

**Regional Transit Authority
Minutes of Board Meeting**

January 13, 1995

Call to Order

The meeting was called to order at 1:51 p.m. in the Puget Sound Regional Council Board Room, 1011 Western Avenue - 6th floor, Seattle, Washington by Chairman Laing.

The Board Administrator called the roll and the following members were present:

Chair:

Bruce Laing, King County Councilmember

Vice Chairs:

Dave Earling, Edmonds City Councilmember

Paul Miller, Tacoma City Councilmember

King County:

Don Davidson, Bellevue Mayor

Mary Gates, Federal Way Mayor

Jane Hague, King County Councilmember

Greg Nickels, King County Councilmember

Cynthia Sullivan, King County Councilmember

Pierce County:

Sharon Boekelman, Bonney Lake Councilmember

Ken Madsen, Pierce County Councilmember

Washington State Department of Transportation:

Sid Morrison, Secretary

The Board Administrator indicated a quorum of the Regional Transit Authority (RTA) Board was present.

The following Board members arrived after roll call:

King County:

Martha Choe, Seattle Councilmember

Gary Locke, King County Executive

Approval of Minutes

It was moved by Ms. Sullivan, seconded by Ms. Boekelman and carried by the unanimous vote of all Board members present that the minutes of October 27, 1994 be approved as presented.

Mr. Laing:

I have been informed by the Board Administrator that while today's agenda indicates the minutes of the October 28-29, 1994 meeting are available for approval, that is not the case. Those minutes will be presented to the Board for action at its next meeting.

It was moved by Ms. Sullivan, seconded by Mr. Nickels and carried by the unanimous vote of all Board members present that the minutes of November 18, 1994 be approved as presented.

Report of the Chair

Mr. Laing:

I have asked Ms. Choe to chair a task force which will set the goals for women/minority business enterprise (W/MBE) participation, and she has agreed to do so. We have jointly asked Board members to join that committee. Ms. Choe is contacting them and establishing a series of meetings for that group. Their first meeting is scheduled for January 18, 1995 from 8:30 to 9:30 a.m. in Room 15B of the Exchange Building.

Public Comment

Mr. Mark Dublin:

I live in Ballard and am presently driving coaches from North Base. I wish we had a different order to today's agenda so that I could comment after Mr. Matoff's remarks regarding the north subregion between Capitol Hill and N. 65th Street.

Mr. Laing:

I will allow Mr. Dublin to provide his remarks following Mr. Matoff's report.

Executive Director Report

Mr. Matoff:

The Expert Review Committee (ERP), which has been overseeing our work, met yesterday to review the status of our efforts on the eve of your consideration of setting an election date. I believe you can anticipate a report from them along reasonably favorable lines in a couple of weeks. It was a good meeting.

Pending adoption of Resolution No. 53 later today, the disclosure rules which are observed under state law will become even more effective on the staff. In that regard, we spent over an hour with the entire agency staff Monday morning with a staff member of the Public Disclosure Commission (PDC) discussing limitations on operations and advocacy for employees while on RTA time and facilities. The rules are fairly stringent. Our policy of responding to requests for staff presentations at various locations will be fairly limited in the next two months. We will not appear in any advocacy role but we will be making informational reports, particularly to public agencies, over the next few months.

(Board members Locke and Choe arrived at this time.)

I received a letter from board member Jane Hague regarding our leaflet and requesting a briefing on our public communications plan. Later today Ms. Barbara Dougherty will be reporting on the sequence of events resulting in that report and Mr. Earling will give an update on the activities of the Public Involvement Committee. If there are other issues, we would be happy to get together with you and report back at a future meeting.

I would ask the Director of Planning and Communications to give an update on the joint study which is to be done by the RTA and the City of Seattle on the part of the North Corridor subregion between Capitol Hill and 65th.

Mr. Luther Freeman:

The staff has met five times to discuss the scope of work. We have forwarded a scope to the City and it is being reviewed. We have agreed to narrow the scope to 10 to 15 issues to be analyzed to a level of detail to give us insight into Board alternatives and the City should be able to make an informed decision based on this analysis.

The staff has agreed to have the study independent of the National Environmental Protection Act (NEPA) process so we can begin shortly after voter approval on March 14. We have scheduled a meeting with the Federal Transit Administration (FTA) on Wednesday, January 18 to clarify the NEPA requirements and to see how this study and its

information can fold into the NEPA process. We are doing this to minimize the effort and cost so when we go into NEPA, we will not have to duplicate work.

We will identify key issues by the end of next week. That is our goal. We hope to have a preliminary schedule that we can try to implement after voter approval on March 14. I will respond to any questions from Board members.

Mr. Matoff:

I have nothing else to report today. I believe Mr. Dublin's remarks had to do with this last portion of my report.

Mr. Dublin:

As I am a public employee, I will have to be more informational, rather than avocational, in my remarks. But this is my day off work.

That piece of territory between Capital Hill and 65th and on up to Northgate, as I have said before, I thought it was possible to do that corridor with rail on the surface. I think it would be a fun thing to operate but I think it would be quite slow with intersections and it would be subject to being disrupted at the worst possible times.

