Friday, June 26, 2020 1:00 PM

End-of-Fiscal Year Business Meeting

AGENDA

- I. Call to Order/Introductions (Chair)
- II. Approval of the Agenda (Chair)
- **III.** Approval of the Minutes (Chair)
 - a. December 3, 2019
- IV. Public Comment (Chair)
 - a. Comments from the public pre-submitted to wstcofficial@gmail.com by the Close of Business Thursday, June 25, 2020 will read into the record of the meeting.
- V. Introduction of New Commissioner: The Honorable Tom Hucker (Chair)
- VI. WSTC Update (Director, Washington Area Transit Office)
 - a. Update on WSTC Finances (Financial Analyst)
 - i. End-of-Year Financial Position
 - ii. Proposal to Satisfy Unfunded OPEB Liability Obligation ACTION ITEM
 - iii. Approval of FY2021 Proposed Budget **ACTION ITEM**
 - b. Legislative Wrap-up
 - i. HB370 (Chpt. 185) Bicounty Commissions Annual Reports Conflicts of Interest and Lobbying PG/MC 102-20 - Prince George's County Delegation and Montgomery County Delegation
 - ii. HB402 (Chpt. 193) WMATA Sovereign Immunity Employee Whistleblower Protection Del. Barron (D Pr. George's Co.) & Del. Korman (D Mont. Co.)
 - iii. HB1388 (Chpt. 461) Public Safety Surcharge PG 412–20 Prince George's County Delegation
 - iv. HB1237 Public Safety Elevator Inspections Transit Compact Authority Del. Lewis (D Pr. George's Co.) & Del. Korman (D Mont. Co.)
 - v. $HB1590-Criminal\ Law$ Assault on Public Transportation Operator Penalties and Reporting Del. Metzgar (R Balt. Co.)
 - vi. HB86 Maryland Metro/Transit Funding Act Alterations Del. Korman (D Mont. Co.)

AGENDA (cont'd)

- VI. WSTC Update (cont'd)
 - c. Office Matters
 - i. Fall WSTC Public Forums
 - ii. Digital Presence Update
 - 1. Logo
 - 2. Website
 - 3. Social media presence
- VII. County Conversation
 - a. COVID-19 Response Update
 - b. County issues
- VIII. Election of Officers (Director, Washington Area Transit Office)
 - a. Chair
 - b. Vice Chair
 - c. Secretary/Treasurer
 - IX. Good of the Order (Chair)
 - X. Closing Remarks (Director, Washington Area Transit Office)

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Tuesday, December 3, 2019 9:30 AM Meeting Minutes

Commissioners in Attendance								
Mr. Michael Goldman, Chair								
Mr. Thomas Graham, Vice Chair								
Ms. Kathryn Porter								
Mr. Hoan Dang								
Mr. Todd Turner								
Staff in Attendance								
Mr. Pat Pscherer, Director, Washington Area Transit Office, MDOT								
Ms. Tammy Cooper, Office Manager, WSTC								
Ms. Sara LeBarron, Financial Analyst, WSTC								

Others in Attendance

- Ms. Amanda Cooper, MDOT
- Mr. Sean Emerson, Montgomery County, Traffic Analyst to Mr. Tom Hucker
- Dr. Charles Glass, MDOT
- Mr. R. Earl Lewis, MDOT
- Mr. Anthony Foster, Prince George's County
- Mr. Gary Erenrich, Montgomery County
- Ms. Pamela Gray, SB & Company
- Mr. William "Bill" Orleans, member of the public

I. Chair Mr. Goldman called the meeting to order

II. Approval of the Agenda

A motion to approve the agenda was seconded and unanimously approved.

III. Approval of the Minutes

A motion to approve the minutes from June 17, 2019, with a correction for the date of the last meeting, was seconded and unanimously approved.

IV. Public Comment

Mr. Bill Orleans provided the following remarks:

- a) He would like to see a more positive take on the Public Forums.
- b) He would like to have both meetings held together as a single event. He suggested the University of Maryland, College Park as a possible location to hold the combined event.
 - i. (Mr. Orleans was advised that a meeting needs to be held in each of the counties in the Transit District.)
- c) He asked for an update on the Bus Transformation Study project.

