

## Resolution No. R2022-05

### Refreshing the Citizen Oversight Panel

Meeting:	Date:	Type of action:	Staff contact:
Board	03/24/2022	Final action	Kathy Albert, Chief Strategic Business Officer <b>Katie Flores, Board Administrator</b>

### Proposed action

Renaming the Citizen Oversight Panel to the Community Oversight Panel, establishing the responsibilities and parameters for the panel and superseding Motion Nos. 18 and M2002-87 and the selection process established by the Board in 1996.

### Key features summary

- This action refreshes the Citizen Oversight Panel’s structure, areas of oversight responsibility, and candidate eligibility in the interest of attracting a more diverse range of members.
- At the request of the Board, staff reviewed the application process and the panel itself. Improvements to the application and outreach were implemented in May 2021, and further reforms to the panel were identified.
- Proposed changes to the panel include:
  - Reducing term lengths to three years and allowing members to serve three terms for a total of nine years.
  - Requiring a virtual meeting option.
  - Recommending that the panel look for opportunities to hold meeting outside of normal business hours.
  - Changing the name to the Community Oversight Panel.
  - Updating the language for areas currently monitored by the panel and add areas for monitoring.
  - Allowing residents who are not registered voters to serve on the panel.
  - Including insight into the areas identified as oversight responsibilities in addition to any experience or skills.
  - Administrative clarifications.
- The seven current panel members have provided input in the process and agree with the proposed changes.
- If this action is approved, staff will continue its recruitment efforts and bring a list of applicants to the Board for consideration at in May 2022.

## **Background**

The Sound Transit Citizen Oversight Panel (COP) is a 15-member advisory committee of citizen volunteers appointed by the Sound Transit Board to monitor and report on Sound Transit performance in delivering on the commitments it made in Sound Move, ST2, and ST3.

Following a series of resignations from the panel in late 2020 and early 2021, staff began a recruitment effort in March 2021 to fill a total of eight vacancies on the panel. More than 20 applications were received and presented to the Board for consideration. The Board expressed concern with the lack of diversity within the applicant pool and asked staff to return with a more diverse pool of applicants which represented the region.

In response to the Board's request, staff added 25 organizations and industry groups which serve diverse populations to its existing recruitment outreach list, added questions about an applicant's commitment to equity and inclusion to the application, broadened supporting documentation beyond the requested resume or CV, and added a voluntary self-identification survey to the application so the Board could better understand the overall demographic picture of the applicant pool.

Additional changes were identified which require Board action to supersede past board actions outlining the panel's structure, responsibilities, and candidate eligibility. Those changes include:

- Reducing term lengths to three years and allowing members to serve three terms for a total of nine years.
- Requiring a virtual meeting option.
- Recommending that the panel look for opportunities to hold meeting outside of normal business hours.
- Changing the name to the Community Oversight Panel.
- Updating the language for areas currently monitored by the panel and add areas for monitoring.
- Allowing residents who are not registered voters to serve on the panel.
- Including insight into the areas identified as oversight responsibilities in addition to any experience or skills.

The panel reviewed the updates proposed in this action at its 2022 Annual Retreat and agreed with the approach. Members have expressed a desire to fill the eight vacancies and acted at the retreat to change the time and frequency of its meetings in order to appeal to those who would not be able to attend its meetings held during regular business hours.

## **Disadvantaged and small business participation**

Not applicable to this action.

## **Public involvement**

Not applicable to this action.

## **Time constraints**

A one-month delay would limit the ability to recruit members to the panel.

## **Prior Board/Committee actions**

Motion No. M2002-87: Accepted the recommendations of the Citizen Oversight Panel regarding members' terms

### Citizen Oversight Panel Selection Process

Motion No. 18: Committed to the timely establishment of a citizen oversight panel

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**Environmental review** – KH 2/23/22

**Legal review** – AJP 2/18/21



## Resolution No. R2022-05

### Community Oversight Panel

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority renaming the Citizen Oversight Panel to the Community Oversight Panel, establishing the responsibilities and parameters for the panel and superseding Motion Nos. 18 and M2002-87 and the selection process established by the Board in 1996.