Mr. Matoff has his favorite tools, which are light rail vehicles. I like large, articulated electric and dual powered buses. I have this thing which probably infuriates Mr. Matoff. Many things he wants to do with rail I think would work with buses. Lake City Way feeds into Roosevelt. As I have told you, we have serious problems with transit coaches on Lake City Way being stuck in traffic. Having a coachway for buses coming in on Lake City Way and feeding into Roosevelt possibly a trolley wired transit way on Roosevelt maybe to Northgate along the freeway or on surface streets. At Northgate if we could have a two-lane easement between the transit center and across the parking lot to 5th Avenue, it would put us five to ten years ahead regarding the 305 and 307 routes. There are things in the surface proposal that should be kept sight of even if we go underground that entire way. The RTA needs to be looking at Lake City Way and Bothell Way, possibly in this study.

Mr. Matoff:

I do not usually respond to public comment, but I will do so today. My favorite tool is the appropriate tool for that application, and not one mode over another. Light rail would not be my favorite tool in an application where buses make more sense. I believe Mr. Dublin shares this viewpoint.

Rules Committee

Report of January 4, 1995 Special Meeting

Mr. Laing:

On January 4th, the Rules Committee held a special meeting after a request from the Public Involvement Committee and related to the production and mailing of an information piece which flows from state law. All board members were notified and invited to attend. Copies of the draft of the informational brochure were delivered to all of the Board members prior to that meeting. Ms. Barbara Dougherty is going to brief the entire Board on the sequence of events and where we stand.

Ms. Dougherty:

I will provide an overview of the process for getting to where we are today with this information document being prepared for the voters.

The actual development of such a piece to inform citizens of the final decision of the Board began in mid-October, at the October 12 Public Information Committee meeting. They were reviewing the program of envisioned activities and public information pieces for the period that would begin once a plan was adopted and the county process of ratification was completed. We were beginning then to develop a budget and work program. At the November 9 meeting, the Public Involvement Committee reviewed those items that they had earlier reviewed in concept in much

greater detail. They discussed the type of piece that would seem appropriate for informing the citizens. At that point, the Committee gave staff a nod to further develop activities, including such a brochure.

This was followed by a meeting with staff, legal counsel and our communications consultants in November regarding the format, content and outline of such a document that would satisfy the requirements of the state law which requires the provision of information to voters. We began defining specific features, size, format and decided that a full map with a description of the components would be provided. We also needed to be sure we were responding to specific requirements that we relate the project to other regional issues, examples of which are given in the state law. We talked about it being a full color piece, largely because the map has so many details that without color, it is difficult to distinguish all elements of the system. Even copies of the Master Plan, which is a white and black document, will have colored maps to help people understand the proposal.

We then prepared specifics and requested bids from printers and began ordering paper. It is an involved and time consuming process. The Public Involvement Committee also asked staff to start a communication dialogue with the PDC staff. The first meeting with the director, and also attended by Mr. Earling, Mr. Laing, staff and legal counsel, took place on the 28th. I think it was very useful. We went through the activities planned in the Public Involvement Committee's proposed work program. We also showed an assemblage of some of the public information materials the RTA and its predecessors had been using to communicate with the public over the last several years. One of the guidelines is how are the pieces in the campaign looking compared to what has been done as a general practice. The previous public information pieces were relevant to this discussion.

We showed the preliminary mock-up of the brochures for the voters. That was done, followed by more meetings of the Public Involvement Committee and the Board related to the work program and the budget. Both the Public Involvement Committee and the Board met on December 16. When the work program and the budget were approved, we highlighted this particular piece as a separate line item in the budget. We felt the cost and visibility were significant and that it should not be folded into another line item. We then began the process of review of the actual words to be used in the brochure. The Public Involvement Committee reviewed the draft on December 21 and discussed a schedule for the production, printing and delivery of the document. It was at that time that Mr. Laing recognized that his plans for having a full Board review of the copy was not going to coincide with the required time to work the production and printing. This led him to schedule a special meeting of the Rules Committee, to which all Board members were invited.

After meeting with the Public Involvement Committee in December on the wording, we revised the language per their direction and sent it to the PDC. That was helpful. We received back a copy with circles around phrases that the PDC felt went beyond being informational. When we hand delivered the copy to Board members on December 30 (our revised draft) we also included a copy of the draft as it had been revised by the PDC. At that time we met again with the PDC staff. We also asked them to review another piece after the October decision. We wanted to be sure it looked okay in their view. We are glad to say that it does. The PDC reviewed and revised the draft and we got more comments. Not surprisingly there are more phrases circled that had not been circled the first time. Those comments on the final review draft were made available to Board members at the January 4 Rules Committee meeting.

At that special meeting, there were several suggestions about the brochure and the words, phrases and content. This was followed by a meeting of the Chair and the Vice Chairs and we had additional drafts before last Friday. At 4:30 p.m. last Friday we had sign-offs by all three of those officers. We have since finalized it and it is in the contractors for final production and printing. The schedule showed that the date on which it would be mailed to the voters is February 14. The Rules Committee expressed concern about that being so late. Staff committed, and remains committed, to shortening that as best we can. The schedule includes points at which we will proof production. If all goes well, we hope to shorten that time frame and get it out in advance of February 14.

January 11, 1995 Meeting

Mr. Laing:

The Rules Committee held another meeting on January 11, 1995. At that time the Committee recommended approval of Resolution No. 53, which would establish the election date, adopt the ballot title and adopt the RTA boundary.

Mr. Paul Matsuoka:

Resolution No. 53 calls for a special election and specifies that local taxes would be increased to pay for transportation improvements. It includes the ballot title and would adopt final boundaries for the RTA and set March 14 as the date of the special election.

