



Summary Minutes

Executive Committee Meeting December 10, 2020

Call to order

The meeting was called to order at 10:35 a.m. by Committee Chair Kent Keel virtually on WebEx. He stated Chair Keel was unavailable to attend the meeting and therefore he was chairing the meeting.

Due to the Governor’s Safe Start, Stay Healthy Order, public viewing of the meeting was only available via WebEx. The meeting was streamed on

<https://soundtransit.webex.com/soundtransit/onstage/g.php?MTID=ea0d8756f3f4d1bffccf56775d99a04a1>

Roll call of members

Chair	Vice Chair
(P) Kent Keel, University Place Councilmember	(P) Paul Roberts, Everett Councilmember (P) Dow Constantine, King County Executive

Board Members	
(P) Claudia Balducci, King County Councilmember	(P) Jenny Durkan, Seattle Mayor
(P) Bruce Dammeier, Pierce County Executive	(A) Roger Millar, WSDOT Secretary
	(P) Dylan Counts, WSDOT Secretary Alternate
	(P) Dave Somers, Snohomish County Executive
	(P) Victoria Woodards, Tacoma Mayor

Katie Flores, Board Administrator, announced that a quorum of the Committee was present at roll call.

Report of the Chair

Chair Keel welcomed Boardmember Joe McDermott to the Executive Committee meeting. He was not a member of the committee, but would be offering a motion later in the meeting regarding Fare Enforcement.

He also advised that the CEO Monthly Contract Report was included in Boardmembers’ packets.

CEO Report

CEO Peter Rogoff gave the CEO Report.

2021 Budget – The Committee would be forwarding its portion of the 2021 Budget to the Finance and Audit Committee which would forward the full budget to the Board of Directors for its December 17, 2020 meeting.

Realignment Workshop – A workshop relating to ongoing realignment discussions would be held in January. CEO Rogoff encouraged Board members to attend.

Link Light Rail Service Reductions – In March, when COVID rates spiked, operator availability fell. As COVID rates increase, a potential availability problem would occur. Tacoma Link would see limited service over weekends. Link light rail service would be more fluid due to these concerns and vacation negotiations between King County Metro and Amalgamated Transit Union.

Public comment

Chair Keel announced that in compliance with Motion No. M2020-23, public comment would only be accepted via email to emailtheboard@soundtransit.org. The following people submitted email public comments prior to the meeting:

Transportation Choices Coalition, One America, Puget Sound Sage, Transit Riders Union, and Seattle & King County Coalition on Homelessness

Business items

Items for Committee final action

November 5, 2020, Executive Committee meeting minutes

The minutes of the November 5, 2020 Executive Committee were moved by Boardmember Balducci and seconded by Boardmember Constantine.

Boardmember Balducci noted that there was a typo in the meeting minutes on page four and offered a friendly amendment to correct the typo.

Chair Keel called for a roll call vote:

Ayes

Claudia Balducci
Dow Constantine
Jenny Durkan
Dave Somers
Victoria Woodards
Kent Keel

Nays

It was carried by majority vote of the Board members present that minutes of the November 5, 2020 Executive Committee meeting were approved as presented.

(Boardmember Roberts joined the meeting at this time).

Motion No. M2020-73: Authorizing the systemwide programs in the System Expansion-Other portion of the Proposed 2021 Budget and Transit Improvement Plan to advance to the Finance and Audit Committee.

Jenny Stephens, Deputy Director of Financial Planning, Analysis, and Budget, provided the staff report.

(Boardmember Dammeier joined the meeting at this time).

Motion No. M2020-73 was moved by Boardmember Dammeier and seconded by Boardmember Constantine.

Chair Keel called for a roll-call vote.

Ayes

Claudia Balducci
Dow Constantine

Nays

Bruce Dammeier
Jenny Durkan
Paul Roberts
Dave Somers
Victoria Woodards
Kent Keel

It was carried by the majority vote of the Board members present that Motion No. M2020-73 be approved as presented.