WHEREAS, the Central Puget Sound Regional Transit Authority, commonly known as Sound Transit, was formed under chapters 81.104 and 81.112 of the Revised Code of Washington (RCW) for the Pierce, King and Snohomish Counties region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, Sound Transit is authorized to plan, construct and permanently operate a high-capacity system of transportation infrastructure and services to meet regional public transportation needs in the Central Puget Sound region; and

WHEREAS, in general elections held within the Sound Transit district on November 5, 1996, November 4, 2008 and November 8, 2016, voters approved local funding to implement a regional high-capacity transportation system for the Central Puget Sound region; and

WHEREAS, on December 6, 1996 the Board approved Motion No. 18, which committed the agency to the timely establishment of a citizen oversight panel and established policy areas for the panel to monitor and provide recommendations to the Board; and

WHEREAS, on December 11, 1996, the executive committee adopted a selection process for citizen oversight panel members that set conditions for membership on the panel, qualifications for applicants and procedures for the application and selection process and specified that the panel report to the finance committee; and

WHEREAS, on July 11, 2002, the Board approved Motion No. M2002-87 accepting the citizen oversight panel's recommendation on members' terms and establishing updated terms for all members; and

WHEREAS, the Board remains committed to assuring public accountability in the exercise of its authorities in carrying out the commitments of the voter-approved plans, including effective citizen involvement in major capital investments.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Central Puget Sound Regional Transit Authority that the Citizen Oversight Panel is renamed the Community Oversight Panel, responsibilities and parameters for the panel are hereby established as follows, and Motion Nos. 18 and M2002-87 and the selection process established by the Board in 1996 are hereby superseded:

#### 1.0 Scope

- 1.1 These parameters apply to the administration and operation of the independent panel named in the voter-approved plans responsible for monitoring Sound Transit's performance and providing recommendations to the Sound Transit Board.

## **2.0 Parameters and responsibilities**

2.1 **Panel independence.** The community oversight panel is an independent body charged to review Sound Transit's performance against its commitments to the public in the voter-approved plans on time and within budget. The community oversight panel reports to the Board.

2.2 **Role.** The community oversight panel monitors and provides recommendations concerning the agency's performance in meeting its public commitments in the following policy areas:

2.2.1 Community engagement activities

2.2.2 Project planning and alignment decisions

2.2.3 Budget and financial plan

2.2.4 Project schedule and budget adherence

2.2.5 Agency performance audits

2.2.6 Social justice and equity

2.2.7 Passenger experience

## **2.3 Appointments and terms**

2.3.1 The Board makes appointments to the community oversight panel for terms of three years. Terms begin on the first of the month following the Board appointment.

2.3.2 The Board may appoint members for up to three terms. Members whose terms have expired may continue to serve until a successor is appointed.

2.3.3 Members who are currently serving on the panel at the time this action is adopted continue to serve for the remainder of their previously appointed terms and are eligible for future terms consistent with this action.

2.3.4 The Board appoints a total of 15 members to the panel. Appointments include a minimum of two people from each of the five geographic subareas in the Sound Transit district and representation from a variety of interests. Members are subject to the agency's ethics policy.

## **2.4 Candidate qualifications**

2.4.1 Candidate must live or work within the Sound Transit district.

2.4.2 The Board considers a candidate's experience, skills and/or insights in policy areas overseen by the panel when considering panel appointments.

2.5 **Meeting access.** The Board encourages the panel to meet at times that allow inclusive participation and offer options for participating virtually or via phone.

2.6 **Budget.** The Board provides an annual budget to support the community oversight panel, including planning and facilitation for panel meetings.

## **3.0 References**

3.1 Resolution No. R81-2 Code of Ethics

3.2 Resolution No. R2021-01 Board Rules and Operating Procedures

3.3 Resolution No. R87 Reporting Improper Governmental Actions Policy

3.4 Motion Nos. M2006-55 and M2013-93 Diversity Oversight Committee

3.5 Resolution No. R2018-41 Board Committee Responsibilities

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on March 24, 2022.



