

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

<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information	MEAD Number:	Resolution: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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PURPOSE

To request Board of Directors approval to:

- Adopt the proposed rules of the Metro Memorial Scholarship Fund;
- Agree to have the Community Foundation for the National Capital Region invest and administer the assets of the Fund;
- Authorize and direct the Acting General Manager to execute the forms required to establish the Fund with the Community Foundation for the National Capital Region, and to issue a Policy/Instruction on the administration of the Fund and the composition of the Board of Administrators;
- Authorize the creation of a memorial at the Jackson Graham Building and/or one of the Metrorail transfer stations and a separate memorial at the Carmen E. Turner Maintenance and Training Facility; and
- Allocate \$100K of the FY06 Operating Budget surplus to the Fund, and an additional \$50K of the FY06 Operating Budget surplus to the design and procurement of the memorials.

DESCRIPTION

As a proper and fitting way to remember the contributions of Authority employees who have lost their lives in the line of duty and to assist with the education of their minor children, the Board of Directors adopted resolution 2006-36 on July 20, 2006. This resolution approved the creation of a memorial to these employees and created the Metro Memorial Scholarship Fund.

Resolution 2006-36 also required that staff report back to the Board with details for the operation of the Metro Memorial Scholarship Fund.

In response to this resolution, staff investigated the procedures to administer the Fund and has developed a set of rules for the Fund. In addition, staff examined the possible location for the memorials and is recommending the Jackson Graham Building and/or

one of the Metrorail transfer stations and a separate memorial at the Carmen E. Turner Maintenance and Training Facility.

FUNDING IMPACT

- For the Metro Memorial Scholarship Fund, \$100K of the FY06 Operating Budget surplus
- For the design and procurement of the memorials, \$50K of the FY06 Operating Budget surplus

RECOMMENDATION

That the Board of Directors approves the resolution to:

- Adopt the proposed rules of the Metro Memorial Scholarship Fund,
- Agree to have the Community Foundation for the National Capital Region invest and administer the assets of the Fund,
- Authorize and direct the Acting General Manager to execute the forms required to establish the Fund with the Community Foundation for the National Capital Region, and to issue a Policy/Instruction on the administration of the Fund and the composition of the Board of Administrators,
- Authorize the creation of a memorial at the Jackson Graham Building and/or one of the Metrorail transfer stations and a separate memorial at the Carmen E. Turner Maintenance and Training Facility, and
- Allocate \$100K of the FY06 Operating Budget surplus to the Fund, and an additional \$50K of the FY06 Operating Budget surplus to the design and procurement of the memorials.

PRESENTED AND ADOPTED:

SUBJECT: ADOPTION OF RULES AND FUNDING FOR METRO MEMORIAL SCHOLARSHIP FUND AND FUNDING FOR MEMORIALS

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

WHEREAS, In Board Resolution 2006-36, the Board created the Metro Memorial Scholarship Fund (the "Fund") and authorized a memorial to those employees who died in the line of duty; and

WHEREAS, Staff has investigated the procedures to administer the Fund and has developed a set of rules for the Fund; and

WHEREAS, Staff has examined the possible location for such a memorial and recommends the creation of memorials at the Jackson Graham Building and/or one of the Metrorail transfer stations and at the Carmen E. Turner Maintenance and Training Facility; and

WHEREAS, it is appropriate for the Authority to join with its employees in funding both the Fund and the memorial; now, therefore be it

RESOLVED, That the Board of Directors hereby adopts the proposed rules attached as Attachment A to this Resolution as the rules of the Fund ; and be it further

RESOLVED, That the Board agrees to have the Community Foundation for the National Capital Region, an Internal Revenue Code § 501(c)(3) qualified organization, invest and administer the assets of the Fund, with all investment and administrative costs of the Community Foundation for the National Capital Region being borne by the assets of such fund; and be it further


RESOLVED, That the Acting General Manager is authorized and directed to execute such forms as may be required to establish the Fund with the Community Foundation for the National Capital Region and is further authorized to issue a Policy/Instruction on the administration of the Fund and the composition of the Board of Administrators; and be it further

RESOLVED, That the Board authorizes the creation of a memorial at the Jackson Graham Building and/or one of the Metrorail transfer stations and a separate memorial at the Carmen E. Turner Maintenance and Training Facility, such memorials to be designed and procured under the Art in Transit Program; and be it further

RESOLVED, That the Board allocates \$100,000 of the FY06 Operating Budget surplus to the Fund and an additional \$50,000 of the FY06 Operating Budget surplus to the design and procurement of the memorials; and be it finally

RESOLVED, That this Resolution shall be effective immediately.

