



**C-TRAN BOARD OF DIRECTORS
MEETING MINUTES**

October 8, 2013

The C-TRAN Board of Directors meeting was held Tuesday, October 8, 2013 at Vancouver Community Library, Columbia Room, 901 C. Street, Vancouver, WA.

CALL TO ORDER

Chair Ganley called the meeting to order at 5:32 p.m.

PLEDGE OF ALLEGIANCE

Chair Ganley led the Pledge of Allegiance.

ROLL CALL OF MEMBERS

PRESENT: Connie Jo Freeman, Bill Ganley, Jeanne Harris (Alternate for Bart Hansen), Jim Irish, Roy Jennings, Tim Leavitt, David Madore, Larry Smith, Steve Stuart

ABSENT: Tom Mielke

STAFF PRESENT

Legal Counsel Tom Wolfendale, Director of Operations Lynn Halsey, Interim Director of Development & Public Affairs Jim Quintana, Community Involvement Coordinator Katy Belokonny, Senior Human Resources Manager Julie DeBoever, Director of Maintenance Celia Sherbeck, Operations Chief Debra Wright, Field Operations Manager Bob Medcraft, Senior Manager of Information Technology Bob McMahan, Executive Assistant/Clerk of the Board Debbie Jermann, Deputy Clerk of the Board/Confidential Technician Morgan Stubbe

CHANGES TO AND APPROVAL OF THE BOARD AGENDA

STEVE STUART MOTIONED, LARRY SMITH SECONDED, AND MOTION CARRIED TO APPROVE THE AGENDA.

CITIZEN COMMUNICATION TO THE BOARD

ED BARNES, 4009 NE 50th Avenue, Vancouver, WA stated he has concerns with recent action of Board Members, adding the political dysfunction he is witnessing is the worst in his 72 years as a resident.

ROBERT SCHAEFER, 501W Evergreen Blvd., Vancouver, WA stated he is representing the Clark County High Technology & Community Council. Mr. Schaefer submitted and read into the record Exhibit A, urging legislators and other decision-makers in both states not to underestimate the importance of the CRC and I-5 system in moving products and people in a predictable, timely, and safe manner.

DEL PEARL, 16802 NE 50th Ave., Vancouver, WA stated he is a member of the C-TRAN Citizen Advisory Committee (CCAC) and urged Board Members to use the transit system to see issues affecting the riders.

DAVID HERICH, Vancouver, WA stated he was previously employed as a Senior Project Accountant for a large bridge company who had interest in the CRC Project. There were people at the company who knew there were problems with the CRC Project. Mr. Herich said the project is under the influence of special interests.

LEE JENSEN, 605 SW Eaton Blvd., Battle Ground, WA stated he has concerns with Board Members micromanaging and bullying.

HARRY KIICK, Vancouver, WA reminded the Board Members there is a large group of people who rely on the transit system as their only means of transportation. Mr. Kiick reminded the meeting attendees and Board Members the longer it takes to come to decisions, the longer it will take to upgrade the transit system.

JOHN BURKE, 15620 NE 15th St., Vancouver, WA submitted and read into the record, Exhibit B, thanking the Board Members who voting against the Vancouver Light Rail Operations & Maintenance plan at the September 26 meeting; and advising those who voted for the plan betrayed the Clark County voters.

SHARON NASSET, Portland, OR stated there approximately 200 people present as a result of C-TRAN Board Members not following policy or procedure. Ms. Nasset said the Federal Court System would be contacted, as she believes C-TRAN's legal counsel did not follow his fiduciary obligations.

DAVID MADORE MOTIONED, CONNIE JO FREEMAN SECONDED, AND MOTION CARRIED TO ALLOW MEETING ATTENDEES TO APPLAUD DURING CITIZEN COMMENT.

MICHELINE DOAN, 13012, NE 53rd St., Vancouver, WA thanked the four Board Members, David Madore, Tom Mielke, Connie Jo Freeman, and Bill Ganley, who voted against the Finance Plan for O&M for light rail with TriMet at the September 26, 2013 meeting. Ms. Doan said there is a cost of \$5 million to break the agreement with TriMet.

LARRY PATELLA, 2714 NE 42nd Circle, Vancouver, WA said he is astounded that Board Members would vote to approve the agreement with TriMet, which is a sell out. Mr. Patella stated voters have voting against light rail many times, but the Board Members ignored the voters.

JIM KARLOCK, Portland, OR said light rail is not about transportation, rather about giving taxpayer dollars to developers. Mr. Karlock said light rail does not result in development.

STEPHANIE TURLAY, Vancouver, WA said she believes the Board should sell C-TRAN as they are not capable of running it and questioned the secrecy of leadership. Ms. Turlay said the citizens were promised a vote, however, C-TRAN Legal Counsel and Executive Director/CEO Jeff Hamm produced an agreement behind the Board's back. Ms. Turley stated she has never seen a governing body that handles business in this manner and City of Vancouver Mayor Tim Leavitt needs to pay attention to the people of Vancouver.

ALLEN ROGERS, 4009 NE 158th Ave., Vancouver, WA asked if the "C" in C-TRAN stands for contempt or criminal. Mr. Rogers stated TriMet is heading towards bankruptcy and questioned how C-TRAN could cede authority to them.

STEVE HERMAN, 1511 Harney St., Vancouver, WA said Executive Director/CEO Hamm has regularly spoken to reciprocity with TriMet, and questioned if TriMet will now be asking for more money. Mr. Herman said it seems that TriMet may prove to be a bully of a partner.

GLEN MORGAN stated he is the Director of the Freedom Foundation and that TriMet is a ponzi scheme with no financial future. The recent rapid C-TRAN decision and signing of an agreement ensures that Ponzi scheme will continue. Mr. Morgan stated the CRC Project is the most ridiculed project in the State of Washington. Mr. Morgan said the Freedom Foundation would be submitting a public records request for all legal counsel invoices for the past year.

SCOTT ROBERTS said he is the Citizen Action Director for the Freedom Foundation and when he read the article how the agreement with TriMet was rushed through, the Freedom Foundation felt the need to get involved. Freedom Foundation staff has been authorized to begin submitting public records requests and involve the 1,000 members to look through documents.

