

WASHINGTON SUBURBAN TRANSIT COMMISSION BY-LAWS

The Washington Suburban Transit Commission is a bi-county agency created by an Act of the Maryland General Assembly in 1965 and codified in the laws of Montgomery and Prince George's Counties, Articles 16 and 17 of the Code of Public Local Laws of Maryland, as amended in 1970, 1992, and 2012. The Commission was established for the purpose of administering the activities and function of the Washington Suburban Transit District, with powers to develop, on a bi-county basis, a regional transportation system including mass transit facilities to serve the needs of both counties.

I. Function

The Commission shall assist the Maryland Department of Transportation and Montgomery and Prince George's Counties in the development of policies and procedures required for the effective implementation of the bi-county mass transportation system, including transit planning and financial assistance. The Commission shall participate with the Washington Metropolitan Area Transit Authority (WMATA) in the formulation by the Authority of that portion of its transit plan relating to the transit facilities and services to be provided within the District, reach agreement for the allocation of costs to be incurred by the Authority in providing transit facilities, and provide funds to meet the obligations allocated to the District pursuant to such agreement. Furthermore, the Commission shall perform any and all other functions set forth in Articles 16 and 17, Code of Public Local Laws of the State of Maryland, as amended in 1970, 1992 and 2012.

II. Membership and Terms

Commission membership was amended by Chapter 3 of the Laws of Maryland of 1992. The Commission consists of seven (7) members:

The Governor shall appoint two (2) members with the advice and consent of the Senate of Maryland. One member shall be a resident of Montgomery County and one member shall be a resident of Prince George's County. The Governor's appointees shall serve as the Commission's appointees to the WMATA Board of Directors.

The County Executive of Montgomery County shall appoint two (2) members, subject to the confirmation of the Montgomery County Council. One member shall be designated by the County Executive of Montgomery County to serve as an alternate member of the WMATA Board of Directors.

The County Executive of Prince George's County shall appoint two (2) members, subject to the confirmation of the Prince George's County Council. One member shall be designated by the County Executive of Prince George's County to serve as an alternate member of the WMATA Board of Directors.

Commission members serving on the WMATA Board of Directors:

- 1) May not, except in specified instances, hold any elected office in federal, State, or county government at any time during the term of their appointment;
- 2) May not have been employed by WMATA for at least one year prior to being appointed;
- 3) Shall have experience in at least one of the following areas: transit, transportation, or land use planning; transit, transportation, or other public-sector management; engineering; finance; public safety; homeland security; human resources; law; or specified knowledge derived from working on regional transportation issues; and

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- 4) Must be a regular passenger and customer of the bus, rail, or paratransit service of the WMATA.

Each commissioner serves at the pleasure of the respective appointing official.

The Secretary of Transportation shall be a voting, ex-officio member of the Commission and is entitled to the same rights of membership as the appointed members. The Secretary may designate in writing an alternate representative who shall have the same rights of membership as the Secretary.

Commissioners (other than the member from the Prince George's County Council) serve for a term of four (4) years, which begins on July 1, 1992. Members of the Commission may not serve more than two (2) consecutive terms, but shall serve until their successors have been appointed and qualified, or until the member is reappointed by the appointing authority. A term that is less than three (3) years may not be considered a full term. The terms of the commissioners other than the required member from the Prince George's County Council, shall be staggered. A member's holdover period may not exceed twelve (12) months. The County Executives and the Governor shall inform the Commission of their appointments to and removals from the Commission by delivering to the Commission a certified copy of the resolution or other action making the appointment or causing the removal.

Commission members serving on the WMATA Board of Directors shall submit three reports to the Governor and County Executives on or before January 31 of each year during their term of appointment (which apply to the previous calendar year) to include:

- 1) Dates of attendance at WMATA Board of Directors meetings, or the reasons for non-attendance at the meeting;
- 2) Dates of attendance at any other public meetings in the Commissioner's official capacity as a WMATA Board Member;
- 3) Affirmation of the use of the bus, rail and paratransit services of the WMATA since the submission of the previous report.