Items for Recommendation to the Board

Nominations for Sound Transit Board Officers for Board Consideration in December, and Potential action to recommend supplementing the Board's Rules to allow a one-year term for the Board Chair and Vice Chairs in 2021.

Chair Keel explained that the current terms for the Board Chair and Vice Chairs end on December 31, 2020. The Board's rules call on the Executive Committee to develop recommendations for the Board to consider before the terms expire. The Chair and Vice Chairs must each be from a different county.

Boardmember Woodards advised that Chair Keel was elected to the Chair position as a Pierce County following King County and Snohomish County chairing the Board. She introduced Motion No. M2020-79 to recommend that the Board supplement its rules to allow one-year terms for the Board Chair and Vice Chairs to allow Pierce County to hold the chair role for two full years, 2020 and 2021.

Motion No. M2020-79: Supplementing the Board's rules to allow a one-year term for the Board Chair and Vice Chairs in 2021. Two-year terms for the Board chair and vice chairs would resume after December 31, 2021.

Motion No. M2020-79 was moved by Boardmember Woodards and seconded by Boardmember Durkan.

Boardmember Durkan voiced support for the motion and for the continued leadership of Chair Keel and Vice Chairs Constantine and Roberts.

Boardmember Dammeier supported Motion No. M2020-79 and explained that it would get the Board back on its original two-year Chair position cycle.

Chair Keel called for a roll-call vote.

Ayes

Claudia Balducci
Dow Constantine
Bruce Dammeier
Jenny Durkan
Paul Roberts
Dave Somers
Victoria Woodards
Kent Keel

Nays

It was carried by the majority vote of the Board members present that Motion No. M2020-79 be forwarded to the Board with a recommendation to approve.

Chair Keel moved that a nominations from the floor method be used for nominating the Board Chair and Vice Chairs, there were no objections.

Boardmember Woodards nominated Kent Keel for chair. Boardmember Dammeier seconded the nomination. No other nominations were submitted.

Boardmember Woodards praised Chair Keel's work as Board Chair in 2020 and spoke in favor of her nomination.

Chair Keel explained that because the only nomination for Chair came from Pierce County, the two Vice Chair positions must be filled by members from King County and Snohomish County.

Boardmember Durkan nominated Dow Constantine as Vice Chair from King County. No other nominations were submitted.

Boardmember Somers nominated Paul Roberts as Vice Chair from Snohomish County. No other nominations were submitted.

Chair Keel asked staff to prepare a motion for the full Board to consider at its December meeting based on the committee's recommendations.

Motion No. M2020-74: (1) Directing the chief executive officer to provide the Board with (a) a fare enforcement and engagement report (b) a recommendation for a new fare enforcement/engagement program and an accompanying implementation plan, and (c) draft language updating the Board's Fare Enforcement Policy, all for consideration by January 2022, and (2) suspending issuance of civil infractions for fare evasion for the entire length of the Fare Engagement Ambassador Pilot Program and until the Board can vote on an updated fare enforcement policy.

Chair Keel explained that the motion pertained to the many reforms Sound Transit was implementing to its approach on fare enforcement. He reminded the Committee that it had a lengthy presentation and discussion at the October Board meeting, in which staff outlined the public outreach it conducted and plans to launch a pilot program which would test many alternative approaches to fare enforcement. The Board would then review the results and make decisions on implementing permanent policy changes.

He advised that Boardmember McDermott asked to speak to some of the policy questions in December and distributed the motion under consideration to Boardmembers in November. Boardmember was present to discuss the motion, although he was not a member of the Committee and would not be taking action on it. Staff also prepared a memo to articulate how the motion did or did not align with the plans discussed in October.

Russ Arnold, Chief Passenger Experience and Innovation Officer provided a presentation briefly reviewing the presentation on Fare Enforcement provided to the Board in October.

