



Document Name:	Open Meetings Policy
Approved by	Resolution WMSC-R-2020-12
Effective Date:	November 10, 2020

1.0 Purpose

Pursuant to § 21 of the Washington Metrorail Safety Commission (WMSC) Compact (P.L. 115-54), the WMSC is subject to the open meetings provisions found at 5 U.S.C. § 552b (Sunshine Act). The WMSC is not subject to the open meetings requirements of the Compact's Signatory jurisdictions or any other jurisdiction. This policy sets forth how the WMSC will comply with the applicable open meetings provisions.

2.0 Scope

This policy applies to all meetings of the WMSC Board of Directors (Board meetings).

3.0 Policy

3.1 Applicable Law; WMSC Treated as an Agency

All stated requirements of this policy are in accordance with the Sunshine Act unless otherwise indicated. Any references to an "agency" in the Sunshine Act will apply to the WMSC, despite the WMSC not meeting the definition of "agency" as provided in the act.

3.2 Notice Requirements for All Meetings

- (a) Except as provided in section 3.2(b) of this policy, the WMSC will publicly announce the following one week prior to a meeting: (i) the time, place, and subject matter of the meeting; (ii) the name and phone number of the official designated to respond to requests for information about the meeting; and (iii) whether the meeting is subject to public observation.
- (b) If a majority of the voting members of the Board determine that a meeting should be held sooner than one week from the date of notice, notice of the meeting will be made at the earliest practicable time.

3.3 Public Meetings; Minutes; Transcripts and Recordings

- (a) Board meetings will be open to public observation and comment (see [Public Comments Policy](#)), unless closed in accordance with section 3.4 of this policy.
- (b) In accordance with the Sunshine Act and pursuant to § 18 of the WMSC Compact, the WMSC will keep and make publicly available minutes of each public meeting.
- (c) The WMSC will maintain a complete transcript or electronic recording of any open portions of each meeting.



3.4 Closed Meetings; Records

- (a) To close a Board meeting or portion of a Board meeting, the Board must:
 - (1) Determine the subject or subjects to be discussed in the closed meeting meet the requirements of subsection (c) of the Sunshine Act; and
 - (2) Receive, from the WMSC's General Counsel, a public certification stating each relevant exemptive provision, as found in subsection (c) of the Sunshine Act.
- (b) The WMSC must maintain a copy of any public certification generated pursuant to Section 3.4(a)(2).
- (c) The WMSC must maintain a complete transcript or electronic recording of any portion of any closed meeting. For meetings closed pursuant to 5 U.S.C. § 552b(c)(8), (9)(A), or (10), the WMSC may maintain a complete transcript, electronic recording, or minutes of any part of such closed meeting.
- (d) The WMSC will not make publicly available records of closed meetings unless the WMSC determines closure was improper or compelled by court order to release the record. Any failure by the WMSC to destroy records of closed meetings after the statutory period for keeping the records lapses will not constitute waiver of any exemptions applying to those records.

3.5 Enforcement

Any judicial action to enforce the Sunshine Act and this policy must be in accordance with § 48 of the WMSC Compact.