Members of the Commission shall consent to the County Executives' and the Governor's annual submission to the Secretary of Transportation of a letter that establishes the compensation for each member serving as a principal or alternate member of the WMATA Board of Directors by July 1 of each year.

Members of the Commission shall file annual State Financial Disclosure Forms with the State Ethics Commission in accordance with Section 5-824, General Provisions Art., Md. Code Ann.

III. Time and Place of Meeting

The Commission shall meet on a semi-annual basis at the office of the Commission or other designated location. Special meetings may be called by the Chairman at any time at his or her discretion.

IV. Rules of Order

Robert's Rules of Order shall govern the conduct of all meetings of the Commission when not in conflict with these By-Laws.

V. Officers

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Officers of the Commission shall consist of a Chair, Vice-Chair, and Secretary-Treasurer. The County Executive of Montgomery County, the County Executive of Prince George's County, and the Governor shall designate the Chair and Vice-Chair of the Commission.

If the County Executive of Montgomery County, the County Executive of Prince George's County, and the Governor do not designate the Chair and Vice-Chair of the Commission, then the Commission may elect the Chair and Vice-Chairman from amongst its members for a term of one year.

The offices of the Chair and the Vice-Chair shall rotate annually between Montgomery and Prince George's counties. The Chair and Vice-Chair shall not be residents of the same County. The Secretary-Treasurer may be a member of the Commission, and determined by the Commission at its discretion.

If a vacancy occurs in the office of Chair or Vice-Chair, his or her successor shall be elected from the same County to complete the unexpired term, such election to be held at a regular or special meeting of the Commission. If a vacancy occurs in the office of Secretary-Treasurer, the Chair shall appoint an eligible successor.

The Chair of the Commission shall preside at all meetings and appoint all special committees as required. The Chair, upon his or her signature, shall execute all normal administrative matters of the Commission, including but not limited to annual grant agreements between the Maryland Department of Transportation and the Commission and grant amendments, certifications and program commitments. The Chair's signature shall denote the approval of the Commission on all administrative matters. The Chair may refer pending Commission actions directly to Montgomery and Prince George's Counties for their review and concurrence.

The Vice-Chair shall preside at meetings and assume the signature authority of the Chair in his or her absence.

The Secretary-Treasurer shall be the custodian of all funds and records of the Commission and shall provide that accurate minutes of the meeting are maintained. He or she shall prepare the annual financial statements, assist in the subsequent audit thereof, certify copies of record and perform such other duties as may be directed by the Chair or the Commission.

VI. Quorum

A majority of the Commission shall constitute a quorum. The affirmative vote of a majority of the Commission shall be necessary to take any action. A majority for determining a quorum or taking a Commission action shall include at least one member appointed by the Governor, at least one member appointed by each County, and the Secretary of Transportation or the Secretary's designee. At the Chair's direction and under appropriate circumstances, the Secretary of the Commission may conduct an official vote by phone on time sensitive administrative matters.

VII. Staff

The Commission may employ staff as deemed necessary. Commission employees shall serve at the pleasure of the Commission. Commission employees shall be included in the Retirement Plan System, and Medical and Life Insurance Plans of the Montgomery County government. All

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Commission employees shall follow the Maryland Department of Transportation's personnel policies, including, but not limited to, salary guidelines and employee leave benefits.

VIII. Amendment of By-Laws

Proposals to amend the By-Laws may be introduced at any regular or special meeting of the Commission. The amendment shall be acted upon at the next meeting following the one at which it was proposed. The affirmative vote of a majority is required for adoption.

ATTEST:

This is a true copy of the Washington Suburban Transit Commission By-Laws adopted by the Commission at its inception and amended at meetings on January, 1992, 1996, and 2014.

Motioned by Ms. Porter, seconded by Mr. Dang.