THOMAS HIGDON, 1106 NE 72nd St., Vancouver, WA said the September 26, 2013 decision to concede eminent domain authority to another state was 10 percent ignorance and 90 percent arrogance.

CAROLYN CRAIN, 5917 NE 47th St., Vancouver, WA stated the C-TRAN Board provided direction to Executive Director/CEO Hamm to gather information, but did not provide direction to prepare a contract. Ms. Crain said Executive Director/CEO Hamm lied and she believes his contract should be terminated. Ms. Crain suggested the Board find a way to rescind the contract or spend substantial funds defending themselves in court.

LEE MOON, 11814 NE 177th Circle, Battle Ground, WA stated she is familiar with the light rail line in Oregon and light rail brings crime, diminished property values, gangs, and destroys schools. Ms. Moon suggested the Board do whatever is necessary to come up with the \$5 million to get out of the contract with TriMet.

REPRESENTATIVE LIZ PIKE said the light rail project is a microcosmic of what is wrong with the Washington State Transportation Program. Currently, on 36 percent of transportation funding is spent on road projects. Ridership on mass transit in the Puget Sound area is down. Representative Pike thanked the four Board Members who voting against the agreement.

RANDI KAINZ, Washington County, Oregon said when the light rail line was proposed in Washington County, she received training at her employment for safely riding light rail. The light rail line ran through Intel's parking lot, but ridership was under 4 percent.

LARRY SHAW, 401 Little Rock Way, Vancouver, WA stated he has served in the public sector and thanked the Board Members for their service. Mr. Shaw stated he has ridden light rail and the trains are full of riders. Mr. Shaw said he has spoken with developers and light rail will result in an increase rather than a decrease in property values. Mr. Shaw said many of those who use light rail need the service.

JOHN HALLINEN, Vancouver, WA said he is a Precinct 327 Committee Officer. Mr. Hallinen questioned approval of a contract that was written in secrecy, based on erroneous and illegal information. Mr. Hallinen stated he believes Board Member Madore has integrity.

JEFF STANTON, 19201 NE 28th St., Vancouver, WA submitted Exhibit C, which is a Supreme Court Decision regarding right to free egress into other states.

DICK SOHN, 4610 Oregon Dr., Vancouver, WA questioned the decision made at the September 26, 2013 Board meeting.

LISA PHIFER ROSS, 324 NW 8th St., Vancouver, WA stated she is running for a School Board position and if she is elected, would not hire Portland teachers, allowing Portland Schools to make control Clark County schools.

DENNIS HENRY, 5209 NE 34th St., Vancouver, WA said many of his family members are high tech and they realize that light rail is a thing of the past, not the future.

GARY LEE, 15211 NE 36th Circle, Vancouver, WA said this was his first time addressing a public body but felt the need given what he believes is a secret sellout of the people of Vancouver. Mr. Lee said he has negotiated contracts in the past and it is usually a lengthy process.

RICHARD PRENTICE, 306 NE 104th Ave., Vancouver, WA said he has been a resident since 1969. Mr. Prentice asked why the Board conducts open public meetings and everyone contributes but no one responds. Mr. Prentice said the Board is not listening to the citizens.

KIRK VANGELDER, 22320 NE 68th St., Vancouver, WA said the citizens were promised a vote and it is a question of integrity.

MARGARET TWEET, Camas, WA said she crosses the I-5 Bridge for medical appointments and events. Ms. Tweet said in November 2012, Clark County voters rejected a measure for sales tax to fund light rail. The 2008 C-TRAN Board Policy requires a public vote and said the policy makers have become promise breakers. Ms. Tweet said voters, including North and East County residents, will have the opportunity to vote in the November 2013 election on the advisory ballot measures.

LIZ GREEN, Willard, WA said what happens in Clark County also affects residents of Skamania County. Ms. Green said children are taught about liberty and the will of the people; however, the C-TRAN Board has not done that. Ms. Green suggested that the citizens of Clark County follow the money and expect those who are elected to act honorably. Ms. Green agrees that all citizens need access to transit services.

DEBBIE PETERSON, Garden Park, Vancouver, WA questioned Board Member Smith's commitment to veterans.

DAN BOYTS, 162 Little Rd., Skamania, WA said he regularly attends Skamania County Commissioner meetings. Mr. Boyts said if he was unable to get where he needed to go, he would move.

DONNA DUMMANN, 3328 M. St., Vancouver, WA said she does not feel there is anything wrong with the current I-5 Bridge. Ms. Dumman said there are many large cities in other states that do not have light rail and questioned if Clark County needs light rail.

TEMPLE LENTZ, 3612 Q St., Vancouver, WA thanked the Board Members for their service. Ms. Lentz said she feels fear is driving the negative comments and personal attacks. Ms. Lentz stated she supports the vote that will allow the CRC Project to move forward.

Written Testimony:

MICHAEL PATTERSON, 30316 NE Sunset Falls Rd., Yacolt, WA: "The attorney and CEO of C-TRAN need to be fired. They violated regulations & disregarded the will of the people when they entered into the agreement w/TriMet. We do not want light rail - why don't you understand that?"

KEN PETERSON, 2401 NW Walden Dr., Camas, WA: "The recent contract of C-TRAN and the Oregon Transportation agency, if it is as reported, was handled in an ultra (unlegible) and unconscionable manner. It should not be valid."

KEVIN VANGELDER, 22308 NE 68th St., Vancouver, WA: "The board voted 10 days ago not to follow its own policy to give Clark County a vote on any light rail projects. Furthermore, one or more board members have a conflict of interest in that they will gain financially from this project. The proposed CRC project is overly expensive, restrictive on river traffic, and gives our rights away to TriMet. We, the people, will not stand for this. Expect to be fired at the next election."

JANE WAITE, 7008 Kansas, Vancouver, WA: "I am 100% in support of light rail! I am retired and pay taxes. We need to move forward."

