

Washington Metropolitan Area Transit Authority  
**Board Action/Information Summary**

Action  Information

MEAD Number:  
200984

Resolution:  
 Yes  No

**TITLE:**

Approval of Revisions to Board Procedures

**PRESENTATION SUMMARY:**

Request Board approval for revisions to the Board Procedures that 1. authorize the Chair, with Board approval, to appoint an Alternate Member as a Committee Chair; and 2. describe the process whereby the Audits and Investigations Committee reviews and accepts Inspector General audit reports.

**PURPOSE:**

The purpose of this action is to obtain Governance Committee review and approval of two revisions to the Board Procedures under Section VII- Board Committees as follows:

1. Section VII.A. - Formation - no longer restricts Committee Chair appointments to Principal Board Members. The proposed revision authorizes the Board Chair, with Board approval, to appoint an Alternate Member as a Committee Chair.
2. Section VII.C. (new) - describes the process whereby the Audits and Investigations Committee reviews and accepts Inspector General performance audit/evaluation reports.

**DESCRIPTION:**

Section VII.A. of the current Procedures requires each Committee be chaired by a Principal Board Member.

Under the Bylaws for the WMATA Board of Directors, the Audits and Investigations Committee provides oversight of auditing and guidance to the Inspector General, resolves disagreements between the Office of Inspector General (OIG) and WMATA management, reviews audit findings and corrective actions and establishes criteria and mechanisms for forwarding those findings to the Board.

**Key Highlights:**

The Governance Committee requested a change to the requirements for a Committee Chair to better utilize the expertise of all its members in policymaking and oversight.

The Board requested staff prepare a procedure for the Inspector General to forward audit reports to the Board, and for the Board to review the findings and recommendations, resolve differences between the OIG and WMATA management, and accept the reports.

**Background and History:**

Alternate Members bring specialized knowledge and experience relevant to Committee matters and the Chair wants the flexibility, with Board approval, to leverage such talent by allowing those individuals to serve as a Committee Chair.

On July 24, 2014, the Board approved revised Bylaws to update the Audits and Investigations Committee responsibilities, including adding that, "The Committee provides policy direction and guidance to the Inspector General," and that, "The Committee resolves disagreements between external auditors, WMATA's Office of Inspector General and WMATA management."

**Discussion:**

In an effort to increase the efficiency and effectiveness of Committees, the Chair should have the flexibility to appoint the most knowledgeable and experienced person in the subject matter as Chair of the Committee without regard for their status as Principal or Alternate. The appointment would be subject to Board approval, and would allow the Board to benefit from the diverse talents and expertise of its members.

The Bylaws require the Audits and Investigations Committee to review and accept audit reports, including resolving disagreements between the OIG and WMATA management. The Board Chair and Governance Committee asked Staff to prepare an amendment to the Board's Procedures that will provide a process for the Audits and Investigations Committee (the Committee) to follow with regard to audit reports. The process provides that the IG will submit final draft reports to the Committee. The Committee will seek to resolve any conflict between the OIG's recommendations and the response by WMATA management. If unsuccessful, the Committee will make a recommendation for the full Board to consider. When the Committee determines there is no conflict remaining between the IG's findings and recommendations and management's response, it will accept the report as final and the corrective action plan will be deemed approved. Reports will be posted to the WMATA website provided that the IG first confers with the General Counsel and confirms that any private or confidential information has been redacted in accordance with applicable law and WMATA policy.

**FUNDING IMPACT:**

No funding impact because this is a matter of Board governance.	
Project Manager:	Kathryn Pett
Project Department/Office:	Office of General Counsel, Office of the Board Secretary & Office of Inspector General

**TIMELINE:**

<b>Previous Actions</b>	<p>There is no previous action on proposed revision No. 1.</p> <p>On July 24, 2014, the Board approved revised Bylaws to update the Audits and Investigations Committee responsibilities, including adding that, "The Committee provides policy direction</p>
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	and guidance to the Inspector General," and that, "The Committee resolves disagreements between external auditors, WMATA's Office of Inspector General and WMATA management."
<b>Anticipated actions after presentation</b>	Revise the Board Procedures as directed by the Governance Committee. Seek Board approval of same.