Boardmember McDermott advised that the motion was born out of the discussion the Board had in October and the past years. He praised staff's proposals and efforts, and noted that the plurality of people who do not pay fares did so out of confusion. He expressed concerns for the riders who were unable to pay fares and then faced fines which introduced them to the court system and at risk of ending up in collections and acquiring debts which they cannot pay. He advised that Fare Enforcement disproportionately affects people in poverty who are also the most transit dependent. Racism also leads to a disproportionate number of people of color in poverty. Out of economic and racial equality concerns, Boardmember McDermott asserted that Sound Transit needs to take proactive steps.

He advised that the motion would halt civil infractions until a policy was brought to the Board, directed frequent updates on the pilot program, and directs a proposal to be brought to the Board for a fare enforcement policy which would lower the citation amount to no more than \$50, remove court adjudication from fare evasion cases, increase warnings from one to two in a 12 month period, and other actions which were already proposed by staff. However, the motion would separate the fare enforcement program from the court system for the reasons he outlined earlier. This was called for by many local advocacy groups and community members.

Motion No. M2020-74 was moved by Boardmember Durkan and seconded by Boardmember Constantine.

Vice Chair Constantine voiced support for the motion as presented. It took the work done by staff and advanced them further. With the national and local civil rights awakening, he believed the motion allowed the Board and the agency to rise to the moment.

Boardmember Durkan supported the motion and echoed the comments from Boardmembers McDermott and Constantine.

Boardmember Somers voiced support for suspension of fare enforcement until a policy was brought to the board, but had concerns about the potential financial implications of motion.

Boardmember Dammeier echoed Boardmember Somers's concerns, while supporting the intent of the motion. He advised that he would not be voting in favor of the motion.

Boardmember Balducci acknowledged that payment of fares was critical, but that criminalizing the inability to pay fares was not necessary in order to achieve that. She advised that there was a distinction between decriminalizing and enforcing fares. She would be supporting the motion.

Boardmember Woodards advised that she did not support involvement of courts in the fare enforcement process, however she would not support the motion, citing concerns that it may have negative impacts on staff's analysis of removing fare enforcement from the courts system.

Vice Chair Roberts echoed Boardmember Somers concerns. He advised that he would not vote for the motion, but encouraged continued work on the matter of decriminalizing the fare enforcement process.

Chair Keel expressed a desire to allow the courts as an option for those who were looking to take advantage of the system, while keeping those who genuinely cannot pay out of the court system. He explained that he intended to offer an amendment which would allow for staff to develop other approaches.

CEO Rogoff advised that staff proposed two alternatives to the motion in its memo to Chair Keel. One of the alternatives included the provisions in the motion as presented, and would allow for alternative approaches resulting from community engagement and pilot program findings.

Chair Keel made a motion to amend section 3 of the motion. Boardmember Somers seconded the motion. The amendment read:

The chief executive officer is directed to provide the Board with draft language updating the Board's Fare Enforcement Policy. The draft policy must include the policy approaches listed below, and may also offer alternate approaches resulting from community engagement and pilot program findings:

- a) Lower the citation fine amount to no more than \$50
- b) Remove court adjudication for fare evasion-only cases
- c) Increase warnings from one to at least two in a 12-month period
- d) Make a recommendation to update, remove, or replace the suspension policy
- e) Remove law enforcement officers as fare enforcement officers and clearly state that law enforcement officers cannot be called to fare-evasion only situations, and
- f) Add reference to bus rapid transit

Boardmember McDermott recognized a desire by some Boardmembers to allow for the courts to be an option for some fare evasion, however he did not hear staff express that position. He clarified that the motion would not eliminate fare enforcement, but only divorce fare enforcement from the court system.

Boardmember Dammeier noted that the amendment offered would not prohibit the original motion's intent.

Vice Chair Constantine explained that he would not support the amendment, noting that the Board should make a clear statement that it is divorcing fare enforcement from the court system.

Boardmember McDermott added that Boardmembers heard from a diverse group of around 45 organizations, many of which did not typically engage in transit matters, calling for removal of the fare enforcement process from the court system.

Chair Keel asked when these groups contacted the Board. Boardmember McDermott explained that letters were received by organizations throughout the months since the fare enforcement program was discussed in March.