CONSENT ITEMS

1. APPROVAL OF C-TRAN BOARD OF DIRECTORS September 10, 2013 MEETING MINUTES
2. TRANSMITTAL OF CLAIMS NUMBERED 099371 THROUGH 099649 PLUS NET PAYROLL PAID IN SEPTEMBER 2013, IN THE TOTAL AMOUNT OF \$3,113,243.29

3. INTERLOCAL AGREEMENT: RIDGEFIELD PARK & RIDE, STAFF REPORT #13-046

The City of Ridgefield is currently in the early stages of developing a new Park & Ride near the I-5 Freeway/Pioneer Street interchange. This new and improved Park & Ride replaces a previous facility that was owned by the Washington State Department of Transportation and provided inadequate parking capacity and poor facility conditions. C-TRAN operated its Ridgefield Connector Service to the previous facility but since its closure, has discontinued the service at that location. The City of Ridgefield successfully obtained a Regional Mobility Grant to purchase a plot of land for a new Park & Ride and C-TRAN agreed to contribute \$100,000 toward the acquisition of the land designated for the future Park & Ride, which was included in the adopted C-TRAN 2013-14 Budget. Once the facility is fully built and operational, C-TRAN expects to reintroduce its Ridgefield Connector Service to a stop adjacent to the future Park & Ride.

4. ROSS COMPLEX PARKING LOT LEASE, STAFF REPORT #13-049

In September 1998, C-TRAN signed an initial lease agreement with BPA for the use of the ABC Lot located at the intersection of NE 15th Avenue and Ross Street, at BPA's Ross Complex. C-TRAN uses the ABC Lot as a park and ride and operates route 190 Marquam Hill Express from this facility. BPA recently notified C-TRAN that the initial lease had expired and asked that C-TRAN sign a short-term agreement that duplicates the terms of the initial lease, to be in effect while a new lease is negotiated. The proposed short-term lease would be effective October 1, 2013 through March 31, 2014 at which time, following C-TRAN Board approval, staff anticipates a new lease going into effect. The proposed lease does not make any changes to the cost structure for C-TRAN's use of this facility. Currently, C-TRAN is responsible for painting parking spaces and any repairs to the premises made necessary by C-TRAN's use. There is no monthly lease cost. As such, there is no anticipated impact to C-TRAN's adopted 2013-2014 Biennial Budget.

STEVE STUART MOTIONED, LARRY SMITH SECONDED, AND THE MOTION CARRIED TO APPROVE THE CONSENT AGENDA.

ACTION ITEMS

1. APPROVE CRITERIA: BUS SURVEILLANCE SYSTEM ENHANCEMENTS, STAFF REPORT #13-047

The Bus Surveillance Enhancement project will upgrade all fixed route buses to a consistent surveillance system that allows for automated wireless download of video feeds remotely and at the AOM facility. The project will retrofit all fixed route buses with upgraded digital video recorders, new cameras, and wireless connection equipment that are part of the integrated surveillance system. Ten spare units will be purchased as spares in inventory.

LARRY SMITH MOTIONED, TIM LEAVITT SECONDED, AND MOTION CARRIED TO AUTHORIZE STAFF TO ISSUE A REQUEST FOR PROPOSALS FOR THE BUS SURVEILLANCE CAMERA ENHANCEMENT PROJECT.

2. LABOR AGREEMENT: INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, LOCAL 1432, DISTRICT #24, STAFF REPORT #13-048

This bargaining unit has approximately 52 members comprised of journey level mechanics, coach technicians, preventative maintenance workers, vehicle fuelers/cleaners, and inventory, facilities, and grounds personnel. During negotiations, tentative agreements were reached on a number of language items, which reflect the current or improved methods of managing the daily work. A tentative agreement that addressed the issues of both parties was reached on August 19, 2013. This agreement was ratified by the membership on September 20, 2013.

DAVID MADORE MOTIONED, LARRY SMITH SECONDED, AND MOTION CARRIED TO DIRECT STAFF TO POST ALL LABOR CONTRACTS ON C-TRAN'S WEBSITE

TIM LEAVITT MOTIONED, STEVE STUART SECONDED, AND MOTION CARRIED WITH DAVID MADORE ABSTAINING, TO AUTHORIZE THE CHAIR, EXECUTIVE DIRECTOR/CEO, AND THE NEGOTIATING TEAM TO SIGN THE PROPOSED SETTLEMENT BETWEEN C-TRAN AND THE IAMAW, LOCAL #1432.

3. HIGH CAPACITY TRANSIT ISSUES: FOURTH PLAIN BUS RAPID TRANSIT AND LIGHT RAIL TRANSIT

Board Member David Madore requested an action item be noticed to include a resolution regarding Bus Rapid Transit (BRT) and a resolution regarding Light Rail Transit (LRT).

Board Member Madore submitted a resolution entitled "A Resolution to welcome, consider, and courteously regard the vote of the people in a November 2013 Clark County advisory election on bus rapid transit", attached to these minutes as Exhibit D; a copy of the C-TRAN Board Resolution, approved July 8, 2008, attached to these minutes as Exhibit E; and a resolution entitled "Recognizing C-TRAN Board exclusive non-delegable authority to set policy", attached to these minutes as Exhibit F.

STEVE STUART MOTIONED AND LARRY SMITH SECONDED TO CONSIDER ALL OF BOARD MEMBER DAVID MADORE'S RESOLUTIONS AT THE NEXT BOARD MEETING (NOVEMBER 12, 2013).

Board Member Madore stated at the September 26 meeting, Legal Counsel Wolfendale provided a resolution at the meeting that had not been previously provided to the Board, so did not feel it was fair to postpone consideration. The resolution was presented, approved, and allowed the signing of the agreement with TriMet without Board review and approval.

Board Member Jennings stated the discussion could pertain to the motion.

Board Member Freeman stated she would like to consider this evening, and reminded the Board the citizens were promised a vote on light rail.

Board Member Smith question the importance of considering this evening given one of the County Commissioners was absent.

THE MOTION PASSED AS FOLLOWS:

CONNIE JO FREEMAN – NO
JEANNIE HARRIS - YES
TIM LEAVITT - YES
TOM MIELKE -ABSENT
STEVE STUART - YES

BILL GANLEY - NO
JIM IRISH - YES
DAVID MADORE - NO
LARRY SMITH - YES

Legal Counsel Tom Wolfendale advised each action/resolution needs to be acted upon separately.

STEVE STUART MOTIONED, TIM LEAVITT SECONDED, AND MOTION CARRIED TO RECONSIDER THE PREVIOUS ACTION.

