Minutes of the Regular Session, dated November 18, 2010. Commissioner Colonna seconded the motion and approval was unanimous.

APPROVAL OF CONSENT AGENDA

Commissioner Lancaster moved to accept the Consent Agenda as presented, and to hereby approve all matters contained upon the Consent Agenda. Commissioner Colonna seconded the motion and approval was unanimous.

DIRECTOR'S REPORT

A. Building Lease

Ms. Meiser advised the Board that it has been some time since this item has been on the agenda, as loose ends were being tied up before signing the commercial lease agreement. Ms. Meiser reminded the Board that this building is simply not meeting our spatial needs, which is causing problems in functionality with operations and administration being conducted in the same location. Ms. Meiser further detailed some of those problems, citing the lack of adequate work space for staff coupled with the operations trucks coming and going in the parking lot as customers are entering and exiting the building. Ms. Meiser further explained that we looked into available office space and through an extensive analysis; we were able to find very favorable lease rates and also to lock in to an option to

purchase the building, if the Commission elects to do so, and that too is a very favorable purchase price that will be locked in. Ms. Meiser explained that the lease agreement is what is being presented today. Ms. Meiser stated that the buildout is ready to commence and it is anticipated that the building should be completed within four months. Ms. Meiser further indicated that with the completion of the buildout and to allow for some wiggle room, we anticipate that the lease will commence on May 1, 2011. Additionally, weather will not be a factor, as all work will be conducted inside of the building.

Ms. Meiser noted that noted all modifications made to the lease since the last time this was presented to the Board. Included is a change in the term of the lease from a 10-year term to a 25-year term. Additionally, a fixed rate increase in the rent has been negotiated, rather than an adjustable one, so that the Commission is not open to an outrageous increase in subsequent years. At the request of the Commission, Ms. Meiser was able to have the security deposit section eliminated, given that it's not likely that MetCom is going to default on its rent nor is it likely that we are going to damage the building. Ms. Meiser indicated that the rest of the lease is just as it was the last time we reviewed it.

To review, Commissioner Lancaster stated that the Board that we started with five proposal options. Ms. Meiser then detailed the evaluation process, which ultimately lead to the selection of the best value overall to the Commission. Commissioner Werner noted that the lease appears to be a standard commercial lease and Ms. Meiser agreed.

Commissioner Owen moved to authorize Chairperson Werner to execute the Commercial Lease Agreement, including an Option to Purchase provision, for the lease and possible purchase of additional Administrative Offices for the St. Mary's County Metropolitan Commission, said offices being more specifically identified as 23121 Camden Way, California, Maryland 20619. Commissioner Lancaster seconded the motion and approval was unanimous.

B. SMECO Agreement

Ms. Meiser informed the Board that as we are in the process of constructing the methane co-generation project at Marlay Taylor, which will use the methane gas generated as a bi-product of the treatment process to produce electricity. Ms. Meiser further stated that because we will be producing electricity of a considerable volume, SMECO requires that we enter into an interconnection agreement; a requirement of anyone who is going to be generating electricity. Ms. Meiser noted that the agreement simply provides for the circumstance that we ever want to sell some of that electricity back to the grid. In the case of the Metropolitan Commission, enough electricity will not be generated to even meet all of the needs at Marlay Taylor, therefore it is not envisioned the circumstance where we would ever be selling electricity back to the grid. Regardless, SMECO requires that this standardized document be executed. Ms. Meiser explained that there were some questions on the provisions, which resulted from a review by our insurance carrier LGIT, but as this is such a standardized agreement SMECO was not willing to negotiate on the language of the document whatsoever.

Commissioner Lancaster asked Ms. Meiser to clarify that if we get to where we don't need capacity that we are generating and we grow beyond a certain level, are we required to sell it back to the SMECO grid or would this be voluntary. Ms. Meiser indicated that this agreement puts into place the framework for how the transfer of electricity would happen; electricity that we're generating back into the SMECO grid. In summary, Ms. Meiser indicated that if the co-generating unit is growing and producing more electricity, then that probably means that we are generating more methane, which means that we're treating more volume of wastewater, which in turn means that we are using more electricity ourselves, so it is highly unlikely that we would create a surplus which we would then sell back to the grid.