**RECOMMENDATION:**

Board approval of resolution revising the Board Procedures to include authorization of the Chair to appoint, with Board approval, an Alternate Member as a Committee Chair and to establish a process whereby the Audits and Investigations Committee reviews and accepts Inspector General audit reports.

**PRESENTED AND ADOPTED: September 24, 2014**

**SUBJECT: APPROVAL OF REVISIONS TO BOARD PROCEDURES REGARDING  
COMMITTEE CHAIRS AND AUDIT REPORT REVIEW AND ACCEPTANCE**

**2014-49**

**RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY**

WHEREAS, The Washington Metropolitan Area Transit Authority (WMATA) Board of Directors is committed to continuously improving the governance of the Authority; and

WHEREAS, Pursuant to Resolution 2014-09, the Board of Directors approved revised Procedures of the WMATA Board of Directors (Procedures); and

WHEREAS, In order for the Board of Directors to fully utilize the expertise of both its Principal Members and Alternate Members in policy-making and oversight, the Governance Committee has recommended that the provision regarding Board Committee formation, Procedures Section VII, part A(1) be revised as follows:

1. With the exception of the Executive Committee, Committee membership is proposed by the Board Chair and voted on at the annual Board organizational meeting, which generally occurs at the regularly scheduled February Board meeting. Committee membership may be adjusted if necessary through Board action. Each Committee shall be chaired by a Principal Board Member. However, the Board Chair may, with Board approval, appoint an Alternate Member as a Committee Chair. A list of Committee Chairs, Vice Chairs and membership along with a tentative schedule of meetings is shown in Attachment 1; and

WHEREAS, Pursuant to Resolution 2014-38, the Board of Directors approved revised Bylaws to improve WMATA's finance and administrative functions, including the requirement that the Audits and Investigations Committee, "resolves disagreements between external auditors, WMATA's Office of Inspector General and WMATA management"; and

WHEREAS, The Governance Committee has recommended adding a part C to Procedures Section VII in order to describe the process for the Audits and Investigations Committee to review and accept Inspector General audit reports, including resolving disagreements, as follows:

**Motioned by Mr. Dyke, seconded by Mrs. Hudgins**

**Ayes: 7 – Mr. Downs, Mr. Downey, Mrs. Hudgins, Mr. Dyke, Ms. Bowser, Mr. Acosta and Mr. Goldman**

C. Audits and Investigations Committee Review and Acceptance of Audit Reports

1. The Inspector General ("IG") shall submit each final draft report, resulting from a performance audit/evaluation, to the Audits and Investigations ("A&I") Committee for review, with informational copies to all other Board members as required by the Board's Bylaws. The report shall include management's response to the IG's findings and recommendations.
2. If the A&I Committee determines that the IG's findings and recommendations and management's response are in conflict, the Committee will conduct a review of the report during a meeting held in accordance with the Board's Bylaws within 30 days after the issuance of the final draft report to the CEO or designated management representative. The IG, the CEO or designated management representative and the General Counsel will be present and participate in the review as appropriate under the circumstances. If the A&I Committee is unable to resolve the conflict during the review, it will forward the issue for consideration of the full Board at its next regularly scheduled meeting and the Board will direct a resolution of the conflict.
3. When the A&I Committee determines that there is no conflict remaining between the IG's findings and recommendations and management's response, it will accept the report as final and the report and corrective action plan shall be deemed approved. Acceptance of the final report constitutes the Board's authorization to post the report on the WMATA website provided that the IG first confers with the General Counsel and confirms that any private or confidential information has been redacted in accordance with applicable law and WMATA policy; now, therefore be it

*RESOLVED*, That the Board of Directors approves the attached revised Procedures of the Washington Metropolitan Area Transit Board of Directors to permit Alternate Members to Chair Committee upon Board approval and to describe the process for the Audits and Investigations Committee to review and accept Inspector General Audit Reports; and be it finally

*RESOLVED*, That this Resolution shall be effective immediately.

