

Summary Minutes

**Board Meeting
December 17, 2020**

Call to order

The meeting was called to order at 1:36 p.m. by Board Chair Kent Keel in a Virtual Meeting via telephone and video conference.

Roll call of members

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

Board members	
(P) Nancy Backus, City of Auburn Mayor	(P) Ed Prince, City of Renton Councilmember
(P) David Baker, City of Kenmore Mayor	(P) Kim Roscoe, City of Fife Mayor
(P) Claudia Balducci, King County Council Chair	(P) Nicola Smith, Lynnwood Mayor
(P) Bruce Dammeier, Pierce County Executive	(P) Dave Somers, Snohomish County Executive
(P) Jenny Durkan, Seattle Mayor	(A) Dave Upthegrove, King County Councilmember
(P) Debora Juarez, Seattle Councilmember	(P) Peter von Reichbauer, King County Councilmember
(P) Joe McDermott, King County Council Vice Chair	(P) Victoria Woodards, City of Tacoma Mayor
(P) Roger Millar, Washington State Secretary of Transportation – Patty Rubstello	

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

Report of the Chair

Public Hearing held on Sounder Fares Proposal – Sound Transit held a virtual public hearing to receive comment on to receive public comment on a proposed 2021 Sounder Fare Change. Boardmember Roberts presided over the meeting reviewed the single comment received from Mr. Joe Kunzler who voiced support for the fare change as a means to ease the burden on the working poor, differently abled, and seniors.

Live Public Comment – Chair Keel announced that Sound Transit is working on a way to facilitate live public comment at Board and Committee meetings, starting at the Executive Committee meeting in January. More information will be provided on the Sound Transit website in January.

CEO Report

CEO Rogoff provided the report. Boardmember Dammeier joined at this time.

Program Realignment Briefing Book – The realignment process will continue to be a major Board priority next year and a realignment workshop is being scheduled for January 21, 2021. Staff is preparing a briefing book that will include information about how projects perform under the Board adopted realignment criteria. The briefing book will also include a report on the agency’s financial status and the 2021 realignment process and schedule.

Federal Update – Mr. Rogoff reviewed the COVID-19 relief package being reviewed by congressional leaders which has a rough topline around \$900 billion, including \$15 billion for public transit. Leadership in both the House and Senate have indicated they will stay in session until there is a final package. Most of the transit funding will be distributed through formula, similar to the distribution of CARES funding approved by Congress in the spring. If approved the Seattle-Tacoma-Everett urbanized area would receive approximately \$304 million, with about \$97 million for Sound Transit. In addition, there is approximately \$628 million in emergency relief for projects with Full Funding Grant Agreements (FFGA). Sound Transit will work with the FTA to secure a portion of those dollars for the Federal Way and Lynnwood Link Extensions. CEO Rogoff thanked the Congressional delegation for their on-going work in support of our efforts. Congress is also working on an omnibus spending bill for 2021. The omnibus bill will include funding for transportation programs, including the \$100 million annual installment for both the Federal Way and Lynnwood FFGAs.

Secretary of Transportation – President-elect Biden announced his selection of former South Bend, Indiana Mayor Pete Buttigieg to be his Secretary of Transportation. Buttigieg was previously a Democratic presidential candidate, and during this campaign, quickly released an infrastructure plan that totaled over \$1 trillion. As a presidential candidate, the Mayor spotlighted the importance of transit to fueling America's success, and his emphasis on infrastructure bodes well.

12/11 Agency Expo hosted by Procurement & Contracts – Sound Transit held a virtual event on December 11, 2020, for industry partners looking to contract with the agency. Over 400 registrants participated in the first-of-its-kind, 5-hour event. Deputy CEOs Farley and Cummings joined CEO Rogoff to address the expo. Overall 60 agency staff, including PEPD Executive Director Don Billen, 18 other staff presenters and panelists, and 26 virtual booth volunteers, represented the agency at this incredibly successful event.