Commissioner Lancaster moved to authorize Chairperson Werner to execute a certain Standard Agreement for Interconnection of Small Generator Facilities, with the Southern Maryland Electric Cooperative, in connection with the installation and operation of the new Methane Co-Generation project at Marlay Taylor Wastewater Reclamation Facility. Commission Owen seconded the motion and approval was unanimous.

C. BOCC Public Forum Update

Ms. Meiser provided a quick update on the recent occurrences with the Board of County Commissioners. On Tuesday morning, we were before the BOCC to get a \$450,000.00 loan approved to construct a new well at St. Clements Shores, which will be a back up well to the existing well. That request was ultimately approved. Tuesday evening the BOCC held a public forum in an effort glean some public insight as to what the new Board views as some issues that are on the forefront of their agenda to be dealt with, to include certain Task Force recommendations and sprinkler systems. There was a presentation made by Kurt Fischer on behalf of the Metropolitan Commission in regards to the Task Force recommendations. No rate payer spoke in opposition to the current construct of the Metropolitan Commission. Mr. Ben Burroughs made public comments in favor of maintaining the current structure, while Mr. Joe Densford, as the co-chair of the Task Force, not a rate-payer, made public comments to the BOCC.

HUMAN RESOURCES DIRECTOR'S REPORT

A. Dress Code Policy

Ms. Cullins announced that one slight change was made to the draft Dress Code Policy since it was presented to the Board members for their review at last month's meeting. Under the category of Field Personnel on Page 2, Section 3; Water and Wastewater Collections Department has now been included.

Commissioner Owen moved that the Commission approve and adopt the Dress Code Policy as presented by the Human Resources Director, to become effective

immediately; and further move that once effective, the new policy will replace all existing MetCom dress code policies and procedures. Commissioner Colonna seconded the motion and approval was unanimous.

B. Uniform Policy

Ms. Cullins indicated that no changes have been made to the draft Uniform Policy since it was previously presented to the Board members for review.

Commissioner Colonna moved that the Commission approve and adopt the Uniform Policy as presented by the Human Resources Director, to become effective immediately; and further move that once effective, the new policy will replace all existing MetCom uniform policies and procedures. Commissioner Lancaster seconded the motion and approval was unanimous.

FISCAL OFFICER'S REPORT

A. FY 2011 First Quarter Financial Statement

Ms. Shick announced that the results for the First Quarter Financial Statements for FY 2011 look favorable, although it is still early in the year. Ms. Shick detailed the budget line items for the sewer division, indicating that revenues are on target with just a couple of items over budget in the expense categories, specifically sludge removal, which is in part to the timing of the sludge removal so far, however we don't expect to be hauling sludge again until April, so overall that line item should be okay.

Ms. Shick indicated that in the water division also looks good. Revenues are a little over budget after the first quarter and is to be expected, as there is more water used in the summer months than in the winter months. Ms. Shick cited some of the expense category overages and indicated that many of the overages are as a result of higher water volumes in the summer months, prompting an increase chemicals and water testing. Also noted by Ms. Shick was the overage in fire hydrant inspections, which she indicated is due to the timing of the inspections, but it is expected to.

Ms. Shick announced that the revenues are in line for the engineering division and that salaries are under budget in the last quarter due to vacancies. The only item over budget in engineering is vehicle operations and maintenance, which will be addressed later in a budget amendment to be presented today.

Ms. Shick conducted a brief review of the general and administrative costs, which in total are slightly under the projected budget and other miscellaneous is over budget by just over one-thousand dollars, but we expect to be within budget overall. Further review included other income and expenses, which Ms. Shick indicated that we are over budget in late charges, as there are several customers who are past due and so we are recording a lot of late charge income.