We met Wednesday of this week with the Rules Committee to review the draft. The committee made a couple of changes, which are included in the materials presented today. In addition to a review with the Rules Committee, we have also held meetings with the prosecuting attorneys of the three counties and the elections officials to review what is in the document. Their review suggested two changes, which the Rules Committee did not review. I will point them out today.

The first change is on page two of Resolution No. 53. The second to the last "Whereas" paragraph refers to Resolution No. 50. One of the suggestions was to make reference to the resolution, which is calling for the traditional ballot instead of a mail-in ballot.

Section 1 speaks to the general facilities and services included in the Phase I proposal. Section 2 deals with the two local options taxes we are talking about and says there will be a four-tenths of one percent increase in the sales tax and a three-tenths of one percent increase in the motor vehicle excise tax (MVET). Section 3 specifies a 16-year period for Phase I and an estimated cost of \$6.7 billion in 1995 dollars. Section 4 establishes the major financial parameters in the plan, such as the expectation of \$125 annually from federal and state sources and what happens with more or less and \$8 million in bond limits and the commitment in year 10 to report to the public about how we are doing.

Section 5 declares an emergency so that a special election may be held, and it specifies March 14 as the date for that election. The second amendment is proposed in the second paragraph of Section 5. We received a request that we request of the election officials that a local voter pamphlet be jointly produced and a single pamphlet be issued. By doing so, all voters in the RTA would receive the same pamphlet.

Section 6 includes the ballot title we are recommending. This would have a final review by the prosecuting attorney in King County. We do not have formal approval yet, but this is what we would submit. Section 7 amends what we have previously drawn as our boundary. There has been additional review and fine-tuning, and this is reflected in Exhibit A-1.

Section 8 directs the Executive Director to work with the elections officers to get this work done. I understand there has been a last minute discussion of a possible amendment to the language.

Mr. Bob Gunter:

As we have talked to the prosecuting attorneys and elections officials, there has been a dialogue about making this clear. At the top of page five, King County has proposed to clarify the proposed language by inserting the words "Phase I" so that the language will indicate that if funds are sufficient from the proceeds of local taxes and/or bonds authorized for the above purposes, the RTA shall acquire, construct, equip and make such improvements to the Phase I facilities of the RTA, as the Board finds necessary. We would concur with that recommendation and ask that the motion made to adopt Resolution No. 53 include that amendment.

There has been a period of several weeks we have been talking with the prosecuting attorneys and elections officials on the conduct. This has been a helpful process. If this is approved, the next step would be to hand it to the King County Elections Office. They will then turn it to the prosecuting attorney to look at the language. We have met

with the King County Prosecuting Attorney. They have reviewed the language but have not given a formal buy-off. There could be further revisions. We think this has been reviewed very carefully but there could be minor changes made by the prosecuting attorney.

Mr. Davidson:

In describing a four-tenths of one percent increase in the sales tax, I presume this is one percent of a dollar. I am finding it is interesting to say one percent of what? Why not say the increase would be four-tenths of a cent?

Mr. Laing:

This is a percentage of the purchase price. This is conventionally how such an amount is depicted. That reflects the language used in the enabling legislation.

Ms. Hague:

I assume we will have unanimous passage of this resolution. Could we ask the prosecuting attorney to look at page six, which includes the ballot title, to review it on the context of other money issues in the form of a levy, which often include an estimate of the total dollars to be raised. It seems we should have some estimate of the total value of this Phase I and that should be included in the ballot title. I am trying to remember any other levy that didn't have the total value of the measures or an estimate of it in the title. I would like the prosecuting attorneys of each county to look at the historical context.

Mr. Gunter:

We did draft several different options that were submitted to the prosecuting attorneys and elections officials. I believe some of those options showed the total dollars involved. We did that because on some ballot propositions this figure is shown. Most often it is not. We followed the most typical way of handling these large issues. That is certainly one thing King County might look at.

Ms. Gates:

I looked at that also, and Section 3 satisfied my concern. I think it needs to be part of the entire resolution and I found it in Section 3 very clearly.

Mr. Laing:

The Rules Committee recommended approval of Resolution No. 53. The Board may wish to consider including the change proposed to page five.

It was moved by Mr. Miller and seconded by Mr. Madsen that Resolution No. 53 be approved with the amendment to page five outlined by Mr. Gunter.

Ms. Hague:

I would hope that whatever document transmits this would include a review of whether the dollar amount would be included in the ballot title. We are passing this basically out of the RTA subject to final approval by the prosecuting attorney of each county.

Mr. Laing:

The prosecuting attorneys have met and reviewed this. Because King County is the largest county, I understood their prosecuting attorney would make the ultimate decision with regard to the ballot title. The King County Prosecuting Attorney will receive this document from the elections officials.

Mr. Gunter:

We could raise this issue as part of the transmittal letter.

Ms. Hague:

There was some interest in having one portion of the RTA do a mail ballot while others would vote at the poll.

Mr. Laing:

I understand that issue will be raised today.

Ms. Hague:

Should we deal with that issue before passing Resolution No. 53. Resolution No. 53 does specify, on page two, that voting will be done at the polls.

Mr. Gunter:

The Board previously requested a mail ballot and then retracted that request. That is the history involved. Resolution No. 53 doesn't directly speak to the methodology. In order to address that, you could amend this resolution in Section 5 or after adoption, take an additional action to deal with the Snohomish County situation.