Reviewed as to form and legal sufficiency,



Kathryn H.S. Pett  
General Counsel

# Procedures of the Washington Metropolitan Area Transit Authority Board of Directors

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# Washington Metropolitan Area Transit Authority Board of Directors

## Procedures

### I. Board Communication with CEO and Agency Officers (Bylaws Article V)

#### A. Board Member Requests

All requests to staff by Board Members are directed to the General Manager and Chief Executive Officer (CEO), General Counsel, Inspector General or Board Secretary. Copies of requests shall be provided to the Board Secretary who shall inform all Board Members of the requests. The appropriate officer will provide a timely response. For complex requests, an interim response should be provided and include a timetable for a full response. Should the response require significant resources, the CEO may request to discuss how to proceed at the next meeting of the Board or its appropriate Committee. All responses to Board Member requests are distributed to all Board Members.

#### B. Communication with General Counsel

1. The General Counsel has a dotted-line reporting relationship with the Board, with primary reporting to the CEO. Notwithstanding this formal reporting relationship, the Board seeks regular and open communication with the General Counsel.

2. The General Counsel may request a meeting with the Board or appropriate Committee whenever there is an issue that requires immediate consideration. In addition, each quarter the General Counsel will, in executive session: a) advise the Board on matters as appropriate; b) Provide status of major litigation and high-profile issues; c) discuss upcoming challenges and opportunities; d) present any other matters appropriate for executive session.

3. The Board of Directors or any of its Committees may request a meeting with the General Counsel at any time.

## II. Jurisdictional Coordinating Committee (Bylaws Article VI)

### A. Reporting Responsibility

The CEO will make appropriate staff available to present and discuss issues on the Jurisdictional Coordinating Committee (JCC) agenda. Issues may be brought to the JCC in one of three ways: 1) by request of the CEO, 2) by request of the Board through the CEO, or 3) by members of the JCC, or WMATA staff, with approval of the JCC.

### B. Organization

The JCC shall organize itself to accomplish the goals established in the Board Bylaws.

## III. Communication with the Public (Bylaws Articles VII & VIII.E)

### A. Responding to Written Communication from Customers and Stakeholders

The Board holds the CEO responsible and accountable for the administration and operation of WMATA. While the Board welcomes communication from the public regarding policy, suggestions for improvement, or agency oversight, communicating with the Board is not a means to undermine the CEO's responsibilities or accountability.

Board Members will ensure that all communications they receive that require staff assistance are shared with the full Board and the CEO. Board Members shall exercise discretion in providing personal answers to policy-oriented communications, and will provide any such answers to the rest of the Board and to management. All other customer communications shall be submitted to the CEO for an appropriate response. The CEO shall assure that all agency responses are shared with the full Board.

### B. Public Comment at Board and Committee Meetings

Oral and written comments are welcome and receive equal consideration. Written comments may be submitted electronically, and the WMATA website will describe a convenient and accessible method for electronic submission. Persons unable to submit electronic comments may bring a copy of their comments to the Board Secretary. All comments on Board and Committee agenda items received prior to noon on the Wednesday before a meeting will be forwarded to the Board or Committee Members for their information and consideration in advance of the meeting. The Office of the Secretary will administer the Public Comment procedures, and will maximize the benefits of technology and other available methods to ensure the earliest possible notice regarding issues on which comments will be received, that commenting is convenient, and that comments are promptly shared with the Board.

## 1. Public Comment at Board Meetings

The Board of Directors of the Washington Metropolitan Area Transit Authority (WMATA) shall provide an opportunity for members of the community to provide comments during its monthly Board meetings. Comments shall be limited to matters that pertain to WMATA or other transportation issues. The Board Chair shall have discretion to waive or modify any of the following Procedures for Public Comment.

The public comment period shall follow the approval of minutes on the agenda, and generally shall be no more than 20 minutes.

## 2. Public Comment at Committee Meetings

Committee Chairs may designate items on their agendas on which written and oral comments will be received. The agenda released to the public will clearly identify all items on which comments will be received. Comments shall be limited to matters germane to designated items. Committee Chairs shall have discretion to waive or modify any of the following Procedures for Public Comment.

The public comment period shall follow the approval of minutes, and shall be for the period of time set by the Committee Chair, generally no more than 20 minutes.