In closing, Ms. Shick reviewed our debt service Funds and stated that all of our collections are slightly over budget. Ms. Shick indicated that the good news there is that the capital contribution charges are a little bit more than budgeted, which means that things are starting to pick up.

B. FY 2011 Capital Improvement Budget Amendment

Ms. Shick provided the Board members with details of the grant for the Oliver Drive Sewer System and the certain criteria we are subject to in order to accept the grant funding of \$500,000.00. First, the completion of specifications and plans must occur by January 31, 2011 and the Notice to Proceed must occur by the June 30, 2011. Ms. Shick went on to explain that while this project is in the Capital Improvement Budget for FY 2012, we are moving the project to FY 2011. Ms. Shick noted that the total project estimate has not changed.

Ms. Shick indicated that an additional \$64,000.00 is needed to for the FDR Boulevard - Victory Housing Project. The contractor is going to have to provide additional pipe installation, fittings, fitting, saw cutting and paving as a result of changes made to the drawings by DPW&T because they changed the road widening requirements and also the location of the water main tie in on Scott Circle had to be changed. There were also additional expenses due to encountering unsuitable soil conditions that required soil compaction testing, backfill and export of the unsuitable soil.

Lastly, Ms. Shick explained the additional expenses incurred on the Great Mills Water Line project totaling \$112,000.00, which was due in part to the original on-call contractor not renewing their contract, resulting in a project delay while a new contractor was obtained after the balance of the project was placed for bid. Ms. Shick noted that easement acquisition also delayed this project. Ms. Shick recommended that this be funded from the Sewer Contingencies.

Commissioner Lancaster commented on the \$500,000.00 grant funding for the Oliver Drive project and Ms. Shick offered clarification of the timing of funds issued by MDE as it relates to this proposed budget amendment.

Commissioner Lancaster moved to amend the Capital Improvement Budget, as recommended by the Commission's Chief Financial Officer, to move the project cost in the amount of \$490,000.00 for the Oliver Drive Project from FY 2012 to FY 2011, said project cost to be funded with a \$500,000.00 grant from the Maryland Department of the Environment.

Also move to amend the FY 2011 Capital Improvement Budget to re-allocate \$176,046.00 from water contingencies to provide an additional \$112,000.00 for the completion of the Great Mills Road Water Line project and \$64,046.00 for the FDR-Victory Housing project. Commissioner Owen seconded the motion and approval was unanimous.

C. FY 2011 Operating Budget Amendment

Ms. Shick announced that the budget amendment in Commission binders reflects a change from the proposed amendment included in the electronic mailing earlier this week. This budget amendment makes changes in the water, engineering, general and administrative, and the capital expenditures equipment sections of the budget. Ms. Shick then provided specific details for each budget expense line item to be reallocated as part of this amendment.

Commissioner Owen moved to amend the FY 2011 Operating Budget, as recommended by the Commission's Chief Financial Officer, to re-allocate the following amounts from the identified budget expense line items:

- 1) \$4,110.00 of Water Contingencies;**
- 2) \$5,890.00 of Water Recovery of Costs;**
- 3) \$3,000.00 Engineering Mileage;**
- 4) \$1,780.00 Inspection Vehicle Charges;**
- 5) \$2,000.00 of General & Administrative Contractual Labor;**
- 6) \$8,460.00 of Hospitalization;**
- 7) \$2,500.00 of Accounting & Audit;**
- 8) \$19,040.00 of General & Administrative Employee Related Expense; and**
- 9) \$104,137.00 of Pension Loan Expense.**

to offset the following expenses:

- 1) \$2,000.00 for Water Testing;**
- 2) \$8,000.00 for Water Chemicals;**
- 3) \$4,780.00 for Engineering Vehicle Operations & Maintenance;**
- 4) \$32,000.00 for Computer & IT Services; and**
- 5) \$104,137.00 for Maryland State Pension Plan.**

Also move to reallocate \$3,500.00 from the line item for Truck Caps for Inspector Trucks to provide funding for Pump Station Parts at the Estates of Joy Chapel. This budget amendment has no effect on The Net Income from Service Charges. Commissioner Colonna seconded the motion and approval was unanimous.