Mr. Earling:

I have distributed today (copy on file) a memo from the Snohomish County Council requesting consideration for an option to have a mail ballot. It was my intent to bring that forward as a motion. Would you rather deal with it at this time?

Mr. Laing:

I would rather proceed with adoption of Resolution No. 53 and take that up as a separate issue.

Mr. Madsen:

How have we dealt with Ms. Hague's point about the dollar amount being included in the ballot title?

Mr. Laing:

My response to Ms. Hague was that after hearing legal counsel, we will take that up after we dispose of this.

Ms. Hague:

Do we not need to be concerned that Resolution No. 53 says "regular polling place."

Mr. Laing:

I understand Resolution No. 53 would either be amended in its body or the Board may take a subsequent action to indicate we have changed our request.

Mr. Madsen:

With regard to the transmittal letter, I would hate to have the letter imply that the Board would like the ballot title to include a dollar figure. The statute requires that the ballot title be limited to 75 words. We are asking the voters to pass a levy lid to do something; unlike a case with a school levy to approve a \$2 million bond, and then back into the rate. The letter should not indicate that the inclusion of a dollar figure is the desire of the Board.

Mr. Laing:

I think Ms. Hague is asking if that is common practice, but she is not necessarily suggesting it.

Ms. Hague:

That is correct.

Mr. Laing:

The idea is to indicate that this issue was raised.

Ms. Hague:

The issue is what is the best way to inform the voters so that they may make an informed decision.

Mr. Laing:

We have before us Resolution No. 53 with the addition of the words " Phase I" on the top of page five.

The motion was carried by the unanimous vote of all Board members present.

Mr. Earling:

I have been contacted by the Snohomish County Council. I have distributed to you a request from them for a special consideration for Snohomish County. They would like the Board to entertain the option of having Snohomish County conduct a mail ballot. Chief amongst the reasons for this is that Snohomish County would be able to accomplish a direct mail ballot. This is also being requested because it is the smallest of the three counties and they would like to maximize the number of people who would vote on the issue. Another reason is that it appears this would be a less costly way to hold the election. The Council unanimously agreed that they would like to be able to do a mail-in ballot. With that explanation, I would offer an amendment to Resolution No. 53 on page five.

Mr. Laing:

Is this the correct vehicle for approving such a request?

Mr. Gunter:

The appropriate means for handling this request would be a motion.

It was moved by Mr. Earling and seconded by Mr. Miller that the Board request that the Snohomish County Council conduct an election in Snohomish County utilizing a mail ballot.

Mr. Laing:

This would be a request to the auditor that the election in Snohomish County on the RTA ballot proposition be done by means of a mail vote.

Mr. Earling:

I have reiterated the reasons of which I am aware, for this request.

Mr. Madsen:

I am confused as to what the law allows or provides. I would address a question to legal counsel. Does the law authorize multi-county taxing jurisdictions to hold more than one technique of election? Does the law prohibit this?

If we were to take this action, is the law specifically ambiguous that we will find ourselves in court? I ask your opinion on the efficacy of this proposal.

Mr. Gunter:

A technical reading of the election laws could accommodate the motion, but there is a legal question. One statute for a two-year period for election officials to have carte blanche for mail elections in their jurisdictions. It doesn't speak to multi-jurisdictional entities. Another statute, effective January 1 of this year, says if there is an election occurring across multi-county areas and it is concurrent with primary elections, you must secure approval of the other counties before having a mail ballot. The most recent is that all auditors should concur and it be the same methodology. Technically, perhaps this qualifies but there is some question. Being conservative on election issues, I would not advise taking such a step. Our recommendation is that we not accommodate the motion, and that a convention ballot be utilized in all three counties.

Mr. Morrison:

I am wondering if there would be value in making the use of a mail ballot optional, based on further research.

Mr. Gunter:

It doesn't make any difference what we do. The elections officials there will make the final determination. We have made requests; our current request is for the election in all three counties to take place at the polling places. If the auditor is convinced to do it another way, they will do so. We assume the auditor will continue looking at that issue with other auditors and election officials in three counties made a commitment to maintain the same methodology. I suspect they will ultimately make the decision among themselves.

Mr. Miller:

I would be concerned about taking action that could jeopardize the legality of the election. I find it hard to believe we could legally or properly treat the voters within our boundaries or jurisdictions differently, and to differentiate county by county. If that were to be upheld, then a multi-county jurisdiction such as the RTA could custom design its election process as it felt would best benefit the outcome. I don't believe in the long run that it is a proper decision to make to treat the constituents differently. I would be very cautious in moving forward with a motion to make that differentiation.

Mr. Nickels:

I think this is an important request and one we should take a hard look at. I am not sure we have the information needed today to analyze the legal and financial issues involved. The information provided previously has been that a mail ballot would be significantly more expensive across the district. I would suggest we refer this to the Finance Committee and have them report back to the full Board at its next meeting.

It was moved by Mr. Nickels and seconded by Mr. Morrison that the request from Snohomish County to utilize a mail ballot be referred to the Finance Committee.

Ms. Hague:

Is this action time-sensitive?

Mr. Gunter:

We have been advised by Snohomish County that they need to start on this next week.