V. Presentation of WSTC FY 2019 Financial Audit (Pamela Gray, SB & Company, LLC)

Ms. Pamela Gray gave a brief overview of the FY 2019 financial audit of the WSTC. The discussion included testing controls (including checks and balances), liabilities, recommendations on the audit findings, and management responses to those findings (which can be found on the last page of the audit report). Ms. Gray reporting feeling confident that WSTC will be in a better position for the FY2020 audit.

VI. WSTC Update (Director, Washington Area Transit Office)

Ms. Sara LeBarron, WSTC Financial Analyst - Update on WSTC finances:

- a. Ms. LeBarron discussed the reconciliation reports on the office finances. The fiscal year beginning balance was \$668,501. The balance as of December 3, 2019 was \$583,604.46. At next meeting, Ms. LeBarron will provide the end of fiscal year reconciliation for Fiscal Year 2020 compared to Fiscal Year 2019.
- b. The WSTC's Fiscal Year 2021 proposed budget increases by 4% over FY2020, to \$478,092. Employee benefits and salaries increase 6%. This increase accounts for increases for current staff, hiring a new Transit Analyst, and including the possibility of an intern. The largest increase on the Proposed budget is the internet and telephone service through Verizon.

There are seven years left on the 10-year amortization schedule for the unfunded OPEB liability. This item, totaling \$15,500 annually, is included in the Employee Benefits budget line. It was suggested if it exceeds cost of living, it would make sense to pay it off early. Mr. Pscherer will follow up regarding the amount to be paid off early and whether there will be a penalty to do so. As suggested by SB & Co, the "Salaries" and "Benefits" line items were combined on the proposed FY2021 budget. Moving forward, the

Commissioners were unanimous in requesting these line items be listed separately. Likewise, the Commission determined to retain \$2,000 for public forums. The public forums will continue to be discussed at future bi-annual meetings.

Staff proposed continuing to reduce the excess cash balance by offering a subsidy refund from the FY2020 budget totaling \$95,618 to the funding partners. This represents a 20% refund from the FY2020 subsidy applied toward the FY2021 administrative budget.

Mr. Pat Pscherer, Director, Washington Area Transit Office – WSTC Office Matters Update:

- c. Mr. Pscherer reported that the Washington Area Transit Office is working to increase its electronic footprint. The Commissioners were advised that information technology support is currently provided by MDOT MTA, but that may be shifting to MDOT TSO in the future. Several concept logos were presented for consideration. None were chosen at that time. Social media options were discussed. Once a logo is selected, accounts can be created along with the website.
- d. The Public Forums were better attended this year, however, still mostly by staff and presenters. Paid advertisements were placed in the Patch, including nine notification areas in Prince George's County and seven in Montgomery County. In addition, flyers advertising the Public Forums were distributed to each library in Prince George's County and Montgomery County for display. Local jurisdictions, social action groups and transit-oriented organizations were sent information directly. Mr. Pscherer reported that he spoke with his counterparts at the Northern Virginia Transportation Commission and was informed that they discontinued their public forum practice due to diminishing attendance. Commissioner Graham requested WSTC staff to continue their efforts on these meetings and to reevaluate at a later date.
- e. The Transit Analyst position has been posted for about a month with three different posting services, (Young Professionals in Transportation). Unfortunately, there have been no responses to these posts. Utilizing paid job search sites is likely the best option to fill this position. Mr. Pscherer met with the University of Maryland School of Public Policy in in order to develop an intern program. Other options were discussed concerning good sources of interns, as well as the option of paid versus an unpaid internships.