## C. Procedures for Public Comment

1. Any person wishing to make comments during the public comment period shall sign a speakers' list prior to the commencement of the meeting. The speakers list will be available at least 15 minutes before the scheduled start of the meeting, and it will be closed once the meeting begins. Persons who have not signed up prior to the start of the meeting will not be permitted to provide public comment. The Office of the Secretary shall be responsible for ensuring that members of the public have properly signed up for the public comment period, and will ascertain the topic to be discussed consistent with these guidelines.

2. Speakers shall identify themselves in writing on a sign-up sheet by providing their name, address, signature, and the subject matter and/or agenda item to which their comments pertain.

3. Comments related to individual employee personnel issues, claims against the Authority or disputes concerning the award or administration of specific contracts will not be allowed in this forum, as there are other avenues to pursue these matters.

4. At the public comment period, each person will be limited to a time not to exceed two minutes. The Chair shall have discretion to modify the allotted time for

speakers, and shall do so before the start of public comment. WMATA staff is responsible for ensuring the time limit for each speaker is not exceeded.

5. Public comments will be made in the order in which individuals signed up, and are to be directed to the Board or Committee as a whole. The public comment period is intended to provide an opportunity to hear members of the community. Board Members may refer matters that arise to the CEO for investigation and/or follow-up.

6. The Chair will moderate the comment period. The Board reserves the right to ban from public comment persons who engage in a consistent pattern of disruptive behavior at WMATA meetings. This may include use of slurs, derogatory comments, or any other conduct, whether physical, verbal or written directed at another person or based upon another person's race, color, origin, sex, religion, sexual orientation, disability or age.

7. Should the time allotted be used before all those who signed up have provided public comment, those who did not have an opportunity to speak will be transferred to the next meeting. At the next meeting, their names will be placed at the beginning of public comment order, and be permitted to speak in the order they appeared on the original list.

#### IV. Board and Committee Meetings (Bylaws Articles VIII, IX and XII)

##### A. Agenda Development and Distribution

The final Board and Committee agendas and any supporting documents are ordinarily distributed to the Board Members on the Friday in advance of the meeting (or Thursday if that Friday is a holiday), including executive sessions of the Board. Any subsequent changes to the previously submitted agenda or other Board material shall be clearly highlighted and documented. Changes proposed by the CEO to the agenda or materials after the Friday distribution shall be shared, to the extent possible, with the Board Members and the public in advance of the Board meeting.

The final agenda will be made available to the public at the same time it is distributed to Board Members. Other materials distributed to the Board Members for Board or Committee meetings shall be made available to the public, by posting on the WMATA website by 10 a.m. on the Monday before the Board meeting (or Tuesday if that Monday is a holiday), except where unavoidable circumstances prevent advance publication or where the subject of the materials requires discussion in executive session as provided in the Bylaws, Article X.

## B. Board Meeting Agenda

The following items shall ordinarily appear on each agenda in the order listed:

1. Call to Order
2. Approval of Agenda
3. Approval of Board Minutes
4. Public Comment
5. Report by Board-Established Advisory Bodies (in total, up to 5 minutes)
6. Report by the Chair
7. Report by General Manager/Chief Executive Officer
8. Reports by Board Committees (Committee recommendations for Board action, if so referred by the Committees)
9. Consent Items
10. Other Actions
11. Reports by Jurisdictions

Any of the above items may be deleted or additional items included at the discretion of the Board Chair when preparing an agenda. Additions or deletions to a published agenda must be approved by the Board.

A voting Board Member may move parts of, or the entire, Consent Items or Other Actions agenda items as single actions.

## C. Limiting Jurisdictional Vetoes

In accordance with the Bylaws, every Board Member will, whenever possible, provide advance notice to the Chair whenever he or she intends to exercise a jurisdictional veto. The Chair will facilitate the resolution of such disputes in order to limit jurisdictional vetoes.

## V. Record of Board and Committee Meetings (Bylaws Article IX)

Minutes of Board and Committee meetings shall be filed in hard copy and posted on the WMATA website, including:

1. the kind of meeting (e.g. Board, Committee or special);
2. the date and time of the meeting;
3. the names of the Members present;
4. a listing of all actions considered by the Board, identifying the mover and seconder;
5. the votes on each side of each action, and the disposition of the action;

6. explanatory material for each action, such as a resolution, if passed, and staff information material, such as a Board Action Information Summary (BAIS); and
7. the time of adjournment.