Ms. Sullivan:

I have a question regarding cost. I know that with the special taxing districts in King County we look at them as clients. We attempt to accommodate them in their requests for ballot measures. I am concerned about auditors making this decision essentially at variance with the wishes of the RTA. I am concerned about them being able to impose costs that are not necessary. If Snohomish County decided to utilize a mail ballot, would the entire RTA area have to utilize a mail ballot?

Mr. Gunter:

That is unclear. I don't think the entire RTA would have to utilize a mail ballot. State law does not address multi-county elections very well. One statute gave them broad authority to use mail ballots with different methods between precincts.

Mr. Locke:

If this is time-sensitive, I would urge we not refer it to the Finance Committee. I would support a no vote on the underlying motion. If, as legal counsel says, the ultimate decision is with the county auditor, I am not sure the relevance or the need by the RTA requesting Snohomish County what to do. If they want this and they have a closer proximity and influence on the county auditor, why do we need to be involved. I don't want to demand that they conduct a mail ballot; only when we have concluded it will be a regular ballot at the polling places for the other two counties. This sets a bad precedent. I don't want the supporting departure from the other counties. If that have the authority to make this decision, why should we tell them what to do.

Mr. Laing:

The issue before the Board is whether to refer this request to the Finance Committee.

Mr. Morrison:

I seconded the motion. If this is time sensitive, perhaps a motion to refer is not the right motion. It is my guess that each county has some precincts that vote by mail because of their remote nature. I think it is up to the election officials of each county to make this decision; Snohomish County will do what they think is best.

Mr. Nickels:

The Finance Committee would take this up at its earliest possible date. Mr. Earling is a respected member of this Board and he is being asked to forward this request. I think we should take it under advisement and give it the analysis it is due.

The motion to refer this request to the Finance Committee failed by a vote of seven to five. (Those voting in the minority were Ms. Choe, Mr. Nickels, Mr. Earling, Mr. Miller and Mr. Morrison.)

Mr. Laing:

The Board is now discussing the underlying motion.

Mr. Madsen:

I would like to amplify Mr. Locke's remarks. The RTA is suggesting a normal balloting process. Under state law the auditors have some flexibility. I do think it would not be a good thing for the whole process if Snohomish County went its own way, etc. I think it is important we recognize this request by the Snohomish County Council. I think we should vote against their request.

Mr. Laing:

I have passed the gavel to Mr. Miller so that I may make some remarks.

I intend to vote no and I suggest that others do so as well. There is a fundamental fairness issue involved. King County voters cannot vote by mail because of the certification requirements involved. The mail ballot option isn't available for King County.

The auditors have been working towards and the Board's conversation has been to have a uniform method of conducting the vote so voting would be substantially the same throughout the region. I understand there are those precincts that vote by mail, but for the vast majority, it would be done at the polling place or by mail via absentee ballot. In addition, we know the turnout would be of a greater percentage than at the polls. One of the very arguments is because there is a smaller percentage of voters in Snohomish County, they would have a maximum impact. That is the core of the difference in impact in equity and also to participate in the election. I think we should respectfully reject the motion.

Ms. Boekelman:

After changing our attitude of a mail ballot back to the polling place ballot, we took some criticism for that action. Because people are trying to make a difference on whether we would win or lose, I think voters would look at our integrity if we change our minds again. They were excited about the possibility of a mail ballot. To pull it away from all of them and then give this option back to part of the RTA area would not be good.

The motion failed by a vote of 12 to 1. (Mr. Earling voted in the minority.)

Mr. Laing:

Staff is currently distributing a proposed motion (copy on file). I will ask legal counsel to describe the requirements for providing certain information to elected officials to produce a voter pamphlet.

Mr. Gunter:

In our meetings with the prosecuting attorneys and election officials, we talked about the voter pamphlet and whose responsibility it was. We were assured it was their responsibility. In our meeting yesterday, we got a different signal that maybe this is our responsibility. The statute requires that the unit of local government go through a process to establish pro and con committees. This motion is intended as a "catch-up" to this newly discovered requirement. It directs the Executive Director to publish a notice so people can volunteer for those committees and it allows the Rules Committee to review and make recommendations to this Board at its meeting on January 27. These committees must be in place 45 days before the election.

It was moved by Ms. Gates and seconded by Mr. Miller that the Executive Director be instructed to immediately publish public notice of the RTA's interest in identifying citizens who are willing to serve on committees advocating voter approval or voter rejecting of the RTA's ballot measure as provided in RCW 29.81A.080. The Rules Committee is requested to review the persons responding and to recommend committee members to the Board for appointment at its January 27, 1995 meeting.

Ms. Gates:

I just think it is important to get moving on this very quickly and move it fairly and appropriately.

Ms. Hague:

How do we publish this notice? Is it in one particular newspaper?

Mr. Laing:

I understand this notice would be published in the largest newspaper of general circulation in the county, and such additional newspapers as the organization would like to utilize.

Mr. Gunter:

I believe that is correct. This will be done consistent with the election laws.

Ms. Hague:

Would the notice run for a particular period or be published only once?

Mr. Gunter:

I believe the notice would run only one time.

Mr. Madsen:

Does the clock start at the timing of this if this passes?

Ms. Choe:

The 45 day period is from the election date backward.

Mr. Gunter:

Because we are under King County election rules, I think there is a five day requirement to publish before we get any comments. If we act today to publish this and we make a decision at the next meeting, we will comply with everything we know to be the law and King County rules.