VII. County Conversation

a. Mr. Pscherer presented an aerial overview of the Grosvenor-Strathmore transit oriented development (TOD) project, including concerns about proposed changes in the redevelopment of the parking garages.

b. Issues from the Counties

i. <u>Montgomery County</u> *Grosvenor-Strathmore parking garages*: Mont. Co. has concerns with the large high rise on the northside of the visual as this is near the main bus space coming into the station. Developer is aware of Montgomery County comments on this topic. Dep. Sec. Lewis stated that developers tend to reach out late in their project regarding transportation and often do not include the transit options. Mr. Erenrich stated that \$1.50 of each parking fee contributes to

pay the bonds on three County garages: Grosvenor-Strathmore, Glenmont, and Shady Grove. The County is responsible for any deficit in funding. The parking fees generate approximately \$100,000 in surcharge revenue. The original understanding was that any TOD would replace the surface parking spaces. Parking at Grovesnor-Strathmore is already at 104% capacity, Rockville is 101%, and Shady Grove is now approaching 85%. The capacity for parking is important. Mr. Erenrich has requested that WMATA conduct a comprehensive parking study similar to those they conducted elsewhere, and not just rely on the results of a customer service survey.

Under the current plan, only 200 of the 400 parking spaces being eliminated are being replaced. Chair Goldman asked why the other 200 spaces couldn't be placed to the south or the east? Mr. Erenrich agrees and would like to see the spaces built into the plan. Mr. Pscherer asked if, instead of building the current garages wider, couldn't they be made taller. Mr. Erenrich responded that option was not within the design specifications of the current garage structures. WMATA does not own the garage until the bonds are paid off. Montgomery County owns this garage. WMATA operates the garage under an agreement with the County, and the property on which the garage is built is likewise owned by the County. In the initial discussion, WMATA did not advise the County that they were planning to reduce spaces.

ii. Prince George's County Possible future adjustment to the WSTC tax collected in Pr. George's Co.: Pr. George's Co. plans to add busses to its TheBus fleet. This would this trigger a capital needs increase in three years. The County would like to discuss the option of increasing the tax it collects under the authority of the WSTC to fund that bus purchase. Otherwise, they would see a significant depletion in their capital program funds. Under the law, the tax rate is set by agreement between the County and the Commission, with the staff providing support as needed. An action of the Commission would be required to approve the tax increase. Mr. Pscherer reported that the taxes collected are never included in the WSTC's account balances; they are collected and expended directly by the County. The Commission's responsibility is to determine if the request represents a legitimate reason to increase the tax rate. The funding need is approximately three years away at this time, so there is time to research and discuss the matter. The County intends to use the tax income to replace busses at the end of their usable life. This matter will require further discussion.

VIII. Good of the Order

<u>Chair</u>: Mr. Goldman recognized the services of Mr. Hoan Dang and Ms. Kathy Porter as Commissioners of the WSTC.

IX. Closing Remarks (Director, Washington Area Transit Office)

Meeting was adjourned by Mr. Goldman at 11:55 am

X. Executive Session



Councilman Tom Hucker Montgomery County Council

Councilmember Tom Hucker was elected to the Montgomery County Council in 2014, and is now serving his second term as Council Vice President representing the Council's 5th District. The Councilman currently serves as Chair of the Transportation & Environment Committee and is also a member of the Public Safety Committee. His appointment to the Washington Suburban Transit Commission was confirmed by the Montgomery County Council on December 10, 2019.

He lives in Silver Spring with his wife Amy, a clinical social worker, and their two children Sam and Will.