STEVE STUART MOTIONED, TIM LEAVITT SECONDED, AND MOTION CARRIED TO POSTPONE TO THE NOVEMBER 12, 2013 BOARD MEETING, CONSIDERATION OF EXHIBIT D: A RESOLUTION TO WELCOME, CONSIDER, AND COURTEOUSLY REGARD THE VOTE OF THE PEOPLE IN A NOVEMBER 2013 CLARK COUNTY ADVISORY ELECTION ON BUS RAPID TRANSIT.

VOTE ON THE MOTION WAS AS FOLLOWS:

CONNIE JO FREEMAN – NO
JEANNIE HARRIS - YES
TIM LEAVITT - YES
TOM MIELKE -ABSENT
STEVE STUART - YES

BILL GANLEY - NO
JIM IRISH - YES
DAVID MADORE - NO
LARRY SMITH - YES

Board Member Madore stated at the September 26, 2013 meeting, he was unaware that a proposed contract between C-TRAN and TriMet regarding the Operations & Maintenance of light rail was ready for signature.

Legal Counsel Wolfendale stated Executive Director/CEO Hamm advised he had copies of the agreement available for Board review at least twice.

Board Member Madore asked Legal Counsel Wolfendale if any Board Members had the opportunity to review the agreement prior to the signing on September 27.

Legal Counsel Wolfendale said he did not know.

Board Member Madore asked if any of the Board Members saw the agreement before it was executed.

Board Member Freeman stated she had not.

Board Member Madore stated he assumed since no other Board Members spoke, they had also not seen the contract prior to execution.

Board Member Madore asked if any Board Members were aware of the \$5 million liquid damages provision.

Legal Counsel Wolfendale said not that he was aware of.

Board Member Stuart said he feels the line of questioning is out of order as this is the time on the agenda to discuss the resolutions.

Board Member Madore asked for Board consideration of the resolution presented as Exhibit F: "Recognizing C-TRAN Board exclusive non-delegable authority to set policy." Board Member Madore read the resolution into the record.

Board Member Madore questioned if the Board can legally delegate policymaking authority to C-TRAN staff.

Legal Counsel Wolfendale said the resolution approved by the Board at the September 26 meeting, delegates authority to the Executive Director/CEO to negotiate and sign a contract with TriMet.

Board Member Madore said C-TRAN Board Policy PBD-015 contradicts the resolution and the approval of the resolution violates C-TRAN Board policy.

Legal Counsel Wolfendale stated the 7/10 of one cent of sales tax currently being collected, includes the original 3/10 of one-cent sales tax approved when C-TRAN was formed in 1980, and there are no restrictions on how those funds are utilized.

Chair Ganley said in 2005 and in 2011, the voters were told that the local sales tax increase requested in both of those ballot measures would not be used for light rail.

Board Member Madore said the policy states no amount of sales tax shall be used for any aspect of the CRC project.

Legal Counsel Wolfendale said it is his understanding at the 2011 election, it was made clear that any of the proposed increase would not be used for light rail, but the current sales tax could be used for any general purpose of the agency.

Chair Ganley said the Board approved using advertising revenue to cover costs related to the CRC project.

Board Member Leavitt said the Board had decided that any new revenue would not be used to fund high capacity transit, but utilizing advertising revenue was approved for staff efforts related to the CRC project.

Board Member Leavitt asked if it is inappropriate for a Board to adopt new policy to override previous policy.

Legal Counsel Wolfendale responded yes, Boards have the authority to revisit existing policies and make changes.

Board Member Madore said Board Policy PBD-015 is in effect and staff has executed an agreement that contradicts that adopted policy.

Legal Counsel Wolfendale advised that the at the September 10, 2013 Board Meeting, Board Member Stuart made a motion that amended Board Policy PBD-015, which passed by a vote of 6 aye and 3 nay: *Authorize the expenditure of resources to expeditiously evaluate and prepare CRC related agreements terms and finance plan, by amending PBD-015 to allow such expenses without adverse impacts to system service levels. To present to the Board, as soon as possible, the findings of this work, and if needed call a special meeting of the Board to discuss these matters, as time is of the essence.*

Board Member Madore said at the September 10 meeting, a motion was made and passed to direct staff to get information only and report back to the Board and asked Board Member Stuart if that was his intent, that all sales tax revenue may be used to fund light rail.

Board Member Stuart asked that a conversation be scheduled, but he will not participate in an inquisition.

Board Member Freeman said at the September 10 meeting, Board Member Stuart stated (per the adopted September 10 minutes) that staff was directed to get information for the Board.

Chair Ganley asked if the adopted September 10 minutes show that Board Policy PBD-015 was amended.

Legal Counsel Wolfendale said yes.

CONNIE JO FREEMAN MOTION AND BOARD MEMBER MADORE SECONDED TO APPROVE A RESOLUTION RECOGNIZING C-TRAN BOARD EXCLUSIVE NON-DELEGABLE AUTHORITY TO SET POLICY.

Board Member Madore stated this is an important decision and it is important to let the citizens know why we are making the decision we are making. The integrity of the Board is in question and advised he will be voting to support the motion and approve the resolution.

Board Member Jennings asked if Legal Counsel has reviewed the proposed resolution submitted by Board Member Madore.

Legal Counsel Wolfendale stated he quickly scanned the document and has noted several misstatements with regards to Board Policy PBD-015 and the approved agreement with TriMet.

Board Member Stuart said the proposed resolution has errors and would constitute a breach of the recently signed agreement, and he will vote against the motion.

LARRY SMITH MOTIONED, TIM LEAVITT SECONDED, AND MOTION FAILED TO CALL FOR THE QUESTION.

Board Member Madore said C-TRAN will suffer substantial financial losses, and the agreement violates Board commitments. Legal Counsel must provide the Board a way to repeal the contract, as it was signed without Board knowledge. The composition of the Board could change in January 2014 and that Board would repeal this contract.

Legal Counsel Wolfendale stated if or when C-TRAN breached the contract, TriMet could make a claim for specified damages; however, no one knows if that would occur and if it did, what damages could be claimed.

Board Member Madore stated the agreement should have included a provision that would have allowed C-TRAN to repeal or at least have an opportunity to ratify at the next C-TRAN Board meeting.