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Kent Keel  
Board Chair

**Attest:**



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Kathryn Flores  
Board Administrator

**Community Oversight Panel Board Actions Comparison**  
**Motion No. 18, Selection process established by the Board in 1996, and Motion No. M2002-87**

<b><i>Motion No. 18</i></b>	<b><i>Proposed Resolution</i></b>	<b><i>Reason for Change</i></b>
<p>A MOTION of the Board of the Regional Transit Authority of Pierce, King and Snohomish counties committing to the timely establishment of a citizen oversight panel.</p>	<p>A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority renaming the Citizen Oversight Panel the Community Oversight Panel, superseding Motion No. 18, the selection process established by the Board in 1996, and Motion No. M2002-87 and establishing new responsibilities and parameters for the panel.</p>	<p>Supersedes the past actions with responsibilities and parameters in the proposed resolution.</p>
<p>WHEREAS, on May 31, 1996, the Board of the Regional Transit Authority adopted Sound Move, the Ten-Year Regional Transit System Plan; and</p> <p>WHEREAS, the RTA Board’s commitment to public accountability is a predominant theme in the principles and policies described in the plan; and</p> <p>WHEREAS, the plan includes a specific commitment of the RTA Board to appoint a citizen oversight panel to monitor RTA performance in carrying out its ten-year commitments; and</p> <p>WHEREAS, the plan includes the RTA’s commitment to provide the resources and support necessary to involve the public at all levels of planning; and</p> <p>WHEREAS, the creation of a citizen oversight panel is not intended to delegate any of the RTA Board’s legislative powers or policy responsibilities or to replace other planned public involvement processes; and</p> <p>WHEREAS, the RTA Board is developing a comprehensive</p>	<p>WHEREAS, the Central Puget Sound Regional Transit Authority, commonly known as Sound Transit, was formed under chapters 81.104 and 81.112 of the Revised Code of Washington (RCW) for the Pierce, King and Snohomish Counties region by action of their respective county councils pursuant to RCW 81.112.030; and</p> <p>WHEREAS, Sound Transit is authorized to plan, construct and permanently operate a high-capacity system of transportation infrastructure and services to meet regional public transportation needs in the Central Puget Sound region; and</p> <p>WHEREAS, in general elections held within the Sound Transit district on November 5, 1996, November 4, 2008 and November 8, 2016, voters approved local funding to implement a regional high-capacity transportation system for the Central Puget Sound region; and</p> <p>WHEREAS, on December 6, 1996 the Board approved Motion No. 18, which committed the agency to the timely establishment of a citizen oversight panel and established policy areas for the panel to monitor and provide recommendations to the Board; and</p>	<p>Updated recitals incorporate Board actions taken since 1996.</p>

<p>program to involve citizens in regional, subarea and community issues and projects;</p> <p>WHEREAS, the implementation of the Ten-Year Plan is contingent upon and has received voter approval of a ballot proposal on the November 5, 1996 election;</p> <p>NOW, THEREFORE BE IT MOVED BY THE BOARD OF DIRECTORS OF THE REGIONAL TRANSIT AUTHORITY AS FOLLOWS:</p>	<p>WHEREAS, on December 11, 1996, the executive committee adopted a selection process for citizen oversight panel members that set conditions for membership on the panel, qualifications for applicants and procedures for the application and selection process and specified that the panel report to the finance committee; and</p> <p>WHEREAS, on July 11, 2002, the Board approved Motion No. M2002-87 accepting the citizen oversight panel's recommendation on members' terms and establishing updated terms for all members; and</p> <p>WHEREAS, the Board remains committed to assuring public accountability in the exercise of its authorities in carrying out the commitments of the voter-approved plans, including effective citizen involvement in major capital investments.</p> <p>NOW, THEREFORE, BE IT RESOLVED by the Board of the Central Puget Sound Regional Transit Authority that the Citizen Oversight Panel is renamed the Community Oversight Panel, responsibilities and parameters for the panel are hereby established as follows, and Motion Nos. 18 and M2002-87 and the selection process established by the Board in 1996 are hereby superseded:</p>	
<p>1. The RTA Board reiterates its commitment to assuring public accountability in the exercise of its authorities in carrying out the commitments of the ten-year plan, including effective citizen involvement in major capital investments.</p>		<p>Included as a recital in the resolution.</p>
<p>2. The RTA Board will begin immediately to define and implement a process for establishing and appointing the citizen oversight panel. The RTA Board commits to having the panel in place by the end of February 1997.</p>		<p>Language has been removed since it refers to past events.</p>
<p>3. The RTA Board will consult with community leaders in defining the specific mission, responsibilities and</p>		<p>Language has been removed since it refers to past events.</p>