WSTC Monthly Administrative Reconciliation

FY2020	Approved Budget	July	August	September	October	November	December	January	February	March	April	May	June	FY 2020 Total Spend
M&T Bank Beginning Balance (Same as QB)	\$668,501.63	\$668,501.63	\$649,585.20	\$614,538.42	\$599,480.83	\$583,604.46	\$568,815.61	\$544,225.67	\$525,037.56	\$511,489.47	\$507,317.68	\$600,744.27	\$580,930.72	
Personnel Costs Total (QB)	\$313,805.00	(\$16,932.52)	(\$35,906.97)	(\$16,135.59)	(\$16,135.58)	(\$16,135.59)	(\$16,135.60)	(\$21,027.88)	(\$16,165.71)	(\$16,156.19)	(\$16,155.37)	(\$24,152.87)	\$0.00	(\$211,039.87)
Commissioner Compensation Total (QB)	\$62,750.00	(\$5,843.75)	(\$3,343.75)	(\$3,343.75)	(\$3,343.75)	(\$3,343.75)	(\$4,593.75)	(\$1,677.08)	(\$1,677.08)	(\$1,677.08)	(\$1,677.08)	(\$1,677.08)	\$0.00	(\$32,197.90)
Operating Expenses Total (QB)	\$82,588.00	(\$6,102.16)	(\$5,758.06)	(\$5,540.25)	(\$6,359.04)	(\$5,271.51)	(\$13,994.39)	(\$6,445.15)	(\$5,667.30)	(\$6,890.57)	(\$7,236.96)	(\$5,286.58)	\$0.00	(\$74,551.97)
Total Adminitrative Expenses (QB)	\$459,143.00	(\$28,878.43)	(\$45,008.78)	(\$25,019.59)	(\$25,838.37)	(\$24,750.85)	(\$34,723.74)	(\$29,150.11)	(\$23,510.09)	(\$24,723.84)	(\$25,069.41)	(\$31,116.53)	\$0.00	(\$317,789.74)
Total Bank Checks / Debits (M&T Bank)	\$0.00	(\$28,878.43)	(\$45,008.78)	(\$25,019.59)	(\$25,838.37)	(\$24,750.85)	(\$34,723.74)	(\$29,150.11)	(\$23,510.09)	(\$24,723.84)	(\$25,069.41)	(\$31,116.53)	\$0.00	(\$317,789.74)
QuickBooks vs. M&T Bank Variance	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Administrative Revenues	\$365,228.00	\$9,962.00	\$9,962.00	\$9,962.00	\$9,962.00	\$9,962.00	\$10,133.80	\$9,962.00	\$9,962.00	\$20,552.05	\$118,496.00	\$11,302.98	\$0.00	\$230,218.83
M&T Bank Ending Balance (Same as QB)	\$574,586.63	\$649,585.20	\$614,538.42	\$599,480.83	\$583,604.46	\$568,815.61	\$544,225.67	\$525,037.56	\$511,489.47	\$507,317.68	\$600,744.27	\$580,930.72	\$580,930.72	



June 15, 2020

CONFIDENTIAL

Ms. Linda Herman Executive Director Montgomery County Employees' Retirement System 101 Monroe Street, 15th Floor Rockville, Maryland 20850

Subject: Washington Suburban Transit Commission Payoff of Unfunded Liability from Montgomery County Employees' Retirement System

Dear Linda:

As requested, we have calculated the amounts for the Washington Suburban Transit Commission (WSTC) to pay off its remaining unfunded liability in the Montgomery County Employees' Retirement System (ERS) over a period of one, two or three years. Based on an initial unfunded liability of \$114,379 and four annual payments of \$15,501, the remaining unfunded liability balance as of July 1, 2020 is \$78,216. The following table shows the amounts to pay off the remaining unfunded liability over different periods of time, including the remaining period of six years.

Payoff	Amortization
Years	Payment
1	\$78,216
2	\$40,522
3	\$27,979
6	\$15,501

The amortization payments are calculated based on the valuation interest rate of 7.5% and level dollar payments.

Respectfully submitted,

Gabriel, Roeder, Smith & Company

Lance Weiss, E.A., M.A.A.A., F.C.A. Senior Consultant and Team Leader Amy Williams, A.S.A., M.A.A.A., F.C.A.

Imy Williams

Senior Consultant

Washington Suburban Transit Commission Fiscal Year 2021 PROPOSED Administrative Budget DRAFT