Legal Counsel Wolfendale stated the contract does not contain a termination for convenience clause for either C-TRAN or TriMet. Legal Counsel Wolfendale stated he received the contract on the Monday prior to the Thursday, September 26 Special meeting and asked for that termination clause to be included. Legal Counsel Wolfendale said TriMet was not interested in negotiating or including a termination for convenience clause.

Board Member Stuart said it is inappropriate for Board Member Madore to discuss election outcomes.

Board Member Madore said the agreement should have been presented for approval after the new Board is seated in January 2014. This is the first time the Board has seen or had the opportunity to discuss the contract.

THE VOTE ON THE MOTION FAILED AS FOLLOWS:

**CONNIE JO FREEMAN - YES
JEANNIE HARRIS - NO
TIM LEAVITT - NO
TOM MIELKE - ABSENT
STEVE STUART - NO**

**BILL GANLEY - YES
JIM IRISH - NO
DAVID MADORE - YES
LARRY SMITH - NO**

ADJOURNMENT

STEVE STUART MOTIONED, LARRY SMITH SECONDED, AND MOTION CARRIED WITH CONNIE JO FREEMAN VOTING NAY, AND DAVID MADORE ABSTAINING TO ADJOURN.

Hearing no further business, the meeting was adjourned at 7:50 p.m.

Prepared By: Debbie Jermann, MMC



CLARK COUNTY HIGH TECHNOLOGY
& COMMUNITY COUNCIL

October 7, 2013

Joint Committee on Transportation:

MEMBERS

ROBERT BERNARDI
Chair
Kokusai Semiconductor
Equipment Corp.

CASEY O'DELL
Secretary & Treasurer
Sharp Microelectronics
of the Americas

RALPH PARKER
Underwriters
Laboratories, Inc.

ROBERT SCHAEFER
ShIn Etsu-SEH America

SCOTT KEENEY
nLight Photonics, Corp.

JEFF PARKER
Linear Technology Corp.

JOHN MARCK
Sharp Microelectronics
of the Americas

JIM SHORT
WaferTech

LARRY MEIXNER
Sharp Labs of America

PAT COTTER
Kyocera

The Clark County High Technology and Community Council (HTC) is a Washington not-for-profit corporation founded by leading technology businesses in SW Washington. HTC members represent the largest assembly of semiconductor industry employers in Washington State and employ approximately 4,000 people in Clark County at very good family wages.

The HTC member companies understand the vital importance of the I-5 corridor that link Oregon and Washington, including the Columbia River Crossing and its points of access. The HTC continues to urge legislators and other decision-makers in both of our states not to underestimate the importance of the CRC and the I-5 System in moving products and people in a predictable, timely and safe manner.

Without reiterating the many reasons that replacing the present structure must advance now, suffice it to say that we simply cannot wait another 10-12 years to develop an agreement that would be required under existing environmental and permitting requirements. Any expectation that the federal government can be relied on to further fund our transportation system is simply not realistic. We all know that other states have infrastructure projects hungry for diminishing federal funds, and will be grateful if our CRC project steps out of the queue. We simply cannot let that happen.

At the present time, SW Washington is a "paying" county. That is, Clark County receives fewer dollars in return than we are paying into the state system. If our state is going to have a transportation package, SW Washington needs to be included, with established funding for the I-5 corridor. Further, if Oregon is willing to move ahead on the Columbia River Crossing, it is only logical that Washington provides the needed accesses on our side of the river.

The economic engines of both Washington and Oregon depend heavily on a solid, state-of-the-art transportation system and we urge your continuing efforts to develop that system.

Sincerely,

Robert Bernardi, Chair
Clark County High Technology & Community Council

Exhibit:

A

Meeting Date:

10/8/13

Received By:

D. Jermann

John Burke October 8, 2013 Comments to the C-TRAN Board of Directors

For the four member of this Board who voted against the latest Vancouver light rail O&M funding plan, I have two words: "Thank You" – Especially to Commissioner Madore, for his inquiries highlighting the deficiencies in this scheme.

For the five members of this Board who approved the funding plan, I have a number of words. Many of them are expletives. But I will settle upon but one that is not: "Quisling".

"Quisling" is not a sandwich franchise. Nor is it a pre-school inquisitor.

"Quisling" is a synonym for political leaders who are traitors and collaborators. It was derived from the last name of a man who betrayed his country to the Nazis during World War II. The country was Norway. After that war, he was executed. By now, I think we all know how despicable you would have to be to make Norwegians willing to do that.

I think the word "quisling" applies to those of you who voted for this funding plan. Here's why...

- Last November, 57% of Clark County's electorate voted against light rail O&M funding. This should have been the end of the matter. It wasn't. Your revival of this issue betrays these voters.

Exhibit:

B

Meeting Date:

10/8/13 98

Received By:

D. Gernann

- You give Clark County's electorate no chance to vote on your latest funding scheme, despite long-standing promises to do so. Another betrayal.
- The financial assumptions in this funding plan you passed in such haste are unsound. They will burden future taxpayers. Still another betrayal.

But how does your approving this latest light rail O&M funding scheme evoke that other sense of the word "Quisling" – being a collaborator?

- This funding scheme is part of a larger CRC revival plan that will be directed by Oregon, financed with bridge tolls set by Oregon, and collected by Oregon. These tolls will be paid – disproportionately – by Clark County residents, who live in Washington, not Oregon.
- You have signed a contract that allows an Oregon agency – Tri-Met – the authority to direct property condemnations in Washington which public authorities in Clark County are obligated to execute.
- Penalties and liabilities are built into the terms of this contract C-TRAN eagerly signed which punish Clark County if some future C-TRAN Board might seek to liberate itself from its bondage to Oregon, and Tri-Met.

Quislings – The name does fit. Wear it – In shame!

C A S E S

ARGUED AND ADJUDGED

IN

The Supreme Court

OF

THE UNITED STATES,

DECEMBER TERMS, 1868 AND 1869.

REPORTED BY

JOHN WILLIAM WALLACE.

VOL. VIII.

WASHINGTON, D. C.:

W. H. & O. H. MORRISON,
Law Publishers and Bookellers.

1870.

Exhibit: C

Meeting Date: 10/10/00

Received By: D. Jermann

Opinion of the court.

tion. Whenever a corporation makes a contract it is the contract of the legal entity, the artificial being created by the charter, and not the contract of the individual members. The only rights it can claim are the rights which are given to it in that character, and not the rights which belong to its members as citizens of a State."