Homelessness & ST surplus property – Sound Transit received two requests, one in Tacoma and the other in Seattle, to use excess agency property as locations to provide temporary tiny house villages to serve people experiencing homelessness. In Tacoma, the agency is moving forward to allow the Tacoma Rescue Mission to continue to use existing Sound Transit excess property adjacent to their buildings that they've used recently for parking and storage to also be used for tiny houses to address capacity issues brought about by COVID-19. In Seattle, the Sound Transit Board of Directors received a short-term use request from Low Income Housing Institute to allow a tiny house village on property the agency owns in the U District. Many questions remain to be answered to make this a reality, but the agency is prepared to support City of Seattle leadership and answer these questions together. An additional update will be provided in Q1 to the full Board.

Construction highlights – CEO Rogoff reviewed construction progress on Sound Transit projects:

- Tacoma Link Extension – Walsh Construction is on track to complete our 2.4-mile Hilltop Link Extension on schedule in 2022. Construction is approximately 67 percent complete. Track work is 75 percent complete. With a majority of the outbound track complete, focus is on inbound rail in the vicinity of Tacoma General and along Division Ave. N.E. to the Stadium District. The agency is looking to complete the remaining 2 percent of utility work along Commerce St. in Q1 2021.
- Tacoma Link Operations and Maintenance Facility – The project is on target to hand the facility over to Tacoma Link Operations in early Q2.
- Puyallup Parking and Access Improvements Project – There is notable progress on the \$79.2M project. This new 5-story parking garage and adjacent surface lot will provide 675 new stalls to the existing 366 in the station area. Design work is now being finalized, permits issued and construction work will be well underway in the first quarter of next year. These improvements will be complete in the beginning of 2022 and will provide more access to a Sounder station where,

pre-Covid, all station area parking was typically full by 5:00 AM. Our parking permit program there has a wait list that is 200 percent over-subscribed.

- Lynnwood Link Extension – Civil construction on the 8.5-mile extension is now more than 25 percent complete. The final drilled shaft was completed on December 11, 2020, and more than 130 of the project's 188 columns are complete. In addition, fifty girder spans are now finished. A major milestone on Lynnwood Link Extension was completed late last month, installing the first section of falsework to support the elevated light rail guideway crossing I-5 in Mountlake Terrace. In addition to the progress on the alignment, work is underway on three new garages, which will add 1,500 new parking spaces for riders in Shoreline and Lynnwood. Sound Transit has added additional protocols for staff in the field limiting in person meetings and number of personnel on site. There has been an increase in the number of cases in construction and consultant staff but will continue to monitor the situation and will take additional measures as necessary.

Point Defiance Bypass Testing - Dates have been tentatively set for dynamic testing of passenger trains on the Point Defiance Bypass, beginning the weekend of January 16, 2021. The corridor will see Amtrak passenger trains running at various speeds that weekend for the first time since the tragic Amtrak train 501 crash nearly 3 years ago. This testing is being approved with the utmost rigorous safety standards by our Chief Safety Officer, David Wright. The testing dates were also selected to avoid the December anniversary of the crash. The agency will communicate with stakeholders and the public before testing begins. Should these dynamic tests be successful, the next step would be crew qualifying runs in the corridor in the months ahead. Mr. Rogoff noted that safety, not schedule, continues to be Sound Transit's only priority.

Ric Ilgenfritz named Community Transit CEO - Five months after long-time CEO Emmett Heath announced his departure from Community Transit, last Thursday it was announced that Ric Ilgenfritz has been selected to become the new CEO, effective January 11th. Mr. Ilgenfritz has a 16-year career with Sound Transit, which included turns as the Communications Director and the head of Planning, Environmental and Project Development. He was essential to getting federal funding for Link's initial segment, and for the development and passage of both ST2 and ST3.

Boardmember Dammeier formally requested to be involved in the meeting with the City of Lakewood to discuss the Point Defiance Bypass testing. CEO Rogoff stated that he is happy facilitate boardmember participation.