Commissioner Werner asked if the Task Force recommendations were to go forward, will budget amendments of this nature have to go before the County Commissioners for approval. Ms. Meiser indicated that it is not entirely clear, but she assumes so. It is Ms. Meiser's thought that perhaps we could set a threshold that items in excess of a certain amount would need their approval and items under a certain amount would not. Ms. Meiser stated that it all remains to be worked in how the legislation is drafted.

D. SunGard Utility Billing Software

Ms. Shick stated that we would like to get started with the implementation of the new Utility Billing Software project by purchasing the capital portion of the project. Ms. Shick indicated that we currently use the SunGard Public Sector software for our general ledger, accounts payable, payroll, purchasing and miscellaneous accounts receivable. Ms. Shick detailed the advantages to having the integrated computer system and noted that the County currently utilizes the land records SunGard HTE Land Module, which we will also have as part of this utility billing, so we are hoping that we'll be able to get their updates electronically.

Commissioner Colonna moved to authorize the purchase, as recommended by the Commission's Chief Financial Officer, of the SunGard Utility Billing Software module from SunGard HTE, at cost of \$67,035.00, as a sole source procurement. Commissioner Lancaster seconded the motion and approval was unanimous.

E. Special Assessment – Replacement Funds

Ms. Shick explained that EPA grants awarded after February 1984 contained a requirement that a replacement fund be established to replace the facilities with the grant. Ms. Shick indicated that we received such grants for the Airedele Road Sewer System, the Piney Point Sewerage Project, and the Tin Top Hill Sewer System; therefore we have replacement funds for each project. To date, these funds have not been utilized and under MetCom's new rate structure, these funds will not be used for system replacement because such costs are paid for out of the System Improvement Charge. Ms. Shick provided additional details of discussions with MDE regarding our ability to move these funds into our System Improvement Funds, which can then be used to maintain rates and retire debt. Based on those discussions, Ms. Shick proposes to move the special assessment funds into the sewer system improvement funds.

Commission Lancaster moved to authorize the transfer of funds, as recommended by the Commission's Chief Financial Officer, from the Airedele Road Replacement Fund, the Piney Point Replacement Fund and the Tin Top Hill Replacement Fund to the Sewer System Improvement Fund. Commissioner Owen seconded the motion and approval was unanimous.

F. Leonardtown Loans

Ms. Shick announced that we have four loans with the Town of Leonardtown and currently owe \$99,000.00. The interest rates on these loans are between 6.1% and 10%. Ms. Shick proposes we pay off these loans, which will save MetCom approximately \$60,000.00 over the life of the loans. It is recommended that we use the newly authorized sewer system improvement funds to pay off these loans. Commissioner Werner asked if there are any penalties associated with the early payoff of these loans, to which Ms. Shick replied that there are not. Commissioner Lancaster asked if we have discussed this with the

Leonardtwn Treasurer and if they were willing to pay the loans off early. Ms. Shick indicated that she had talked to Ms. Sothoron, Treasurer of Leonardtown, who has already talked to her Board and they will accept an early payoff of the loans.

Commissioner Colonna moved to approve the pre-payment of the Leonardtown Wastewater Treatment Facility Upgrade Loan, which has a current principal balance of approximately \$95,200.00, together with accrued interest through the date of repayment.

Further move to authorize the Chief Financial Officer to make this debt service payment from the Sewer System Improvement Change Fund. Commissioner Owen seconded the motion and approval was unanimous.