It was undoubtedly the object of the clause in question to place the citizens of each State upon the same footing with citizens of other States, so far as the advantages resulting from citizenship in those States are concerned. It relieves them from the disabilities of alienage in other States; it inhibits discriminating legislation against them by other States; it gives them the right of free ingress into other States, and egress from them; it insures to them in other States the same freedom possessed by the citizens of those States in the acquisition and enjoyment of property and in the pursuit of happiness; and it secures to them in other States the equal protection of their laws. It has been justly said that no provision in the Constitution has tended so strongly to constitute the citizens of the United States one people as this.*

Indeed, without some provision of the kind removing from the citizens of each State the disabilities of alienage in the other States, and giving them equality of privilege with citizens of those States, the Republic would have constituted little more than a league of States; it would not have constituted the Union which now exists.

But the privileges and immunities secured to citizens of each State in the several States, by the provision in question, are those privileges and immunities which are common to the citizens in the latter States under their constitution and laws by virtue of their being citizens. Special privileges enjoyed by citizens in their own States are not secured in other States by this provision. It was not intended by the provision to give to the laws of one State any operation in other States. They can have no such operation, except by the permission, express or implied, of those States. The

* Lemmon v. The People, 20 New York, 607.

Oregon Admission Acts

ACT OF CONGRESS ADMITTING OREGON INTO UNION

[Approved February 14, 1859]

Preamble. Whereas the people of Oregon have framed, ratified, and adopted a constitution of State government which is republican in form, and in conformity with the Constitution of the United States, and have applied for admission into the Union on an equal footing with the other States; Therefore —

Section 1. Announcement of admission; boundaries of state; jurisdiction of river cases. That Oregon be, and she is hereby, received into the Union on an equal footing with the other States in all respects whatever, with the following boundaries: In order that the boundaries of the State may be known and established, it is hereby ordained and declared that the State of Oregon shall be bounded as follows, to wit: Beginning one marine league at sea due west from the point where the forty-second parallel of north latitude intersects the same; thence northerly, at the same distance from the line of the coast, lying west and opposite the State, including all islands within the jurisdiction of the United States, to a point due west and opposite the middle of the north ship channel of the Columbia River; thence easterly, to and up the middle channel of said river, and, where it is divided by islands, up the middle of the widest channel thereof, to a point near Fort Walla-Walla, where the forty-sixth parallel of north latitude crosses said river; thence east, on said parallel, to the middle of the main channel of the Shoshones or Snake River; thence up the middle of the main channel of said river, to the mouth of the Owyhee River; thence due south, to the parallel of latitude forty-two degrees north; thence west, along said parallel, to the place of beginning, including jurisdiction in civil and criminal cases upon the Columbia River and Snake River, concurrently with States and Territories of which those rivers form a boundary in common with this State. [11 Stat. 383 (1859)]

Section 2. Jurisdiction over waters forming boundary of state; use of navigable waters as free highways. That the said State of Oregon shall have concurrent jurisdiction on the Columbia and all

other rivers and waters bordering on the said State of Oregon, so far as the same shall form a common boundary to said State, and any other State or States now or hereafter to be formed or bounded by the same; and said rivers and waters, and all the navigable waters of said State, shall be common highways and forever free, as well as to the inhabitants of said State as to all other citizens of the United States, without any tax, duty, impost, or toll therefor. [11 Stat. 383 (1859)]

Section 3. Representation in Congress. That until the next census and apportionment of representatives, the State of Oregon shall be entitled to one representative in the Congress of the United States. [11 Stat. 383 (1859)]

Section 4. Certain propositions offered to people of Oregon for acceptance or rejection. That the following propositions be, and the same are hereby, offered to the said people of Oregon for their free acceptance or rejection, which, if accepted, shall be obligatory on the United States and upon the said State of Oregon, to wit: First, That sections numbered sixteen and thirty-six in every township of public lands in said State, and where either of said sections, or any part thereof, has been sold or otherwise been disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to said State for the use of schools. Second, That seventy-two sections of land shall be set apart and reserved for the use and support of a State university, to be selected by the governor of said State, subject to the approval of the Commissioner of the General Land-Office, and to be appropriated and applied in such manner as the legislature of said State may prescribe for the purpose aforesaid, but for no other purpose. Third, That ten entire sections of land, to be selected by the governor of said State, in legal subdivisions, shall be granted to said State for the purpose of completing the public buildings, or for the erection of others at the seat of government, under the direction of the legislature thereof. Fourth, That all salt springs within said State, not exceeding twelve in number, with six sections of land



BOARD RESOLUTION BR-

A RESOLUTION to welcome, consider, and courteously regard the vote of the people in a November 2013 Clark County advisoryⁱ election on bus rapid transit.

WHEREAS, the C-Tran Board placed Proposition 1 on the November 2012 Ballot asking voters for authorization to raise our sales tax to pay for the CRC Light Rail and a proposed Fourth Plain Bus Rapid Transit (BRT) projects, and

WHEREAS, a majority of the voters rejected the proposed funding; and

WHEREAS, the voters have not approved any alternative fundingⁱⁱ for the current proposed bus rapid transit project; and

WHEREAS, the people, including the entire C-TRAN service district, in the November 2013 General Election, will be provided an opportunity to support or reject Clark County proposed Resolution 2013-07-19, which opposes every bus rapid transit project in Clark County unless it is first supported by a majority of the voters in a county-wide advisory vote of the people; and

WHEREAS, the C-TRAN Board, as faithful representatives of the people, welcomes and will consider the vote of the people within its jurisdictional boundaries, before substantial funds are spent to construct bus rapid transit.

NOW, THEREFORE, BE IT RESOLVED, that it shall be the policy of the C-TRAN Board to discuss, consider, and courteously regard the outcome of the November 2013 advisory vote on Clark County Resolution 2013-07-19 (as determined solely from voters within C-TRAN's jurisdictional boundaries) before continuing to spend more local funds on bus rapid transit along Fourth Plain Avenue, City of Vancouver.

RESOLVED AND ADOPTED THIS 8th day of October 2013.