Boardmember von Reichbauer made remarks on behalf of the City of Federal Way in regards of the proposed artwork. He recognized that the proposed artwork was something that united the community like never before. He thanked the quick response from CEO Rogoff and for listening to the concerns from the community. He encouraged that community feedback be a part in the decision making in any proposed artwork in the future.

Vice Chair Roberts echoed CEO Rogoff comments in his CEO Report regarding Emmett Heath's leadership and noted that he is looking forward to working with Mr. Ilgenfritz in his new role.

Public Comment

Chair Keel announced that due to the Governor's order and Motion No. M2020-23 approved in March, the Board would only be accepting public comment via email.

Board members received written comments submitted by 12:30pm on December 17, 2020 from the following people:

- Mathew Renner
- Susan Davis
- Bill Hirt

- Approximately 440 Email Messages – Advocating for removal of the Fare Enforcement program from policing and the court system

Consent Agenda

Voucher Certification: November 2020

Minutes: November 19, 2020 Board of Directors Meeting

**Correction: Minutes: June 3, 2020 Program Realignment Workshop

Motion No. M2020-77: Authorizing the chief executive officer to execute an Agreement with the City of Shoreline to convey Sound Transit owned surplus property to the City in exchange for the vacation of City Rights-of-Way that are needed for the Lynnwood Link Extension project.

Motion No. M2020-78: Authorizing the chief executive officer to execute a Partnering Agreement with City of Shoreline for the SR 522/NE 145th Bus Rapid Transit project.

It was moved by Boardmember Baker, seconded by Boardmember Roberts and carried by unanimous vote that the Consent Agenda be approved as presented.

Business items

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 Dammeier and seconded by Boardmember Baker.

Chair Keel stated that earlier this month the Executive Committee discussed nominations for the Board Chair and two Vice Chairs. The next action on the agenda, Motion No. M2020-80 is related to the election of a Board Chair and two Vice Chairs and Secretary Millar will preside over that portion of the meeting. First the Board will consider the recommendation from the Executive Committee to allow a one-year term for all three positions in 2021. Under the Board rules, officer terms are for two years. The action before us would supplement the rules to allow one-year terms in 2021 instead of the required two-year terms. After 2021, two year terms would resume with the next term being 2022-2023.

To supplement the rules requires a supermajority vote, or 12 affirmative votes of the Board. Chair Keel called for a roll call vote.

Ayes

Nancy Backus
David Baker
Claudia Balducci
Dow Constantine
Bruce Dammeier
Jenny Durkan
Debra Juarez
Joe McDermott
Rogar Millar

Nays

Ed Prince
Paul Roberts
Kim Roscoe
Nicola Smith
Dave Somers
Pete Von Reichbauer
Victoria Woodards
Kent Keel

It was carried by majority vote of 17 Boardmembers that Motion No. M2020-79 be approved as presented.

Motion No. M2020-80: Electing the Sound Transit Board Chair and two Vice Chairs for a one-year term each, beginning January 1, 2021 and ending December 31, 2021.

Boardmember Millar stated that the current terms for the Board Chair and Vice Chairs are set to expire on December 31st. The Board's rules call for the Executive Committee to develop nominations for the Board Chair and the two Vice Chairs. The Executive Committee's recommendations are then considered by the Board in December, before the current terms expire. Board officers are selected by majority vote of all members of the Board and the Chair and Vice Chairs each need to be from different counties. The Executive Committee met earlier this month and recommended Kent Keel from Pierce County as Board Chair, and Dow Constantine from King County as Vice Chair, and Paul Roberts from Snohomish County as Vice Chair. Based on Motion No. M2020-79 that the Board approved, the Board Chair and Vice Chair terms will all be for one-year terms, from January 1, 2021 through December 31, 2021.

Boardmember Millar called for nominations, no additional nominations were made. Motion No. M2020-80 would elect Kent Keel from Pierce County as Board Chair, Dow Constantine from King County as Vice Chair, and Paul Roberts from Snohomish County as Vice Chair for one-year terms beginning January 1, 2021 and ending December 31, 2021.