		FY 2021	ALLOCATION							
		PROPOSED		MDOT		Montgomery		Prince George's		MTA
PERSONNEL COSTS*										ļ
Employee Salaries Fringe and Retiree Benefits	\$	195,783 136,401	\$	65,261 44,123	\$	65,261 39,424	\$	65,261 39,424	\$	13,430
Personnel Costs Total	\$	332,184	\$	109,385	\$	104,685	\$	104,685	\$	13,430
COMMISSIONER COMPENSATION										
State of Maryland Commissioners Montgomery County Commissioners Prince George's County Commissioners	\$	40,250 22,500	\$	40,250	\$	22,500 -	\$	- - -	\$	- - -
Commissioner Compensation Total	\$	62,750	\$	40,250	\$	22,500	\$	-	\$	_
OPERATING EXPENSES										
Accounting/Audit fees Bank/Payroll fees Insurance Internet service Local travel Miscellaneous Office supplies Rent Office telephone services Software Maintenance	\$	7,730 2,000 1,500 2,700 550 1,000 750 59,328 1,840 4,260	\$	1,933 500 375 675 138 250 188 14,832 460 1,065	\$	1,933 500 375 675 138 250 188 14,832 460 1,065	\$	1,933 500 375 675 138 250 188 14,832 460 1,065	\$	1,933 500 375 675 138 250 188 14,832 460 1,065
Public Forums Operating Expenses Total	\$	1,500 83,158	\$	20,790	\$	20,790	\$	20,790	\$	375 20,790
TOTAL ADMINISTRATIVE EXPENDITURES	\$	478,092	\$	170,424	\$	147,974		125,474	\$	34,220
REVENUES										
Grants and Contributions	\$	478,092	\$	170,424	\$	147,974	\$	125,474	\$	34,220
TOTAL ADMINISTRATIVE REVENUES		478,092	\$	170,424	\$	147,974	\$	125,474	\$	34,220
LESS: Return of Operating Subsidy FY2020	\$	95,618	\$	28,200	\$	24,234	\$	19,737	\$	23,449
3		,								
TOTAL ADMINISTRATIVE REVENUES	\$	382,474	\$	142,224	\$	123,741	\$	105,737	\$	10,770

^{*} There are three permanent Washington Suburban Transit Commission (WSTC) positions: a Financial Analyst, an Office Manager, and a Transit Analyst. The Transit Analyst position is currently vacant but intends to be filled by the Commission. The personnel cost for these positions is allocated equally among Montgomery County, Prince George's County, and the Maryland Department of Transportation (MDOT).

Summary of WSTC- and WMATA-Related Legislation from the 2020 Maryland State Legislative Session

PASSED-ENROLLED

<u>HB370 (Chpt. 185)</u> – *Bicounty Commissions – Annual Reports – Conflicts of Interest and Lobbying PG/MC 102-20* - Prince George's County Delegation and Montgomery County Delegation

Requires the Washington Suburban Transit Commission (WSTC) to prepare two annual reports covering the previous calendar year:

- 1. Conflict of interest issues experienced by the Commissioners or staff of the WSTC, and
- 2. Lobbying done before the Commission (Commissioners or staff).

These reports must be submitted on or before April 30th to the local governments of both Montgomery County and Prince George's County and posted on the WSTC's website. While the WSTC currently does not own or operate a website, such a product is in development.

<u>HB402 (Chpt. 193)</u> – *WMATA – Sovereign Immunity – Employee Whistleblower Protection* – Del. Barron (D - Pr. George's Co.) & Del. Korman (D - Mont. Co.)

Provides the same whistleblower protections to employees of the Washington Metropolitan Area Transit Authority (WMATA) as extended to similar employees of the State, contingent on Virginia and the District of Columbia enacting similar protections to WMATA employees. The General Assembly does not intend to extend the State's sovereign immunity to WMATA for claims by an employee or former employee under the United States False Claims Act (32 U.S.C. § 3729 et seq., as amended), or Title 5, Subtitle 3 of the State Personnel and Pensions Article.

HB1388 (Chpt. 461) – Public Safety Surcharge PG 412–20 - Prince George's County Delegation

Permits Prince George's County to collect a \$2,000 surcharge per dwelling from developers of new residential housing when the dwellings being constructed are either in Transportation Service Area 1 of the Maryland-National Capital Park and Planning Commission Approved General Plan, or abutting a current or planned Washington Metropolitan Area Transit Authority Metrorail station. Previously, the \$2,000 surcharge applied only to properties in which both conditions were satisfied. This legislation relaxes this clause and permits the County to collect the designated surcharge if either condition is satisfied. The County collects the surcharge directly from permit applicants.

DID NOT PASS

<u>HB1237</u> – *Public Safety* – *Elevator Inspections - Transit Compact Authority* – Del. Lewis (D - Pr. George's Co.) & Del. Korman (D - Mont. Co.) – **Status at Adjournment: 1**st **Reader - Assigned to Economic Matters**

This legislation would have exempted from Maryland elevator inspection any elevator owned, operated, or controlled by the Washington Metropolitan Area Transit Authority (WMATA). As a transit compact authority with safety oversight provided by the Washington Metrorail Safety

Commission (WMSC), a state safety oversight agency certified by the Federal Transit Administration, WMATA's elevators would no longer have require certification by the Maryland Department of Labor, Licensing, and Regulation (DLLR), the Maryland agency responsible for elevator inspection and certification in the State.