The Board Secretary shall be responsible for the posting and filing of all written and audio records of Board meetings and audio records of Committee meetings, except for executive sessions pursuant to the Bylaws, and shall prepare an index to audio records to assist in locating discussions of specific actions taken by the Board, and shall organize resolutions in such a manner to be readily accessible. Committee Coordinators shall be responsible for posting and filing of all written records of Committee meetings, except for executive sessions pursuant to the Bylaws.

#### VI. Executive (Closed) Sessions (Bylaws Article X)

A. Prior to any executive session, the Board will be provided any supporting materials that are available.

B. The Committee Chairs may schedule executive sessions in advance, or a Committee may vote to meet in executive session on the day of the meeting for the purpose of discussing any topic authorized under the Bylaws Article X.A, "Matters Appropriate for Executive Session." The Committee will reasonably identify each matter to be discussed in executive session, and reference the topic in Bylaws Article X.A that authorizes the executive session. At the conclusion of each executive session, the Board or Committee shall reconvene in an open meeting to certify by an affirmative vote that only those matters identified prior to convening the executive session and only matters authorized by Bylaws Article X were heard, considered or discussed in the preceding executive session.

#### VII. Board Committees (Bylaws Article XII)

##### A. Formation

1. With the exception of the Executive Committee, Committee membership is proposed by the Board Chair and voted on at the annual Board organizational meeting, which generally occurs at the regularly scheduled February Board meeting. Committee membership may be adjusted if necessary through Board action. Each Committee shall be chaired by a Principal Board Member. However, the Board Chair may, with Board approval, appoint an Alternate Member as a Committee Chair. A list of Committee Chairs, Vice Chairs and membership along with a tentative schedule of meetings is shown in Attachment 1.

2. When proposing Committee membership, the Chair will seek to ensure that, to the extent possible, Committee members have or can avail themselves to expertise germane to each Committee's areas of responsibility. Thus, to the extent

available from appointed Board Members, at least one member of the Audits and Investigations Committee will have expertise in financial matters.

3. Committee Chairs, with the concurrence of the Committee members, may establish special, ad hoc or subcommittees consistent with the Committee's responsibilities, which shall operate consistently with the Bylaws, including the Articles regarding executive sessions and conduct of committee meetings.

#### B. Committee Agendas

The Chairs of Board Committees shall determine the need for a meeting and develop the agenda for the Committee meetings. Committee Chairs should consult with their Vice-Chair when planning meetings. To the extent possible, items will be presented to only one Committee, per the Committee responsibilities defined in Bylaws Article XII.

#### C. Audits and Investigations Committee Review and Acceptance of Audit Reports

1. The Inspector General ("IG") shall submit each final draft report, resulting from a performance audit/evaluation, to the Audits and Investigations ("A&I") Committee for review, with informational copies to all other Board members as required by the Board's Bylaws. The report shall include management's response to the IG's findings and recommendations.

2. If the A&I Committee determines that the IG's findings and recommendations and management's response are in conflict, the Committee will conduct a review of the report during a meeting held in accordance with the Board's Bylaws within 30 days after the issuance of the final draft report to the CEO or designated management representative. The IG, the CEO or designated management representative and the General Counsel will be present and participate in the review as appropriate under the circumstances. If the A&I Committee is unable to resolve the conflict during the review, it will forward the issue for consideration of the full Board at its next regularly scheduled meeting and the Board will direct a resolution of the conflict.

3. When the A&I Committee determines that there is no conflict remaining between the IG's findings and recommendations and management's response, it will accept the report as final and the report and corrective action plan shall be deemed approved. Acceptance of the final report constitutes the Board's authorization to post the report on the WMATA website provided that the IG first confers with the General Counsel and confirms that any private or confidential information has been redacted in accordance with applicable law and WMATA policy.

VIII. Public Hearings (Bylaws Article XIII)

In most cases, the hearing officer for Board-Authorized Public Hearings will be a Board Member. However, the Board Chair may delegate to the Board Secretary or another WMATA officer/executive the authority to conduct public hearings in the absence of a Board Member, to ensure proper public review of WMATA activities. In an emergency resulting in the unexpected absence of a public hearing officer, the staff presenting the proposed action may conduct the hearing.