Motion No. M2020-80 was moved by Boardmember Roscoe and seconded by Boardmember Woodards.

Boardmember Millar called for a roll call vote.

Ayes

Nancy Backus
David Baker
Claudia Balducci
Dow Constantine
Bruce Dammeier
Jenny Durkan
Debra Juarez
Joe McDermott
Rogar Millar

Nays

Ed Prince
Paul Roberts
Kim Roscoe
Nicola Smith
Dave Somers
Pete Von Reichbauer
Victoria Woodards
Kent Keel

It was carried by unanimous vote of 17 Boardmembers that Motion No. M2020-80 be approved as presented.

Resolution No. R2020-26: Amending the Adopted 2020 Annual Budget to increase the System Expansion – Link budget by \$30.0 million from \$1,965,286,311 to \$1,995,286,311 to account for higher category spending in 2020, without an increase to the Authorized Project Allocation for any individual Link project.

Claudia Balducci, Chair of the System Expansion Committee spoke to the resolution and invited Ryan Fisher, Director of Financial Planning, Analysis and Budget, provided the presentation.

Resolution No. R2020-26 was moved by Boardmember Balducci and seconded by Boardmember Roscoe.

Chair Keel noted that per statute requires a supermajority vote of the Board, which is 12 affirmative votes. Chair Keel called for a roll call vote.

Ayes

Nancy Backus
David Baker
Claudia Balducci
Dow Constantine
Bruce Dammeier
Jenny Durkan

Nays

Ed Prince
Paul Roberts
Kim Roscoe
Nicola Smith
Dave Somers
Pete Von Reichbauer

Debra Juarez
Joe McDermott
Rogar Millar

Victoria Woodards
Kent Keel

It was carried by unanimous vote of 17 Boardmembers that Resolution No. R2020-26 be approved as presented.

Resolution No. R2020-27: Adopting an annual budget for the period from January 1 through December 31, 2021, and adopting the 2021 Transit Improvement Plan.

Resolution No. R2020-27 was moved by Boardmember Backus and seconded by Boardmember Roberts.

Nancy Backus, Chair of the Finance & Audit Committee, spoke to the resolution and invited Ryan Fisher, Director of Financial Planning, Analysis and Budget, provided the presentation.

Adopting the annual budget requires a supermajority vote of the Board, which is 12 affirmative votes. Chair Keel called for a roll call vote.

Ayes

Nancy Backus
David Baker
Claudia Balducci
Dow Constantine
Bruce Dammeier
Jenny Durkan
Debra Juarez
Joe McDermott
Rogar Millar

Nays

Ed Prince
Paul Roberts
Kim Roscoe
Nicola Smith
Dave Somers
Pete Von Reichbauer
Victoria Woodards
Kent Keel

It was carried by unanimous vote of 17 Boardmembers that Resolution No. R2020-27 be approved as presented.

Motion No. M2020-63: Adopting the Sound Transit 2021 State Legislative Program and directing staff to evaluate and engage in issues that impact the agency as it continues to implement a regional high-capacity transit system.

Chair Keel noted that Motion No. M2020-63 was forwarded by the Executive Committee. Alex Soldano, Director of State Relations, provided the staff presentation.

Motion No. M2020-63 was moved by Boardmember Dammeier and seconded by Boardmember Backus.

It was moved by Boardmember Dammeier, seconded by Boardmember Baker to amend the Motion No. M2020-63 by making the following changes to the fourth position identified in the motion:

- **Continue to work collaboratively with the State Legislature to support the public's desire to base vehicle taxes on a vehicle's true current value, in a revenue neutral manner that does not unconstitutionally impair bondholder contracts.**

The Board, through Motion No. M2017-37 directed Sound Transit staff to engage with the State Legislature and pursue options to address public concerns about Motor Vehicle Excise Taxes and the depreciation schedule in use for Sound Transit 3. Sound Transit ~~asks that the will continue to work with the Legislature adopt legislation to develop solutions that seek to implement the public's desire to base vehicle taxes on a more accurate and current value of a vehicle on a vehicle's true current value in a revenue neutral manner,~~ provided that such solutions must provide alternative or

additional security that does not unconstitutionally impair bondholder contracts and is revenue neutral.