CEO Rogoff advised that in addition to the letters received over the past months, staff met with many organizations to confer about the fare enforcement program, which gave birth to the pilot program.

Chair Keel explained that he still believed that until the agency was confident in how it would implement any actions, the Board shouldn't take action on them.

CEO Rogoff advised that staff agreed with nearly all of proposals in Boardmember McDermott's motion, but it felt that before anything was permanently eliminated, staff wanted to advise the board about what would come in its place.

Boardmember Balducci noted that live testimony was not available during the meeting, and if it were available, more opinions may have been heard. She advised that the agency can find a way to encourage fare payment without involving the courts. She would not support the amendment not because it was not logical, but that she believed the original motion as offered sent a strong message.

Chair Keel called for a roll-call vote on the proposed amendment.

Ayes

Bruce Dammeier
Paul Roberts
Dave Somers
Victoria Woodards
Kent Keel

Nays

Claudia Balducci
Dow Constantine
Jenny Durkan

It was carried by the majority vote of the Board members present that Motion No. M2020-74 be amended.

Boardmember Dammeier advised that following the amendment, he would be supporting the motion.

Boardmember McDermott was disappointed that the motion was amended, but following the pilot program, a proposal to decriminalize fare evasion would still be considered which would be imperative. He clarified that the motion did not dictate any specific policy following the pilot program.

Chair Keel called for a roll-call vote for the motion as amended.

Ayes

Claudia Balducci
Dow Constantine
Bruce Dammeier
Jenny Durkan
Paul Roberts
Dave Somers
Victoria Woodards
Kent Keel

Nays

It was carried by the majority vote of the Board members present that Motion No. M2020-74 as amended be forwarded to the Board with a recommendation to approve.

Executive session

Chair Keel announced that the committee would enter an executive session to discuss the performance of a Sound Transit employee, Chief Executive Officer Peter Rogoff. General Counsel Desmond Brown read RCW 42.32.110(1)(g) which authorized the executive session.

Chair Keel explained that the executive session would be expected to last for 30 minutes and would be held in a separate WebEx meeting available only to the Executive Committee members.

The executive session began at 12:02

Board Administrator Katie Flores announced that the executive session was extended by 15 minutes.

Board Administration Program Manager Adam Montee announced that the executive session was extended by an additional 10 minutes.

Board Administrator Katie Flores announced that the executive session was extended by an additional five minutes.

The meeting resumed at 1:06pm

Business items (continued)

Motion No. M2020-75: Approving a performance rating, award and salary adjustment for Peter M. Rogoff, Sound Transit Chief Executive Officer.

Chair Keel explained that the committee met in an executive session to review CEO Rogoff's performance. CEO Rogoff informed the Committee that despite what was called for in the CEO employment contract, he intended to decline both a merit raise and performance award in light of the financial challenges brought on by the pandemic and his desire to lead by example as the agency worked to contain operating costs.

Motion No. M2020-75, giving a performance rating of Excellent to Mr. Rogoff per the CEO employment contract and based on his work in achieving his 2020 performance goals and objectives. Based on the CEO's request to decline this year's merit increase and performance award, this year's process results in a 0 percent merit increase to his base salary and a \$0 performance award was moved by Boardmember Somers and seconded by Boardmember Roberts.

Chair Keel called for a roll-call vote.

Ayes

Claudia Balducci
Dow Constantine
Paul Roberts
Dave Somers
Kent Keel

Nays

It was carried by the majority vote of the Board members present that Motion No. M2020-75 be forwarded to the Board with a recommendation to approve.

Reports to the Board

Sustainability Plan Update

The presentation was postponed to the following Executive Committee meeting.

Other business

None.

Next meeting

Thursday, January 7, 2021
10:30 a.m. to 12:00 p.m.
Virtually on WebEx

Adjourn

The meeting was adjourned at 1:09 p.m.

ATTEST:

Kent Keel
Executive Committee Chair
APPROVED on _____. AM

Kathryn Flores
Board Administrator