<p>composition of the citizen oversight panel and in developing an overall citizen participation program.</p>		
<p>4. In general terms (to be further defined by the RTA Board), the citizen oversight panel will be an independent body, charged to review RTA performance against its commitments to the public to deliver the services and facilities in Sound Move on time and within budget. The citizen oversight panel will report to the RTA Board.</p>	<p><b>1.0 Scope</b></p> <p>1.1 These parameters apply to the administration and operation of the independent panel named in the voter-approved plans responsible for monitoring Sound Transit’s performance and providing recommendations to the Sound Transit Board.</p> <p><b>2.0 Parameters and responsibilities</b></p> <p>2.1 <b>Panel independence.</b> The community oversight panel is an independent body charged to review Sound Transit’s performance against its commitments to the public in the voter-approved plans on time and within budget. The community oversight panel reports to the Board.</p>	<p>Scope added to clarify the panel’s connection with the voter-approved plans.</p> <p>Expanded to include Sound Transit 2 and Sound Transit 3.</p>
<p>5. The citizen oversight panel will monitor and provide recommendations concerning the RTA’s performance in meeting its public commitments in the following policy areas:</p> <ul style="list-style-type: none"> <li>Public participation in plan implementation</li> <li>Evaluation of project alternatives and recommendations</li> <li>Annual capital and operating budget and plan of finance</li> <li>Regional fund management</li> <li>Equity, subarea budgets and financial reporting</li> <li>Schedule and budget adherence</li> <li>Annual performance review audits</li> </ul>	<p>2.2 <b>Role.</b> The community oversight panel monitors and provides recommendations concerning the agency’s performance in meeting its public commitments in the following policy areas:</p> <ul style="list-style-type: none"> <li>2.2.1 Community engagement activities</li> <li>2.2.2 Project planning and alignment decisions</li> <li>2.2.3 Budget and financial plan</li> <li>2.2.4 Project schedule and budget adherence</li> <li>2.2.5 Agency performance audits</li> <li>2.2.6 Social justice and equity</li> <li>2.2.7 Passenger experience</li> </ul>	<p>Language updated to use current terminology, and Social justice and equity and passenger experience added to the list of policy areas.</p>

<p>6. Appointments to the citizen oversight panel may be for rotational terms of two to three years. Appointments will include a minimum of two persons from each of the five geographic subareas in the RTA District and representation from a variety of interests.</p>	<p><b>2.3 Appointments and terms</b></p> <p>2.3.1 The Board makes appointments to the community oversight panel for terms of three years. Terms begin on the first of the month following the Board appointment.</p> <p>2.3.2 The Board may appoint members for up to three terms. Members whose terms have expired may continue to serve until a successor is appointed.</p> <p>2.3.3 Members who are currently serving on the panel at the time of this policy adoption continue to serve for the remainder of their previously appointed terms and are eligible for future terms consistent with this action.</p> <p>2.3.4 The Board appoints a total of 15 members. Appointments include a minimum of two people from each of the five geographic subareas in the Sound Transit district and representation from a variety of interests. Members are subject to the agency's ethics policy.</p>	<p>Expanded to provide clarity on when terms will begin and terms for existing members.</p> <p>Terms changed to up to three three-year terms to reduce the time commitment for a single term while most closely matching the total duration of the current terms (two four-year terms).</p>
	<p><b>2.4 Candidate qualifications</b></p> <p>2.4.1 Candidate must live or work within the Sound Transit district.</p> <p>2.4.2 The Board considers a candidate's experience, skills and/or insights in policy areas overseen by the panel when considering panel appointments.</p>	<p>Incorporates some language from the Selection process for citizen oversight panel members adopted by the Executive Committee in 1996.</p>
	<p><b>2.5 Meeting access.</b> The Board encourages the panel to meet at times that allow inclusive participation and offer options for participating virtually or via phone.</p>	<p>Includes parameters for panel meeting times to encourage inclusive participation.</p>