Ayes :

Nays :

Absent :

William J. Ganley, Chair

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Attest:

Debbie Jermann
Clerk of the Board

¹ It is understood that “advisory” means that the vote results are not binding on the C-TRAN Board. The Board members do not guarantee that they will act in accordance with the election results. The Board may adopt a policy that is opposite to the majority vote of the people.

ⁱⁱ State law requires voter approval for a high capacity transportation system plan and financing plan if the system operates principally on an exclusive right of way and as otherwise provided in Ch. 81.104 RCW. The proposed BRT system is to operate principally in a mixed right of way. As such, voter approval is not a requirement. Therefore, the Board is voluntarily seeking voter input to more faithfully represent the people who will be using and paying for the proposed system.



BOARD RESOLUTION BR-08-019

A RESOLUTION OF THE CLARK COUNTY PUBLIC TRANSPORTATION BENEFIT AREA AUTHORITY (C-TRAN) BOARD OF DIRECTORS ENDORSING A LOCALLY PREFERRED ALTERNATIVE (LPA) FOR THE PROPOSED COLUMBIA RIVER CROSSING (CRC) PROJECT, ESTABLISHING POLICY FOR FUTURE CRC PROJECT DECISIONS, AND PROVIDING DIRECTION TO C-TRAN'S REPRESENTATIVE ON THE SOUTHWEST WASHINGTON REGIONAL TRANSPORTATION COUNCIL (RTC) BOARD OF DIRECTORS REGARDING THE CRC LPA.

RECITALS

WHEREAS, the Clark County Public Transportation Benefit Area Authority (dba C-TRAN), as a municipal corporation organized under Ch. 36.57A RCW, is empowered to provide public transportation services; and

WHEREAS, C-TRAN is authorized under Ch. 81.104 RCW, to plan, develop, and implement High Capacity Transit (HCT) services; and

WHEREAS, the I-5 Interstate Bridge is one of only two Columbia River crossings between Vancouver, WA and Portland, OR and approximately 150,000 people rely on crossing the I-5 Bridge daily by car, transit, bicycle and on foot; and

WHEREAS, the existing structures are aging and in need of seismic upgrade, and the closely-spaced interchanges are in need of safety improvements; and

WHEREAS, HCT does not currently connect Vancouver and Portland, and the bicycle and pedestrian paths do not meet current standards; and

WHEREAS, the I-5 Transportation and Trade Partnership Final Strategic Plan recommended congestion and mobility improvements within the I-5 Bridge Influence Area in 2002; and

WHEREAS, The CRC Task Force was established in February 2005 to advise the Oregon Department of Transportation and Washington State Department of Transportation on project related issues and concerns; and

WHEREAS, the CRC Task Force advised development of the project's Purpose and Need Statement, alternatives development, and narrowing of the alternatives to five that would be studied in a Draft Environmental Impact Statement (DEIS); and

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WHEREAS, the CRC project published a Draft DEIS on May 2, 2008 disclosing the environmental and community impacts and potential mitigation of the five alternatives; and

WHEREAS, the CRC project held two open houses and two public hearings during the DEIS comment period, and received over 700 comments within the DEIS comment period ending July 1, 2008; and

WHEREAS, the Oregon State Department of Transportation, Washington State Department of Transportation, Metro Council, Southwest Washington Regional Transportation Council, TriMet and C-TRAN, as sponsor agencies, are co-lead agencies in the issuance of the Draft Final Environmental Impact Statement ; and

WHEREAS, on June 24, 2008 the CRC Task Force adopted a resolution recommending a replacement bridge with three through lanes northbound and three through lanes southbound; light rail transit; and a high capacity transit alignment and terminus that is agreed to by the City of Vancouver and C-TRAN and meets technical and federal funding requirements; and

WHEREAS, the CRC project is committed to implementing the principles of sustainability into project planning, design and construction in order to improve the natural environmental and the regional economy whenever possible; and to minimize effects related to climate change; and

WHEREAS, endorsement of an LPA is one “narrowing” step in a multi-step process and an important opportunity for the C-TRAN Board of Directors to articulate both support for the project and concerns and consideration for future decision making, which will be weighed at this and subsequent steps; and

WHEREAS, the C-TRAN Board of Directors will vote directly on several subsequent steps in this multi-step process as the project proposal evolves.

NOW, THEREFORE, BE IT RESOLVED that the C-TRAN Board of Directors, incorporating by reference herein the above Recitals:

1. Endorses an LPA for the CRC Project as follows:

- A. RIVER CROSSING: A replacement bridge on two structures of three through lanes in each direction with a minimum number of auxiliary lanes needed for functionality.
- B. HIGH CAPACITY TRANSIT (HCT) MODE: Light rail transit between the Oregon side of the river and the northern HCT terminus in Clark County.
- C. HCT TERMINUS: Clark College in Clark County without use of satellite park-and-ride lots.

D. HCT ALIGNMENT:

1. The CRC HCT terminus, station placement, alignment and design must be flexible and allow for future HCT extensions and connections in Clark County.
2. The HCT alignment must permit local bus route access along the HCT alignment in downtown Vancouver.

E. HCT FINANCING:

1. Capital financing of the HCT component of the CRC Project shall be structured in such a way that C-TRAN is not required to ask voters for capital construction funding.
2. Any means chosen to finance operations of the HCT component of the CRC project shall be submitted to impacted C-TRAN voters for approval.
3. Initiation of HCT service in Clark County should provide a net service benefit to existing C-TRAN patrons, without diverting existing revenues from C-TRAN's current operating and capital costs.
4. CRC Project construction, operation and maintenance costs should be divided between Washington and Oregon according to the proportion of the project within each state. For HCT capital, operation and maintenance costs the proportions shall be calculated by dividing the length of the HCT corridor in Washington and the length of the HCT corridor in Oregon, as determined by the State DOT's acknowledged state line in the Columbia River, by the total length of the HCT corridor from the Expo Center Station to the terminus in Clark County.

F. SUSTAINABILITY: Highway, bridge and HCT design and construction should reflect principles of sustainability, cost efficiency, context sensitivity, and avoid and minimize adverse impacts.