Reviewed as to form and legal sufficiency,


For Carol B. O'Keefe Dec. 15, 2006
Carol B. O'Keefe
General Counsel

Proposed

Rules of the Metro Memorial Scholarship Fund

The Metro Memorial Scholarship Fund will provide a scholarship to selected eligible persons with the funds paid to an Eligible Institution in accordance with these rules. The amount of the scholarship is the actual cost of eligible costs to attend an Eligible Institution after deducting all other grants and scholarships but, in no case, to exceed \$5,000.00 per year or \$25,000.00 as an aggregate total for all years.

1. An "Eligible Individual" is a person who, at the time of the death of a qualifying Washington Metropolitan Area Transit Authority employee, was both under the age of eighteen (18) years and financially dependent on the deceased employee; provided, however, that if the Eligible Individual was accepted to or attending an Eligible Institution at the time of the death of a Qualifying Washington Metropolitan Area Transit Authority Employee, such person may still be considered to be an Eligible Individual so long as that person was under the age of twenty-three years and meets the financial dependency requirements as set forth in Paragraph 2.

2. Financial dependency will be determined by inclusion of the person seeking to be an Eligible Individual as a child for personal exemption purposes on the federal tax return of the Qualifying Washington Metropolitan Area Transit Authority Employee or as established by a judicially approved Divorce Decree or Property Settlement Agreement incident to a divorce. If the familial connection of the proposed Eligible Individual and the Qualifying Washington Metropolitan Area Transit Authority Employee is established solely by paternity proceeding and no one else is eligible to claim the child as a dependent then proof of dependency will consist of the court order establishing paternity and such other documentation as the Metro Memorial Scholarship Fund will, in its unchallengeable discretion, deem appropriate. A child who is in the process of adoption may be considered to be an Eligible Individual if: 1) the Qualifying Washington Metropolitan Area Transit Authority Employee has either filed a Petition for Adoption or has received a letter from a licensed child placement agency that the child was placed with the Qualifying Washington Metropolitan Area Transit Authority Employee with the intent of adoption by the Qualifying Washington Metropolitan Area Transit Authority Employee; and 2) the child was financially dependent on the Qualifying Washington Metropolitan Area Transit Authority Employee.

3. An "Eligible Institution" is an educational institution authorized to receive federal student loan assistance and that is accredited by an accreditation body recognized by the U.S. Secretary of Education under 34 CFR Part 602 and otherwise meets the requirements of 34 CFR Parts 600-603. For purposes of this scholarship only the portion of an accredited educational institution awarding degrees or certificates up to (and including) a baccalaureate degree will be an eligible institution. Graduate and professional schools are not included.