<p>7. The RTA Board will provide an annual budget to support the citizen oversight panel, including planning and facilitation for panel meetings.</p>	<p>2.6 <b>Budget.</b> The Board provides an annual budget to support the community oversight panel, including planning and facilitation for panel meetings.</p>	<p>Maintains the commitment to providing funding for facilitating panel meetings.</p>
	<p><b>3.0 References</b></p> <p>3.1 Resolution No. R81-2 Code of Ethics</p> <p>3.2 Resolution No. R2021-01 Board Rules and Operating Procedures</p> <p>3.3 Resolution No. R87 Reporting Improper Governmental Actions Policy</p> <p>3.4 Motion Nos. M2006-55 and M2013-93 Diversity Oversight Committee</p> <p>3.5 Resolution No. R2018-41 Board Committee Responsibilities</p>	<p>Adds references to similar Board actions and policies.</p>
<p>PASSED by the Board of the Regional Transit Authority for the Pierce, King and Snohomish region at a regular meeting thereof held on the 6th day of December, 1996.</p>	<p>ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on _____.</p>	

<b><i>Selection Process</i></b>	<b><i>Proposed Resolution</i></b>	<b><i>Reason for Change</i></b>
<p><b>Objective:</b> Pursuant to RTA Motion 18, appoint members to the Citizen Oversight Panel, an independent body charged to review RTA performance against its commitments to the public to deliver the services and facilities in Sound Move on time and within budget. The panel will report to the RTA Board through the Finance Committee. Panel members will be expected to reach out to stakeholders in their communities.</p>	<p><i>Contained in Section 2.1 of the proposed resolution, see table above.</i></p>	<p>Included in the proposed policy with the exception of procedural language.</p> <p>Requirement that the panel report to the Finance Committee has been replaced with the Board.</p>

<p><b>Role of the Panel:</b> Monitor and provide recommendations to the Board concerning the RTA's performance in meeting its public commitments in the following policy areas:</p> <ul style="list-style-type: none"> <li>Public participation in plan implementation</li> <li>Evaluation of project alternatives and recommendations</li> <li>Annual capital and operating budget and plan of finance</li> <li>Regional fund management</li> <li>Equity, subarea budgets and financial reporting</li> <li>Schedule and budget adherence</li> <li>Review of RTA's annual performance audits</li> </ul>	<p><i>Contained in Section 2.2 of the proposed resolution, see table above.</i></p>	<p>Included in the proposed policy.</p>
<p><b>Membership:</b> Fifteen members, including at least two representatives from each of the five subareas in the RTA District.</p> <p>Representation from a variety of interests.</p> <p>Rotational two to three-year terms; original appointments will be staggered terms.</p> <p>Members may be reappointed to serve additional term(s) up to a maximum of six years.</p> <p>Members may be removed from the panel upon absence from 3 consecutive meetings.</p> <p>Members will be subject to the RTA's ethics policy.</p>	<p><i>Contained in Section 2.3 of the proposed resolution, see table above.</i></p>	<p>Included in the proposed policy with the exception of procedural language about being removed for absences.</p> <p>Terms changed to up to three three-year terms to reduce the time commitment for a single term while most closely matching the total duration of the current terms (two four-year terms).</p>
<p><b>Qualifications for applicants:</b></p> <ul style="list-style-type: none"> <li>Registered voter</li> <li>Reside or work within the RTA District</li> <li>Experience in public policy issues</li> <li>Experience/skills in one or more areas of expertise related to the panel's role, eg: general management,</li> </ul>	<p><i>Contained in Section 2.4 of the proposed resolution, see table above.</i></p>	<p>Included in the proposed policy with the exception of the requirement to be a registered voter.</p>