Boardmember Balducci asked how the amendment differed from the previous language. Boardmember Dammeier explained that his intention was to made the statement stronger.

Boardmember Balducci asked if the statement would advocate for an increase in sales tax in order to achieve revenue neutrality. CEO Rogoff advised that that could be one option, but felt that the statement itself did not advocate specifically for a sales tax increase.

Boardmember Balducci advised that she would not support the amendment, because it stated that the Board allowed for the potential for a sales tax increase, which was regressive and leaned on people who could afford it the least.

Boardmember Durkan advised that she would be supporting the amendment, noting that the MVET itself was regressive.

Boardmember Millar asked if there was legislation to which the amended language referred.

Boardmember Dammeier advised that there was not, but that it laid out a framework for legislation.

Ayes

Nancy Backus
Dow Constantine
Bruce Dammeier
Jenny Durkan
Debra Juarez
Rogar Millar
Paul Roberts

Kim Roscoe
Nicola Smith
Dave Somers
Pete Von Reichbauer
Kent Keel

Nays

David Baker
Claudia Balducci
Joe McDermott
Ed Prince

It was carried by majority vote of 12 Boardmembers that Motion No. M2020-63 be amended with Boardmember Baker, Boardmember Balducci, Boardmember McDermott and Boardmember Prince, voting in the minority.

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

Ayes

Nancy Backus
David Baker
Claudia Balducci
Dow Constantine
Bruce Dammeier
Jenny Durkan
Debra Juarez
Joe McDermott
Rogar Millar

Ed Prince
Paul Roberts
Kim Roscoe
Nicola Smith
Dave Somers
Pete Von Reichbauer
Kent Keel

Nays

It was carried by unanimous vote of 16 Boardmembers that Motion No. M2020-63 approved as amended.

Resolution No. R2020-28: (1) Adopting new, lower fares for Low Income Adults, Youth, Seniors and People with Disabilities for Sounder commuter rail effective March 1, 2021, and (2) superseding the fare rates established in Resolution No. R2018-05 with the rates established by this action as shown in Attachment A.

Chair Keel noted that this action is coming directly to the Board because Sound Transit's public outreach process on the proposal was still underway in early December when the Rider Experience & Operations Committee met. The Board received a briefing on the proposal at the October Board meeting before the

outreach process began. This action will allow any approved change to be implemented as part of the March 1, 2021 Service Change.

Craig Davis, Deputy Director of Fares, and Nancy Ly, Fares Senior Financial Analyst provided the staff report.

Resolution No. R2020-28 was moved by Boardmember Dammeier and seconded by Boardmember Roscoe.

Boardmember Balducci asked the rationale for bringing it to the Board at this meeting. CEO Rogoff advised that it had been in discussion internally and was timely with the very low fare pilot program launching for Link. Boardmember Balducci asked that actions like this be brought to the Board sooner and with more time for consideration.

Chair Keel called for a roll call vote.

Ayes

Nancy Backus	Ed Prince
David Baker	Paul Roberts
Claudia Balducci	Kim Roscoe
Dow Constantine	Nicola Smith
Bruce Dammeier	Dave Somers
Debra Juarez	Pete Von Reichbauer
Joe McDermott	Kent Keel
Rogar Millar	

Nays

Jenny Durkan

It was carried by majority vote of 15 Boardmembers that Resolution No. R2020-28 be approved as presented with Boardmember Durkan voting in the minority.

Boardmember Durkan clarified that she voted no on Resolution No. R2020-28 because she believed that fares should be free for low income populations.

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 stated that this action was drafted by Boardmember McDermott and was considered by the Executive Committee earlier this month. At the Executive Committee, staff provided a brief presentation on the Fare Enforcement action plan and ambassador pilot program. The action was amended by the committee to allow staff to provide alternative policy approaches that result from community engagement and pilot program findings.