4. A "Qualifying Washington Metropolitan Area Transit Authority Employee" is one who was employed by the Washington Metropolitan Area Transit Authority in either a full time or part time position at the time of his or her death. His or her death must have occurred in the performance of that person's duties for the Washington Metropolitan Area Transit Authority (such that it would be covered under Workers' Compensation) or, if a sworn law enforcement employee, under such circumstances as to be considered a "line of duty" death for purposes of the federal Public Safety Officers Benefit Program, 42 USC §§ 3796 et. seq.
5. Metro Memorial Scholarship funds may only be used for the payment of tuition, books, course and other required fees, student government fees, room and board. No funds may be used for personal or travel expenses. Scholarship funds remaining in the student's account after the payment of these expenses will be returned to the Fund.
6. Metro Memorial Scholarship funds will be applied to the student's account at the Eligible Institution after all other scholarships and grants but before any work-study amounts or student loans.
7. An Eligible Individual may apply for Metro Memorial Scholarship funds at any time after the Eligible Individual has been accepted at an Eligible Institution and before the Eligible Individual has attained the age of twenty-six (26) years. Funds may be applied for the semester or quarter beginning after receipt of the scholarship application.
8. The Board of Administrators of the Metro Memorial Scholarship Fund will provide the required application form upon request. Such form will not require any essay or other written composition nor will such form require any showing of financial need but shall require proof of the award of any other scholarships and grants and the amounts of those scholarships and grants. The applicant will return the completed form to the Board of Administrators of the Metro Memorial Scholarship Fund signed by the applicant and accompanied by a copy of the acceptance letter from the Eligible Institution to which the funds are to be paid along with proof of the award of any other scholarships and grants and the amounts of those scholarships and grants. Incomplete or inaccurate applications (including attachments) will render the applicant ineligible. If funds have been disbursed and then the application is proven to be inaccurate in any material way, the applicant will be required to repay the amount of the scholarship to the Metro Memorial Scholarship Fund. The Eligible Individual will sign all documents necessary to allow the Metro Memorial Scholarship Fund to verify with the Eligible Institution the accuracy of the application and any required attachments.
9. This scholarship may be renewed for succeeding years up to the maximum dollar amount awardable under these rules provided that the Eligible Individual maintains satisfactory academic progress as defined by the Eligible Institution and is enrolled at least on a half-time basis as defined by the Eligible Institution. Satisfactory academic progress and enrollment status will be established by official copies of the Eligible Individual's

transcript and such other documentation as seems necessary to the Board of Administrators in their sole discretion.

10. While it is the intent of the Metro Memorial Scholarship Fund that all disbursements made to an Eligible Institution on behalf of an Eligible Individual will qualify for exclusion from taxable income, any taxes which are imposed on the Eligible Individual as a result of the distribution of funds to an Eligible Institution on the Eligible Individual's behalf are the sole responsibility of the Eligible Individual.

11. Should an Eligible Individual withdraw from school in mid-semester or reduce his or her course load below half-time status as defined by the Eligible Institution, that individual agrees to reimburse the Metro Memorial Scholarship Fund for amounts paid on the Eligible Individual's behalf for that semester. For withdrawals or reductions in course load below half-time status not due to medical or military reasons, the Eligible Individual will reimburse the Metro Memorial Scholarship Fund within six (6) months of the date of withdrawal or reduction in course load below half-time status. For withdrawals due to a call to active duty military service that lasts 91 or more consecutive days, the reimbursement obligation shall be waived upon receipt of a copy of the military orders directing the call to active duty military service. If the Eligible Individual returns to an Eligible Institution after completion of his active duty military obligations and remains otherwise eligible for funding by the Metro Memorial Scholarship Fund, unrepaid funds due to military service shall not be considered in determining whether there are any funds remaining in the scholarship paid to an Eligible Institution on the Eligible Individual's behalf. If the withdrawal or reduction in course load below half-time status is due to medical reasons, the Eligible Individual shall repay that semester's funding within three years after the withdrawal or reduction in course load. If the Eligible Person is or becomes permanently and totally disabled prior to the expiration of the repayment period, further repayment will be waived. "Permanent and totally disabled" shall mean that the Eligible Individual is unable to do any work or earn any money because of injury or illness that is expected to last indefinitely or result in death. Should a person recover health sufficiently to again attend an Eligible Institution on at least a half-time basis, any unrepaid funds shall be considered as previously expended in determining whether the aggregate limits on the scholarship have been reached.

12. If an Eligible Individual transfers to another educational institution which qualifies as an Eligible Institution, the scholarship shall become payable to the new Eligible Institution upon proof that the Eligible Individual has been accepted by and enrolled at the new Eligible Institution.

13. All decisions on the eligibility for or the award of scholarships are final and binding and not subject to challenge in any outside forum.

14. The Board of Directors of the Washington Metropolitan Area Transit Authority reserve the right to amend these rules at any time, provided that any such change in rules will not

adversely impact any Eligible Individual who is currently receiving funds from the Metro Memorial Scholarship Fund.

15. Acceptance of a scholarship from the Metro Memorial Scholarship Fund acts to authorize the use of the name and likeness of the Eligible Individual in connection with Metro Memorial Scholarship fund purposes, including publicity about the recipients of the fund.

Proposed