Ms. Sullivan:

With King County, we have to adopt an ordinance that approves the pro and con committees. Since each county is responsible will that have to be adopted by county ordinance rather than by resolution of this body?

Mr. Gunter:

We do not believe so.

Mr. Laing:

It is my understanding there will be one voter pamphlet throughout the RTA region. Is it the election officials in King County who will produce the pamphlet?

Mr. Gunter:

Yes.

Mr. Laing:

We don't have to go to each of those counties. They would all be worked through King County.

Mr. Gunter:

The ground rules are not really clear. The prosecuting attorneys and election officials have been cooperating and since King County is the largest county and its prosecuting attorney will finalize the ballot title, they would be the coordinator for all of these issues.

Mr. Laing:

The Board's next meeting is January 27; this allows us to take action to approve those committees.

The motion was carried by the unanimous vote of all Board members present.

Mr. Davidson:

We adopted the boundaries. What would be an appropriate description of Pierce County's boundaries at this stage? They have adopted urban boundaries since I assume these boundaries were established. Is it appropriate to consider the boundaries close enough to the urban boundary or are they the boundaries of the transit district.

Mr. Laing:

I cannot answer that.

Mr. Gunter:

The boundary issue has been through the county three times. Mr. Baker said there is no way these boundaries don't reflect what everyone has agreed to in all three counties. The last time King County was the only one who needed adjustments.

Mr. Davidson:

We will be giving out information including these boundaries. They usually follow the urban growth boundaries; however, I don't know how much discrepancy there is in this boundary. I would hate to lose credibility in areas where people know that boundary.

Mr. Gunter:

I can speak to the criteria used the first and second times through, which was to track that boundary as close as possible. I assume that guideline has been used throughout the review process.

Mr. Miller:

In setting the boundaries, consideration was given regarding Pierce Transit's existing service boundary as well as the growth boundary considered by Pierce County. I think they are reasonably consistent. There are areas that are rural reserve and buffers. I don't believe any change is necessary.

TRY RAIL Status Report

Mr. Bob White:

The project is proceeding relatively smoothly. Staff is set to inaugurate the service on Saturday, January 28 with service between Everett and Tacoma and back to Everett. The train will run in both directions. Following that, we will have two weeks of commute service between Everett and Seattle. We will take a week off and then have two weeks of commute service between Tacoma and Seattle. During the period between January 28 and March 17 we will carry passengers to nine Sonics games. With more of the basic services in place, we are beginning to more carefully analyze excursion services that might be provided on weekends and during weeks without commute services. We will be coming back with further information on that. We have been working very closely with the

Public Involvement Committee to develop and design marketing and public information programs for the demonstration. I think that is proceeding nicely.

This week we reviewed with the Rules Committee the final two major contracts needed to implement service. I think all major contracts are in place. The station platforms required for the service and to allow accessibility are approximately 70% complete and are within our schedule. The cars and locomotives are scheduled to leave Toronto tonight and travel to Vancouver, and then south to Seattle. They should arrive in approximately a week. We are proceeding with the support from all four transit agencies in the district regarding feeder and shuttle services necessary to have an integrated service program. We are in relatively good shape.

I would like to mention three entities to whom we owe many thanks. They are Go Transit from Toronto, who has been heroic in making the necessary cars available. They have done a pre-shipment inspection a week ago and found the cars to be in good shape mechanically and cosmetically. In addition, both Bombardier and GM, manufacturers of the cars and locomotives, have been helpful to us and Amtrak has agreed to maintain the vehicles while they are here. They have volunteered to assign technical staff to Seattle during the six week period.

We are on track with this project.

Mr. Miller:

I would like to make a request of the Chair. We have the commuter rail demonstration project as well as trips to Sonics games coming up. I believe it would be good to inaugurate this service by inviting board members and other local legislative leaders to participate in the service from Everett to Tacoma. We cannot assure access to the Sonics game, but Tacoma and Pierce County certainly commit to providing an opportunity to those individuals during the two hour time period before the train goes back to Everett. I think that would be beneficial to the orientation to what commuter rail means to this package.

Mr. Laing:

I believe we should have the Public Involvement Committee look at ways best to inaugurate the service.

Mr. Earling:

The Public Involvement Committee would be glad to do so.

Mr. Nickels:

I would like to extend my thanks to Mr. White and Mr. Henry Aronson. I have received calls from people claiming there is a fatal flaw with this project; they have solved these problems, not without significant effort. The fact that the trains are on their way is a significant milestone. I want to express my appreciation and I think the Board would concur.

Ms. Hague:

One of the aspects of the demonstration project is to provide free rides. Is this a gift of public funds?

Mr. Gunter:

I do not believe this would constitute a gift. It is a quid pro quo. I think we are well within the law. As this is a demonstration project of a relatively short nature, I believe we are within the law.

Ms. Sullivan:

This is ceremonial in nature.

Mr. Locke:

This service is open to the public; therefore it is not a gift of public funds.

Ms. Hague:

A person must live in a certain area in order to access this service.

Mr. Locke:

This service is open to the public. Someone from Eastern Washington could come to this area and access this service if they so desired.

Mr. Davidson:

I am concerned about this demonstration project being an advocacy position. Is there a relationship between this demonstration project and a positive vote in March?