This legislation would have changed operations and/or processes for WMATA, WMSC, and/or DLLR, but would not have affected Maryland Department of Transportation (MDOT).

<u>HB1590</u> – Criminal Law - Assault on Public Transportation Operator - Penalties and Reporting - Del. Metzgar (R - Balt. Co.) – **Status at Adjournment: 1**st **Reader – Never Assigned**

This legislation would have added operators of public transportation services, including bus operators, train operators, and light rail operators, to the list of victims of physical injury for which the violation is classified as felony assault in the second degree and for which the conviction could have lead to imprisonment not to exceed 10 years and/or a fine not to exceed \$5,000. Additionally, this legislation would have required reporting on the number of assaults committed, the nature of the injuries inflicted, whether the suspect had been apprehended, and the status of any resultant prosecution to be submitted to the State Attorney General.

NOTE: Introduced during the 2019 Legislative Session. Did not proceed past 1st Reader.

VETOED

<u>HB86</u> - Maryland Metro/Transit Funding Act - Alterations - Del. Korman (D - Mont. Co.)

At the time of passage by the General Assembly, this legislation would have amended the list of Legislative Exclusions which permit WMATA to add budget items to its operating budget beyond the 3% growth limit. Exclusion #3 was expanded to specify that the language which permits payments or obligations arising from or related to legal disputes or proceedings between or among the Washington Metropolitan Area Transit Authority and any other person specifically include Arbitration Proceedings. In consideration of creating consistent exclusion language across the region, a new exclusion mirroring legislation passed in Virginia during their 2020 Legislative Session was also amended into this Act. It read, "4. ANY SERVICE INCREASES APPROVED BY THE BOARD OF DIRECTORS OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY."

Two additional technical amendments clarified reporting requirements with which WMATA must comply. Bus ridership information was relaxed from reporting bus ridership data by bus STOP, to providing bus ridership by ROUTE. The requirement to provide individual audit reports was amended to require, instead, "SINGLE AUDIT REPORTS ISSUED IN ACCORDANCE WITH THE UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS UNDER 217 C.F.R. PART 200."

As per the Governor's statement that he would not sign into law any legislation which increased non-COVID-19-related costs to the State, this legislation was vetoed.

Platform Replacement Project

<u>Phase 1</u> – summer 2019

• Six stations south of Ronald Reagan Washington National Airport

Phase 2 – summer 2020

- Four Orange Line stations west of Ballston
 - Vienna
 - Dunn Loring
 - West Falls Church
 - East Falls Church
- Shutdown started Memorial Day Weekend
- On schedule to re-open by Labor Day weekend

Platform Replacement Project

Phase 3

- Spring 2021 (Mid-Feb to Mid-May)
 - Arlington Cemetery: 3-month shutdown
 - Addison Rd: 3-month single track bypass
- Summer 2021
 - Four Green Line stations east of Fort Totten
 - West Hyattsville
 - Prince George's Plaza
 - College Park
 - Greenbelt
 - Planned closure from Memorial Day to Labor Day

Platform Replacement Project

Phase 4

- Summer 2022
 - Five stations east of Stadium Armory
 - Minnesota Ave
 - Deanwood
 - Cheverly
 - Landover
 - New Carrollton
 - Planned closure from Memorial Day to Labor Day
- Fall 2022-Spring 2023
 - Reagan National Airport
 - Two service track maintained
 - *Partial* station closures over 5 months
 - Timing dependent upon airport contractor (Project Journey)

New Carrollton Station Development

- Begin construction in Sep '20
 - Metro office building move-in 2023: 3-yr build
 - Concurrent construction of Phase 2 multi-family structure
- Garage demolition Jan. 21
 - New garage open 2023: 2 ½-yr build
- Adjustments add \$80 million to the project over three years
 - FY21: \$11.0 million
 - FY22: \$45.5 million
 - FY23: \$22.8 million