<p>financial management, auditing, public facilities and services, government processes, public policy development or review.</p>		
<p><b>Application/Letter of Interest:</b>  Short letter of application to include:  Specific experience, skills, related to the role of the panel  Statement of interest in serving on the panel</p>	<p><i>Not included</i></p>	<p>Not included in the proposed policy because it is procedural.</p>
<p><b>Process for application and selection:</b></p> <p><b>Public notice and recruitment:</b>  Publish notice of applications process and deadline  Letters to involved organizations and agencies  Letter to people who have already expressed interest  Informal recruitment</p> <p><b>Applications:</b>  Send application letters to RTA Executive Director by –  DATE–</p> <p><b>Nominations:</b>  Exec Director mails package of applications to boardmembers for review  Each boardmember selects up to three names for nomination (max 54)  Executive Committee, with the addition of 4 good government representatives, reviews nominations and recommends slate to the Board</p> <p><b>Appointments:</b>  Board considers recommended slate and makes final appointments</p> <p><b>Consultation:</b></p>	<p><i>Not included</i></p>	<p>Not included in the proposed policy because it is procedural.</p>

During the selection process, the RTA will consult with community leaders in further refining the mission and responsibilities of the panel.		
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<b>Motion No. M2002-87</b>	<b>Proposed Resolution</b>	<b>Reason for Change</b>
<p>A motion of the Central Puget Sound Regional Transit Authority regarding the terms of Citizen Oversight Panel members.</p>		
<p>Citizen Oversight Panel (COP) members were originally appointed to two terms and were limited to six-years of service. Of the original 15 members, half agreed to serve an initial two-year term and half a three-year term to allow for staggered appointments. Four of the original members have now served two terms totaling five years; the remaining three original members will have served their two terms effective the end of March 2003, which would leave the COP with the prospect of losing a core group of highly experienced and knowledgeable members.</p> <p>Further, the record of Board actions on new COP member appointments is unclear with respect to whether members are appointed to fill the unexpired terms of the members whose vacancy is being filled or whether each newly appointed member begins a new term.</p> <p>At a May 2002 retreat, the COP discussed this extensively and has the following recommendation for the Sound Transit Board:</p> <ul style="list-style-type: none"> <li>• Establish COP members' term length as four years, beginning on the date the member is appointed by the Sound Transit Board.</li> <li>• Establish the beginning date of the term for COP members appointed after February 27, 1997 as the date they were appointed by the Board.</li> <li>• Extend the second terms of the original COP members (who are currently serving on COP as of the date this motion is acted upon by the Board) to four years.</li> <li>• Maintain the two-term limit on COP service.</li> </ul>	<p><i>Contained in Section 2.3 of the proposed resolution, see table above.</i></p>	<p>Terms changed to up to three three-year terms to reduce the time commitment for a single term while most closely matching the total duration of the current terms (two four-year terms).</p>

- Allow members whose terms have expired to continue to serve until a successor is appointed.

The new term dates for current COP members shall be:

<u>COP Member</u>	<u>Date Appointed</u>	<u>First Term Expiration Date</u>	<u>Second Term Expiration Date</u>
Fred Hart	02/27/97	03/31/99	03/31/03
Dave Osaki	02/27/97	03/31/99	03/31/03
Reid Shockey	02/27/97	03/31/99	03/31/03
Steve Goldblatt	02/27/97	03/31/99	03/31/03
Art Carter	02/27/97	03/31/00	03/31/04
Tom Luthy	02/27/97	03/31/00	03/31/04
Virginia Gunby	02/27/97	03/31/00	03/31/04
Al Stipe	12/11/97	12/11/01	12/11/05
Bertha Eades	12/10/98	12/10/02	
Larry Shannon	03/25/99	03/25/03	
Ray Gould	08/10/00	08/10/04	
Stephen Wamback	04/26/01	04/26/05	
Rea Hagen	10/25/01	10/25/05	



Phil Yin Darrell Chapman	11/29/01 03/14/02	11/29/05 03/14/06		
It is hereby moved by the Central Puget Sound Regional Transit Authority Board to accept the recommendations of the Citizen Oversight Panel regarding members' terms.			<i>Contained in Section 2.3 of the proposed resolution, see table above.</i>	Proposed resolution contains the Citizen Oversight Panel's current recommendation for three-year terms.
APPROVED by the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on July 11, 2002.				