Mr. White:

As Mr. Matoff mentioned earlier, staff is sensitive to this issue. We have been briefed thoroughly about what we can and cannot say in terms of the demonstration project. The purpose of the demonstration is to illustrate the commuter rail technology that exists. We have described this as providing an opportunity for members of the public to come and "kick the tires" on these vehicles. You have raised a good question. The PDC is aware we are undertaking this demonstration. The fact we started this in April of last year with the original intent of beginning the project several months before we were scheduled for a vote, is important to note. The record suggests the project is not avocational. The point is we should go back and make one more screen of the promotional materials. We have not published anything yet. In our training of on-board personnel, we will make a point of establishing what the boundaries are.

Ms. Sullivan:

I appreciate the strictness with which you are adhering to the PDC requirements. I am curious. Did you ask about the members of the Board? Are we under the same strictures?

Mr. Gunter:

We have had briefings on that issue. There is more flexibility for the Board to explain its decisions. The staff has to be much more concerned about using the resources of the RTA for electioneering.

(Board members Sullivan and Locke left at this time.)

Resolution No. 51

Mr. White:

Resolution No. 51 would authorize a memorandum of agreement with the Port of Tacoma, Port of Seattle and the Washington State Department of Transportation (WSDOT). Those bodies will be considering this action over the next couple of weeks. Seattle is scheduled to look at this on January 24, Tacoma is scheduled to review the agreement on January 19 and the WSDOT Commission is scheduled to review this January 19. Throughout the development of the commuter rail project, we have been attempting to develop a capital program in conjunction with the WSDOT's intercity program that achieves four objectives. This includes adding incremental capacity in the existing freight corridor to deal with the increased level of service because of our passenger programs. The flip side is that the investment is designed to avoid the degradation of freight rail services. We have also been trying not to alter the competitive balance between the two major railroads and the two ports. We have been careful to be sure the investments proposed are ones that can be directly related to the passenger program. They are not investments in

facilities for the purpose of moving freight. These objectives came from discussions with the Board and they were incorporated into the action adopting the Master Plan where it was stated that commuter rail service would be implemented without having an adverse impact on freight movement.

We have approached jointly with WSDOT representatives of the region the ports to present our case that we have achieved the four objectives. Frankly we have had success in giving information they need to make this judgment. On the other hand, most of the improvements have not been completely engineered. We know there will be changes in the project. We know the region's ports have their own investment programs. There may be opportunities to build on our own investments and get more for the region than when working independently. This memorandum of agreement, which will be presented to the Board for action at its next meeting, sets up a process where we can assure that as we implement our commuter rail service we will work closely with the ports. The key element is that the Ports of Seattle and Tacoma would endorse our capital program for commuter rail, subject to certain commitments on our part. We would finance and implement capital improvements before implementing service so the improvements do maintain freight mobility currently in place. The implementation of services would not result in black-out periods or periods when freight movement could not occur. Our analysis indicates it does not, but it is an assurance the ports are looking for.

It sets up a process where the ports will do an independent analysis of our work and we will make reasonable modifications if necessary. I suspect there will be a need to do that.

The ports, the WSDOT and the RTA commit to making annual report to each of the policy-making bodies regarding the steps taken to maintain freight mobility.

This is a summary of the proposed agreement.

Mr. Morrison:

I am enthusiastic about the potential cooperation this agreement reflects. I told you at the last meeting about the results of the meeting with all the parties. I think everyone felt there was a partnership, and that is reflected in the agreement before us. It is a very positive step in making sure that during the campaign we do not have the ports waving a red flag saying our trains and the intercity trains are stymieing the region's commerce.

Finance Committee Report

Resolution No. 46

It was moved by Mr. Nickels and seconded by Ms. Choe that Resolution No. 46 be approved as presented.

Mr. Nickels:

This is a contract for 1995 support services and funding between the RTA and King County. I understand legal counsel will help me present an amendment.

Mr. Gunter:

There is a provision in this agreement that requires errors and omissions insurance be in place. Under state law, the Board has immunity. The agreement should be amended to delete this reference to errors and omissions insurance.

Mr. Nickels:

This amendment would be made to section 11 on page six of the agreement.

Mr. Gunter:

The phrase, "...and public officials' errors and omissions insurance..." should be deleted from section 11 on page six of the agreement.

It was moved by Mr. Nickels and seconded by Ms. Choe that this amendment be approved.

Mr. Davidson:

I understand this clause was requested by the Metropolitan King County Council. Why do they think we need this language?

Mr. Gunter:

This language was requested by a member of the Prosecuting Attorney's office.

The motion to amend section 11, page six of the agreement to delete the phrase, "...and public officials' errors and omissions insurance...." was carried by the unanimous vote of all Board members present.

Mr. Nickels:

I would be happy to answer any questions.

The motion to approve Resolution No. 46, as amended, was carried by the unanimous vote of all Board members present.

Meeting Report

Mr. Nickels:

The technical appendix to the Master Plan and an addendum were reviewed by the Finance Committee, and directions were given for some changes. The nature of the changes is the fact that we read this as people whose avocation, rather than occupation, is mass transit. There are explanatory notes we have requested so that people understand the calculations. Those changes will be made and reviewed independently with members of the Finance Committee and we will present this to the Board for action on January 27.

We are involved in the state's grants process. We are discussing and will want to discuss the RTA's overall strategy for the grants and opportunities those present for leveraging local funding.

The Master Plan adopted by the RTA talked about engineering and financial principals. Those would develop and guide the long-term debt for the Authority. The due date for this was January 1995. The Finance Committee continues to look at that issue and we want to make sure we cover fully that issue. We will be working on that in February and bringing it back to the Board. We are setting a philosophy or policy related discussion of the guidelines for the use of up to \$800 million in long-term debt capacity.

