



Washington Suburban Sanitary Commission

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February 5, 2008

Thomas J. Dagley
Inspector General
Office of Inspector General
51 Monroe Street, Suite 802
Rockville, MD 20850

Re: Data File Request for OIG Review

Dear Mr. Dagley:

Thank you for your memorandum of January 14, 2008 pertaining to the above referenced request. After reviewing this matter, and consistent with our past practice regarding this type of request, we must respectfully decline to provide the requested information.

You note that a similar request has been made of "other County-funded agencies." Although Montgomery County exercises certain authority over WSSC's budgets and Capital Improvements Program, WSSC is not a "County-funded agency." WSSC is a bi-county agency of the State of Maryland.

We are aware that Montgomery County Code, Article 13, Section 2-151(n)(3), purports to give the Office of Inspector General (OIG) jurisdiction over WSSC by defining WSSC as an "independent County agency." We are also aware, however, that the County Attorney for Montgomery County, on more than one occasion, has cast doubt on the legality of applying Section 2-151 to an entity created by public general law such as WSSC. *See, e.g.*, Office of the County Attorney, Opinion No. 97-1 (June 27, 1997) ["Subject to certain narrow exceptions, we question the authority of the County government to require agencies created by State law to provide the Inspector General with information absent State law authorizing the County to make these demands."]

While the OIG initiative about which you write appears to have considerable merit in connection with County-funded agencies, we feel that existing State controls over WSSC, including independent internal and external audits, provide ample oversight of WSSC's affairs.

Sincerely,

Andrew D. Brunhart
General Manager