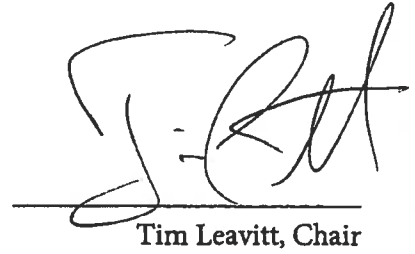
2. We support creation of a formal oversight committee that strives for consensus and provides for a public process of review, deliberation and decision-making for outstanding major project issues and decisions; which committee shall be composed of one top level elected or appointed representative from the Washington State Department of Transportation, Oregon Department of Transportation, cities of Portland and Vancouver, Metro, Southwest Washington Regional Transportation Council, TriMet, C-TRAN, and two representatives of the public.
3. Directs its representative serving on the Southwest Washington Regional Transportation Council Advisory Board to support and advocate for the CRC LPA consistent with this resolution.

ADOPTED at the regular session of the Board of the Clark County Public Transportation Benefit Area Authority, this 8th day July of 2008.

AYES: Marc Boldt, Linda Dietzman, Bill Ganley, Jim Irish, Betty Sue Morris Jeanne Stewart,
Steve Stuart, Chair Tim Leavitt

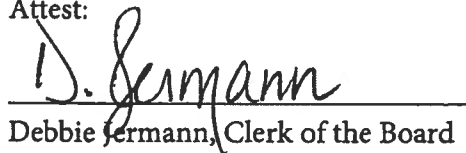
NAYS: Jeanne Harris

ABSENT:



Tim Leavitt, Chair

Attest:



Debbie Jermann, Clerk of the Board



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BOARD RESOLUTION

Recognizing C-Tran Board exclusive non-delegable authority to set policy

WHEREAS, the C-Tran Board adopted a fundamental policy as a good faith commitment to the people that requires any means of funding CRC Light Rail operation and maintenance costs to be first authorized by a vote of the people; and

WHEREAS, that commitment to the people was made official policy by the two CRC project sponsors that represent the citizens of Clark County, RTC and C-Tran, when both organizations adopted that policy as a condition of approval, made it a requirement to be satisfied and incorporated that requirement into the CRC Locally Preferred Alternative (LPA); and

WHEREAS, that adopted policy also expressly prohibits the use of any existing C-Tran revenues from being diverted to fund Light Rail;

WHEREAS, C-Tran adopted policy #PBD-015 expressly prohibits the use of any of the current voter approved 0.7% sales tax C-Tran revenues from being used for any aspect of the CRC Project; and

WHEREAS, the C-Tran Board placed Proposition One on the November 2012 ballot as a means to fund High Capacity Transit including Light Rail and Bus Rapid Transit; and

WHEREAS, the majority of citizens in that election rejected that ballot measure; and

WHEREAS, the voters have not authorized any other means to fund High Capacity Transit; and

WHEREAS, none of these adopted policies have been rescinded; and

WHEREAS, the Board cannot lawfully delegate their exclusive policy making authority to others not accountable to the people by allowing others to negotiate and execute contracts that establish new policies that contradict adopted C-Tran Board policies and break good-faith commitments made to the people by the C-Tran Board or that violate the conditions of approval adopted by C-Tran or RTC as incorporated into the LPA; and

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WHEREAS, the C-Tran Board has been made aware that since the special Board meeting on September 26, 2013, that C-Tran CEO Jeff Hamm, on September 27, 2013, in error, signed a contract with TriMet in conflict with adopted C-Tran Board policies that would establish new policies in conflict with adopted C-Tran Board policies without the prior knowledge, review, or approval of the C-Tran Board, and without the legal authority to do so; and

WHEREAS, the terms of that contract are unacceptable, unlawful, unconstitutional, and incompatible with the C-Tran adopted 20 year plan; and

WHEREAS, an example of a new unacceptable and unconstitutional C-Tran policy not authorized by the C-Tran Board in that contract, sets up Portland TriMet as the sole and full authority to order C-Tran, to use its eminent domain powers to condemn and transfer private property to TriMet at the sole discretion of TriMet, with no possibility of waiver, under the threat of \$5 million in liquidated damages for nonperformance, and nullify citizen rights to petition their government for a redress of grievances (1.10.3 and 3.20); and

WHEREAS, another example of a new unacceptable C-Tran policy not authorized by the C-Tran Board in that contract, allows Portland TriMet to lay claim to future C-Tran tax increases regardless of the statutory provisions under which the additional tax rate is approved (2.10.4); now, therefore,

BE IT ORDERED, RESOLVED AND DECREED BY THE C-TRAN BOARD AS FOLLOWS:

Section 1. Findings: In support of the action enacted by this resolution, the C-Tran Board adopts as its findings, the recitals set forth above.

Section 2: The C-Tran Board, on this 8th day of October 2013, recognizes that the TriMet contract is hereby repealed, terminated and deemed null and void. Notice is to be immediately given to convey the contract status to TriMet.

Ayes :

Nays :

Absent :

William J. Ganley, Chair

Attest:

Debbie Jermann, Clerk of the Board

References:

<http://c-tran.com/assets/Board/Board Policies/PBD-015 CRC Project Policy 080911.pdf>

C-TRAN Board Resolution BR-08-019 (Page 44, E 2 & 3 of the following reference)

RTC Resolution # 07-08-10 (page 56 of the following reference)

<http://www.columbiarivercrossing.org/FileLibrary/IRP/IRP TabG.pdf>

C-TRAN Board Resolution PBD-015 (Page 238 of the following reference)

<http://www.c-tran.com/board meeting files/May 21 2013 agenda no QandA .pdf>

and

<http://c-tran.com/assets/Board/Board Policies/PBD-015 CRC Project Policy 080911.pdf>

C-TRAN staff report #13-023 (Page 174 of the following reference)

<http://www.c-tran.com/board meeting files/May 21 2013 agenda no QandA .pdf>

C-TRAN staff report #13-023 (Page 35, marked page 32, of the following reference)

<http://www.c-tran.com/assets/20 Year Plan/C-TRAN 20 Year Plan->

[Adopted June 8 2010.pdf](http://www.c-tran.com/assets/20 Year Plan/C-TRAN 20 Year Plan-Adopted June 8 2010.pdf)

RCW 39.34.100 – Interlocal Cooperation Act

<http://apps.leg.wa.gov/rcw/default.aspx?cite=39.34&full=true>