In addition to the insurance coverage required for commuter rail service, the RTA now has an umbrella for property and automobile coverage, particularly Metropolitan King County. Research is underway regarding errors and omissions insurance. This might be something that would be appropriate for us to have. We expect to have this on the Committee's February 2 agenda, and we will then report back to the Board.

Public Involvement Committee Report

Mr. Earling:

With regard to the voter information document, we have been trying to define the actual cost of the publication. Initially the election officials reported there were 1.4 million registered voters in the RTA area. Subsequent to that, we worked this figure down to 1.2 million registered voters. We also requested that they run a merger list to reflect registered voter households. This takes the number of documents needed down to 780,000. It would be our intent to recommend that we run an extra 120,000 copies of the document. This would mean a total of 900,000 rather than 1.4 million. The 900,000 figure will result in a reduced cost for production and mailing. The production would be

\$54,000 and the postage and mailing cost would be \$157,000. The total estimated cost is \$211,000, which is \$100,000 less than the original budget. That is the number we are currently working with.

(Board member Nickels left at this time.)

We had discussions related to some media coverage we had planned in order to notify the public that the piece was about to be mailed. Discussions with staff indicate we will receive a considerable amount of press coverage as that piece is sent out. We no longer feel it is necessary to spend money on advertising. There was a concern about whether it was appropriate to advertise for this. This could be construed that we were promoting the ballot issue. We are sensitive to that concern. We are recommending that we no longer do the advertising. This will save \$40,000 budgeted for the advertising space and \$10,000 budgeted for the production of the advertising.

I would also call your attention to a memorandum from me (copy on file) that indicates there are a series of work products in production. All of these should be completed in the next week or 10 days. We are developing subarea information sheets so we can better explain how the system would work within the subareas. The most obvious advantage is that this material would explain the local bus services that would integrate with other services.

Interpretive displays are being developed. We will have those in various communities so that people can have a hands-on experience in seeing where the lines will run. A description of these displays is included in my memo.

The third issue is the marketing campaign for the TRY RAIL service. The Public Involvement Committee saw production pieces at its last meeting. I think you will agree that they are very well done. I would emphasize, as Mr. White mentioned, that all four bus agencies have been cooperative in coordinating this program.

The last item to note is that the RTA public involvement program is beginning to receive some nationwide publicity. We are delighted with that. Ms. Dougherty informed me, after the meeting, that this was happening. The Board should know that the RTA's program will be presented as part of the Transportation Research Board's annual meeting in Washington, DC. In addition, our program is being reviewed by the Federal Highway Administration as a research project on "Innovative Techniques for Public Involvement in Transportation Planning and Project Development."

This is a positive reflection on staff and the program they have put together. This is also a compliment to the Board on the way we communicate with the citizens.

Ms. Hague:

RCW 81.104.140 allows us to send out information as well as a voter pamphlet. We are in a gray area about how the public perceives us and advocacy issues. Since we have done such a good job of running our materials through the PDC, have we done that with the advertising for the TRY RAIL service? I want to be sure we cover all our bets.

Ms. Dougherty:

We have not asked the PDC to review those materials, but given our experience, we are trying to apply what we have learned to all our public information pieces. The difference in them is they are advocating the demonstration project, being careful not to advocate a position about the election that is coming up. We agree that is something we should pay particular attention to.

Ms. Hague:

Staff has indicated it is possible to receive different input from the PDC each time a piece is submitted for review. Based on that fact, I would suggest we offer them the TRY RAIL marketing materials for their review and comment.

Legislative Task Force Report

Mr. Madsen:

The strategy we are following is that since the legislature is a new breed of cat, we are not sure what direction they will go. In looking at the areas in which we feel we have to have legislation, it comes down to three items: 1) the issue of our boundaries following a city's boundaries and continuing to do so if they annex new properties; 2) bond counsel has indicated the RTA must specifically state it is a municipal corporation; and 3) the RTA is assuming a lot of State right-of-way for placement of its system. We are talking about a process by which we can have an expedited permit process. We want to see if the state and the Association of Cities and Counties can agree with some language and then go with that.

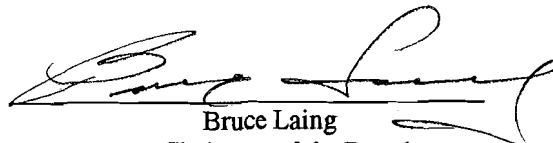
There are some other issues that still need to be discussed that would track with budgeting issues of the state. We will come back if it is agreed upon we should try to get that language through. I think it is important to have someone down there representing the RTA. We feel we need to be represented because there will be questions. There are so many new legislators. Mr. Metcalf needs to be there. We are mainly operating in a defensive position as we don't want the legislature to take anything away from us.

Next Meeting

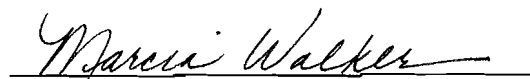
Mr. Laing:

The Board's next meeting is scheduled for Friday, January 27, 1995 from 1:30 to 4:30 p.m. in the Snohomish County PUD in Everett.

The meeting was adjourned at 3:45 p.m.


Bruce Laing
Chairman of the Board

ATTEST:


Marcia Walker
Board Administrator

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