ENGINEER'S REPORT

A. Marlay-Taylor Co-Gen Project Testing

Mr. Elberti provided Board members with additional details of the FDR Boulevard Water Line extension cost increase, as already detailed by Ms. Shick in her fiscal reporting. Mr. Elberti indicated that copies of the five change orders issued by contractor Jimmy Richards & Sons Excavating are included in the Commission binders for review.

Commission Owen moved to approve a construction cost increase of \$33,629.00, from \$52,630.00 to \$86,259.00 for Project #8111WM, to cover the cost associated with an increased project scope to replace existing 12-inch and 8-inch water line on FDR Boulevard. The increased construction cost is allocated as more specifically set forth in Change Orders 1 through 5, to the original Proposal dated June 23, 2010, from Jimmy Richards & Sons Excavating, Inc.

Further move to approve a design, inspection and administrative cost increase of \$30,417.00 also related to the above-described increased project scope.

The total cost for this project, including all planning, design, construction, inspection, administrative and supplemental developer costs is \$175,046.00. Commissioner Lancaster seconded the motion and approval was unanimous.

B. Professional Engineering Services: Oliver Drive Sewer Line Extension

Mr. Elberti detailed the Oliver Drive Sewer Line Extension, specifically the professional engineering services cost estimate received for the work required to meet the deadlines imposed to obtain the grant funding for this project. Mr. Elberti indicated that Whitman, Requardt & Associated (WRA) was originally slated to perform the work, but not until FY 2012. As the timing changed, a new proposal, which supersedes their previous proposal, was issued by WRA. It was noted by Mr. Ichniowski that the new proposal is actually lower than the original proposal.

Commissioner Owen moved to approve and accept the proposal dated December 6, 2010, from Whitman, Requardt & Associates, for \$78,366.06, for Professional Engineering Services required to prepare contract documents and assist in obtaining permits for Oliver Drive grinder pumps and force main construction, Contract #5081FM, as recommended by the Chief Engineer. Commission Lancaster seconded the motion and approval was unanimous.

C. Professional Engineering Services: Great Mills Waste Water Pump Station

Mr. Elberti announced the receipt of a proposal from WRA in conjunction with the preparation of a feasibility study to enlarge and relocate the Great Mills Waste Water Pump Station, as that station is at capacity. There are three adjacent sites under consideration and WRA will determine through analysis which of those three is the best.

In response to question posed by Commissioner Colonna, Mr. Elberti indicated that WRA is one of the two professional engineers under contract with MetCom. The other firm, Dewberry and Davis is currently working on the Co-Generation project at Marlay Taylor and in order to meet our project needs, WRA was selected for this project as well as the Oliver Drive project previously mentioned.

Move to approve and accept the proposal dated December 3, 2010, from Whitman, Requardt & Associates, for \$59,686.00, for Professional Engineering Services required to prepare a station location feasibility study for the upgrade of the existing Great Mills Waste Water Pump Station, Contract #8081SS, as recommended by the Chief Engineer.

D. Pisces Award

Mr. Elberti announced that we received the Pisces Award from the Environmental Protection Agency (EPA) for the Co-Gen project at Marlay Taylor. A press release was prepared and sent out. Mr. Elberti indicated that a ribbon cutting ceremony for that project will likely occur in March and a formal announcement will be made once a date is selected.

E. Marlay-Taylor Co-Gen Testing

Mr. Elberti advised that we are on schedule for the testing to be completed by the first part of the year. On December 15, we will be starting up the engines and taking the generators and engines through their paces using the methane gas being produced. Mr. Elberti announced that SMECO is on board on December 17 to monitor the output of the generators.

FACILITIES MANAGER'S REPORT

A. Great Mills Road Sanitary Sewer Leak

Mr. Sullivan updated the Board on the sanitary sewer overflow on Great Mills Road in Lexington Park. On November 22, our staff responded to a report of sanitary sewer leak in a storm drain ditch near the intersection of Great Mills Road and South Essex Drive in Lexington Park. Upon investigation the wastewater was flowing from the storm drain pipe that serves a portion of the Patuxent Park Subdivision. Our staff back tracked the source of the flow and found a leak near the cul-de-sac on Cabot Place in the Patuxent Park Community to be the source.