IX. Board Established Advisory Bodies (Bylaws Article XIV)

A. Accessibility Advisory Committee

AAC requests via Bylaws Article XIV for WMATA staff information shall be made through the Department of Access Services (ACCS). The Assistant General Manager, ACCS shall notify the WMATA Board Chair and the AAC Chair in the event that an AAC request is not fulfilled.

B. Riders' Advisory Council

RAC requests via Bylaws Article XIV for WMATA staff information shall be made through the Office of Board Secretary. The Board Secretary shall notify the WMATA Board Chair and the RAC Chair in the event that a RAC request is not fulfilled.

X. Process to Amend These Procedures (Bylaws Article XVI)

A majority vote of the Board, consistent with Compact § 8(a), in a meeting for which advance notice has been given as a regularly-scheduled agenda item, can amend these procedures.

## **MEETING SCHEDULE**

First session of the month:

1. Beginning at 9 am, up to two of the following Committees:
  - Audits and Investigations, if needed
  - Planning, Program Development and Real Estate, if needed
  - Governance Committee, if needed
2. Customer Service and Operations
3. Finance and Administration
4. Governance Committee, if all 3 Committees meet on same day (A&I, PPDRE, Gov)

Second session of the month:

1. 9 am – Safety and Security Committee
2. 10 am – Board Executive Session
3. 11 am – Board Meeting
4. 1 pm – 2025 Committee, if needed

## **COMMITTEE ASSIGNMENTS** **Effective September 24, 2014**

**SAFETY AND SECURITY COMMITTEE** (eight members, two each from Maryland, Virginia, the District of Columbia and the federal government)

Mortimer Downey - Chair  
Michael Goldman - Vice Chair  
James Dyke  
Tom Downs  
Anthony Giancola  
Tom Bulger  
William Eulle  
Kathryn Porter

**FINANCE & ADMINISTRATION COMMITTEE** (committee-of-the-whole)

Marcel Acosta - Chair  
Mortimer Downey - Vice Chair

**AUDITS AND INVESTIGATIONS COMMITTEE\*** (four members, one each from Maryland, Virginia, the District of Columbia and the federal government)

Alvin Nichols - Chair  
Anthony Giancola- Vice Chair  
Matthew Brown  
William Eulle

**CUSTOMER SERVICE & OPERATIONS COMMITTEE\*** (eight members, one each from Maryland, Virginia, the District of Columbia and the federal government)

Catherine Hudgins - Chair  
Tom Bulger - Vice Chair  
Marcel Acosta  
Kathryn Porter

**PLANNING, PROGRAM DEVELOPMENT AND REAL ESTATE COMMITTEE\*** (four members, one each from Maryland, Virginia, the District of Columbia and the federal government)

Muriel Bowser - Chair  
Artis Hampshire-Cowan - Vice Chair  
Marcel Acosta  
Mary Hynes

**2025 COMMITTEE** (committee-of-the-whole)

Mary Hynes - Chair  
Tony Giancola - Vice Chair

**GOVERNANCE COMMITTEE\*** (four members, one each from Maryland, Virginia, the District of Columbia and the federal government)

James Dyke - Chair  
Artis Hampshire-Cowan - Vice Chair  
Mortimer Downey  
Muriel Bowser

\* In the event that a member from Maryland, Virginia, the District of Columbia or the federal government is unable to attend a Committee meeting, the member may designate another member from that jurisdiction to vote in his or her stead.

## 2014 Metro Board Calendar

JANUARY 2014						
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FEBRUARY 2014						
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APRIL 2014						
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JUNE 2014						
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JULY 2014						
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AUGUST 2014						
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SEPTEMBER 2014						
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OCTOBER 2014						
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NOVEMBER 2014						
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DECEMBER 2014						
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28	29	30	31			

Blue – Committee Days  
 Blue w/ Red Border – Committee/Board Days

Green – APTA Board/Board Support Conf. (Cleveland)  
 Purple – APTA Annual (Houston)