The motion directs the CEO to provide a fare enforcement and engagement report, a recommendation on a new fare enforcement/engagement program and implementation plan, and draft language for the Board to consider when updating the Fare Enforcement Policy. The motion suspends issuance of civil infractions for fare evasion until the Fare Engagement Ambassador Pilot Program is complete and the Board votes on an updated fare enforcement policy.

Boardmember McDermott explained that the summer's national awakening to institutional and system racism, also brought to light the racial disproportionality of fare enforcement activities in Sound Transit's system. He advised that the motion, which he introduced, supported the fare ambassador pilot program due for introduction in 2021.

Boardmember Constantine advised that he would vote for the action. He explained that he wished to see the fare enforcement program removed from law enforcement and the courts like King County Metro.

Boardmember Prince explained that he echoed the comments of Boardmembers McDermott and Constantine, but that he would be supporting the motion.

Boardmember Baker agreed with the previous comments and advised that he would be supporting the action.

Boardmember Balducci advised that she would be supporting the action and voiced support with the comments provided previously.

Boardmember Durkan agreed with the previous speakers.

Chair Keel advised that he closely reviewed the many comments provided voicing concern about the effect that the fare enforcement program had on disadvantaged communities, although he believed there was a way the agency could create a policy which would allow for those who do are not in the category of people disproportionately affected to face the consequences.

Chair Keel called for a roll call vote.

Motion No. M2020-74 was moved by Boardmember Baker and seconded by Boardmember Dammeier.

Ayes

Nancy Backus
David Baker
Claudia Balducci
Dow Constantine
Bruce Dammeier
Jenny Durkan
Debra Juarez
Joe McDermott
Rogar Millar

Nays

Ed Prince
Paul Roberts
Kim Roscoe
Nicola Smith
Dave Somers
Pete Von Reichbauer
Kent Keel

It was carried by unanimous vote of 16 Boardmembers that Motion No. M2020-74 be approved as presented.

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

Chair Keel advised that the action was reviewed by the Executive Committee and forwarded with a recommendation. The committee is recommending that Peter Rogoff be given a performance rating of Excellent based on his work in achieving his 2020 performance goals and objectives. Mr. Rogoff informed the committee members that despite what is called for in the CEO's employment contract, he intends to decline both a merit raise and performance award this year in light the financial challenges brought on by the pandemic and his desire to lead by example as the agency works to contain operating costs. Based on that, the motion does not include a merit increase or a performance award for this review cycle.

Boardmember Backus voiced her appreciation for CEO Rogoff's leadership, especially through the unprecedented challenges faced in 2020.

Boardmember Dammeier voiced appreciation for CEO Rogoff's decision to not seek a performance award and merit increase, noting it was a strong leadership move.

Vice Chair Roberts voiced appreciation for CEO Rogoff and Sound Transit staff's work through a tumultuous year.

Chair Keel commended the work of CEO Rogoff in keeping such a large organization flexible in the uncertainty of the COVID-19 pandemic.

Chair Keel called for a roll call vote.

Motion No. M2020-75 was moved by Boardmember Roberts and seconded by Boardmember Backus.

Ayes

Nancy Backus
David Baker
Claudia Balducci
Dow Constantine
Bruce Dammeier
Jenny Durkan
Debra Juarez
Joe McDermott
Rogar Millar

Nays

Ed Prince
Paul Roberts
Kim Roscoe
Nicola Smith
Dave Somers
Pete Von Reichbauer
Kent Keel

It was carried by unanimous vote of 16 Boardmembers that Motion No. M2020-75 be approved as presented.

Report to the Board

There were no reports to the Board.

Next meeting

The next regular Board meeting would be held on Thursday, January 28, 2020, 1:30 to 4:00 p.m. as a virtual meeting via WebEx.

Adjourn

The meeting adjourned at 3:13 p.m.

Kent Keel
Board Chair

ATTEST:

Kathryn Flores
Board Administrator

APPROVED on _____, TW.