Mr. Sullivan indicated that we used our video camera inspection equipment to pinpoint the exact location of the leak, which showed that the storm drain main was collapsed at a point where it intersected on top of our 8" gravity sewer main, which was also collapsed at that intersection. Mr. Sullivan further indicated that due to the depth and complexity of the break, our emergency repairs contractor was used to repair that sewer line that evening and the St. Mary's County Department of Public Works and Transportation repaired the storm drain the following day. To mitigate the situation, vacuum trucks were used upstream of the break while the sewer main was being repaired. Vacuum trucks were used to remove the standing wastewater from the affected ditch line, which ran underneath Great Mills Road and down adjacent to the two businesses that ran along South Essex Drive.

Mr. Sullivan stated that lime was spread into the affected ditch line and following MDE and the Health Department guidelines, the affected areas were posted advising citizens to avoid contact with the water in the ditch. Public notifications were made via local media outlets, the MetCom and County Government websites and locally via the code red emergency phone notification system. The sewer main that collapsed was built in approximately the 1940s and is part of the next phase of Patuxent Park Water and Sewer Rehabilitation, which is scheduled to begin the next fiscal year.

Commissioner Colonna asked if that work was already scheduled prior to this break, to which Mr. Sullivan stated that it was scheduled as part of Phase III of the Rehabilitation Project. Mr. Ichniowski then detailed the Phasing of that project for the Board and stated that the pipes in this particular subdivision were constructed in the 1940s. Ms. Meiser indicated that the area in question is the oldest part of the system, first constructed as they were developing the Base in the 1940s and is certainly the focus of our rehabilitation efforts, but we're not able to replace all of the lines at one time, so we have assigned a systematic approach to having them rehabilitated and replaced.

Ms. Meiser further indicated that there is a fair amount of proactive monitoring of the lines and Mr. Sullivan's department has a good idea of where the most problematic areas are and those are the areas that they most closely monitor during events and storms. They know the areas that need to be unclogged more frequently than others and they are out there every day. Ms. Meiser went on to indicate that there are hundreds and perhaps thousands of sanitary sewer overflows that are prevented from happening, but unfortunately they are not what we read about in the papers. There are proactive measures taken every day and they do a good job, unfortunately however, there is going to be a sanitary sewer overflow

sometimes and it is our job to make sure that they happen as infrequently as they possibly can and that they are responded to effectively.

Commissioner Lancaster stated that we don't want to see any overflow going into our waters, but wanted to compliment our crack team for getting it fixed that night.

CONTINUING BUSINESS

A. Draft MetCom Ethics Standards

Ms. Meiser stated that were able to attend the special meeting held on December 1, we discussed initially a concept of this Board adopting an Ethics Ordinance that would be specifically detailed to meet the needs of MetCom. We discussed fairly extensively at that special meeting, and you know from the findings of Mr. Fischer, as a result of all of the legal analysis that he did at your request, that MetCom, because it is not a County agency but certainly is a quasi governmental agency, its enabling legislation is the State Statute, however each of the Board members is appointed by the Board of County Commissioners (BOCC), so there clearly is a tie to the BOCC. We go before the BOCC for certain approvals from time to time, but MetCom is not and never has been a County Agency. So, that begs the question of should MetCom come under the County Ethics Ordinance, which is Legislation that has been recently proposed by the County, or should MetCom be governed by the State Ethics Ordinance. Mr. Fischer's analysis concluded that it would be more appropriate for MetCom to come under the State Ethics Ordinance, by making a comparison of MetCom to other organizations of our type that was his conclusion.

In the meantime, it has never before been in the forefront of anyone's mind that MetCom is not formally bound with certainly by either Ethics Ordinance. There is nothing in place in the State Statute and there is nothing in place in the County Code that MetCom is bound by either ordinance. That said, it's quite clear that historically MetCom has looked to the County's Ethics Ordinance for guidance on certain issues through the years and there have been references made in the paper and other passing comments, both publicly and privately, that the Metropolitan Commission has been void of any ethical regulation since it was created forty years ago and that clearly is not the case. What is the case is that you can't point to a specific statute which indicates that MetCom is governed by either the County's or the State's Ethics Ordinance. What we discussed at the special meeting of this Board is that is that is may be appropriate for this body to adopt its own Ethics Ordinance that would be custom tailored specifically to MetCom employees, which are not County employees or State employees.

To that end, we as you know reviewed the Board of Education's Ethics Ordinance, as they are also in a similar situation; neither County and nor State employees. They adopted their own ordinance, which significantly mirrors the County's Ethics Ordinance with a few differences, which made the Ordinance work specifically for the Board of Education.

A draft ordinance was reviewed at the special meeting and after some discussion, a few changes were recommended. Since then, there have been several meetings which have occurred with Mr. Fischer as well as the County Forum last Tuesday and a new BOCC has been sworn in since then. There are many aspects of this issue that still remain fairly up in the air. Mr. Fischer, per your request, will be continuing his analysis on this issue. At some point next week, we will have a better sense if it will be a better idea to model an Ordinance after what the Board of Education has done or should what we do be modeled more specifically after the County's Ordinance, with some alterations to make the County's Ethics Ordinance to specifically meet the need of MetCom employees or draft something to look more like the State's Ordinance.

Ms. Meiser stated that she has provided all of this background because it would probably behoove this Board to wait until Mr. Fischer completes the efforts that he is working on, which could be as early as next week. He'll convey his thoughts directly to you on which may be the best avenue to pursue on many fronts, so that we don't end up investing a lot of time into preparing an ordinance and have it be not exactly what it should be. Ms. Meiser stated that for those of you who were able to attend the Joint Public Meeting of the BOCC and the Delegation regarding the Legislative Proposals and all of the discussions which have ensued since then, you know that there is a difference of opinion in whether the County's Ethics Ordinance arguably is more restrictive than the State's Ethics Ordinance, so there were allegations made that the Metropolitan Commission was trying to be bound by a less restrictive ordinance. Ms. Meiser stated that she does not believe that is the case and instead is willing to and has considered itself to be bound ethically and essentially the same way that County employees are bound. The issue remains adopting an ordinance that is going to meet the needs of MetCom employees, which aren't County employees.

So, Ms. Meiser stated that after Mr. Fischer's findings next week, we'll have a little better sense of what may be the best direction in which to move as we move forward with this effort.

Discussion initiated by Commissioner Colonna regarding who would administer the Ordinance, if we choose the State or our own Ethics Ordinance. Ms. Meiser indicated that the question has not been asked yet, as it was Mr. Fischer's recommendation that we have as many wrinkles ironed out before we pose the question to the County as to whether they would be willing to have the County's Ethics Commission act as the Administrator. Commissioner Werner agrees that it seems as though we should wait before posing that question.

EXECUTIVE SESSION

Commissioner Lancaster moved to adjourn into Executive Session at 4:29 p.m. to discuss Pending Litigation. Commissioner Owen seconded the motion and approval was unanimous.

The meeting readjourned into Regular Session at 4:43 p.m.

Commissioner Lancaster moved to approve Minutes of the Executive Session, dated November 18, 2010. Commissioner Colonna seconded the motion and all in favor except Commissioner Hanson, who abstained from voting.

COMMISSION MEMBER'S TIME

Commissioner Owen wished staff and Commissioners a safe and happy holiday.

ADJOURNMENT

There being no further business, **Commissioner Owen moved to adjourn at 4:47 p.m. Commissioner Lancaster seconded the motion and approval was unanimous.**

Laura Comeau-Stanley, Corporate Secretary

DRAFT