

**PIERCE TRANSIT BOARD MEETING
Training Center, Rainier Room
June 11, 2012
4:00 P.M.**

AGENDA

pages

CALL TO ORDER

ROLL CALL

APPROVAL OF VOUCHERS

3-6 APPROVAL OF MINUTES April 9, 2012

PUBLIC COMMENT

PRESENTATIONS

- | | |
|---|--|
| 1. CNG Station Update | Larry McCarty, Facilities
Maintenance Manager |
| 2. American Police Hall of Fame – Civilian Medal
Of Appreciation – Nicholas Burkhart | Rod Baker, Public Safety
Chief |

ACTION AGENDA

- | | | |
|--------------|--|--|
| 7-9 | 1. Authority to Execute a Purchase and Sales Agreement for the Property at 3621 Hunt Street NW, Gig Harbor, Washington | Gisela Ratajski, Purchasing
Procurement Manager |
| 10-25 | 2. Authority to Amend Sections 2.04.020 and 2.16.020 of the Pierce Transit Bylaws | Treva Percival, Clerk
Of the Board |

Comments by the Chair

- | | | |
|--------------|---|---------------------|
| 26-32 | 3. Authority to provide for a Ballot Proposition to be submitted to the Qualified Electors of the Pierce County Public Transportation Benefit Area (PCPTBA) on November 6, 2012, to Utilize an Additional Three-Tenths of One Percent (0.3%) Sales and Use Tax within the Pierce County Public Transportation Benefit Area for the Purpose of Restoring Transit Services to the Community | Lynne Griffith, CEO |
|--------------|---|---------------------|

pages

INFORMATIONAL/DISCUSSION BOARD ITEM

Sound Transit Update

Commissioners McCarthy &
Strickland

STAFF/POLICY DISCUSSION ITEM

33 Sole Source Report

Wayne Fanshier, VP
Finance

ADJOURNMENT

PIERCE TRANSIT
BOARD OF COMMISSIONERS
MINUTES
April 9, 2012

CALL TO ORDER

Chair Strickland called the meeting to order at 4:00 p.m.

Commissioners present:

Marilyn Strickland, Chair of the Board, Tacoma City Mayor
Don Anderson, Lakewood Deputy Mayor
Tim Farrell, Pierce County Councilmember
Jake Fey, Tacoma City Councilmember (4:23 p.m.)
Pat McCarthy, Pierce County Executive
Steve Vermillion, Puyallup/University Place Representative (*Puyallup Councilmember*)

Staff present:

Lynne Griffith, CEO
Wayne Fanshier, VP Finance
Alberto Lara, VP Administration
Kelly Hayden, Acting VP Operations
Lars Erickson, Public Relations Officer
Carlos Davis, Fleet Maintenance Manager
Dan Dzyacky, Sr. Manager Transportation
Marvino Gilliam, Safety & Service Quality Administrator
Randy Hendrickson, Specialized Transportation Manager
Tina Lee, Capital Planning Manager
Keith Messner, Information Technology Manager
Doug Middleton, Transportation Manager, Transit Operators
Gisela Ratajski, Procurement Manager
Van Sawin, Fleet Manager
Amber Simonsen, Executive Project Manager
Bill Spies, Maintenance Manager
Kathy Sullivan, Finance Manager
Kathy Walton, Marketing Assistant Manager
Dena Withrow, Paratransit Assistant Manager
Rob Harrington, Business Analyst
Justin Leighton, Public Relations Coordinator
Chelsea Levy, Urban Planner
Jay Peterson, Acting Sr. Development Manager
Barb Schatz, Sr. Executive Assistant/Deputy Clerk of the Board
Ashley Smith, Project Controls Assistant
J. Michelle Swope, Organizational Development Coordinator
Zack Willhoite, Network Admin Specialist
Treva Percival, Assistant to the CEO/Clerk of the Board

Others present:

Bud Ezra, Citizen
Ed Kane, Safety and Training Manager First Transit
Mike Keim, Citizen
Scott Keller, Maintenance Manager First Transit
Kevin Rucker, Operations Manager First Transit
Raul Silva, General Manager First Transit
Don Swain, Region Vice President First Transit
Carleen Whitworth, Citizen
Tom Wolfendale, Legal Counsel

APPROVAL OF VOUCHERS

Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing that was made available to the Board on April 5, 2012. Commissioners Farrell and Vermillion **moved** and seconded to approve the vouchers subject to proper audit. Motion **carried**.

Those vouchers included in the listing are further described as follows:

Operating Fund #10
Self Insurance Fund #40
ST Self Insurance Fund #41
Capital Fund #90

Voucher numbers were 323089 through 323649 and wire numbers were 0942 through 0956 for a total of \$6,380,665.99.

APPROVAL OF MINUTES

Commissioners Farrell and McCarthy **moved** and seconded to approve the March 12, 2012, regular Board meeting minutes as presented by staff. Motion **carried**.

PUBLIC COMMENT

Andrew Austin, Transportation Choices Coalition. He brought a letter to share with the Commissioners urging the Board to return to the ballot and restore bus service as soon as possible. He stated that with an improved taxing district that aligns with cost-effective transit service, the voters can and will approve a tax measure to restore our bus service. The letter was signed by a broad coalition of business, labor, environmental, and social justice organizations.

Tammie Cox, 6615 – 150th ST SW #127, Lakewood 98439. She reiterated her concerns about the inadequate bus service to and from Joint Base Lewis McChord. She is concerned for soldiers and civilians working on base getting stranded after bus service stops for the day.

ACTION ITEMS

1. Commissioners Farrell and Vermillion **moved** and seconded to Approve Resolution 12-010 **Authority to Execute a Contract for Lease of Tires for the Bus Fleet.** Motion **carried**.
2. Commissioners Farrell and McCarthy **moved** and seconded to Approve Resolution 12-011 **Authority to Execute a Contract for Laundry Service for Maintenance.** Motion **carried**.
3. Commissioners McCarthy and Farrell **moved** and seconded to Approve Resolution 12-012 **Authority to Execute a Contract for Specialized Transportation Services (SHUTTLE) with First Transit, Inc.** Motion **carried**.
4. Commissioners Farrell and McCarthy moved and seconded to Approve Resolution 12-013 **Authority to Execute Order No. 2 for Eleven (11) Paratransit Vans from the Existing Multi-Year Contract with Schetky Northwest Sales, Inc.** Motion **carried**.

INFORMATIONAL/DISCUSSION BOARD ITEMS

Sound Transit Update ~ Commissioner McCarthy talked about a number of items happening with Sound Transit. They had a retreat in Seattle that focused on Transit Oriented Development and Parking Management; they did an extensive station access and demand study for the Sounder Stations called the *State of the Stations, Sounder Stations Flexible Access Study* (available online); they reopened Pacific Avenue, and the Lakewood Sounder service is on-course to begin this fall; starting in June, they will add service to the Route 578 between Puyallup and Seattle, with service to Sumner, Auburn, and Federal Way; they awarded a contract for the Alternatives Analysis Phase of the Link Extension Project which will take about 12 months; and Sound Transit is investigating the cost to provide limited SHUTTLE service between Bonney Lake and Sumner for the Sounder passengers.

STAFF/POLICY DISCUSSION

Mustard Seed Project Update ~ Acting VP of Operations Kelly Hayden gave an update on the Peninsula Mustard Seed Project. He said the goal of the project is to help senior citizens age-in-place while still interfacing with their community.

Mildred Street Project Update ~ Capital Planning Manager Tina Lee stated she was working with a City of Tacoma engineer on the Tacoma 'Complete Street' elements concerning Mildred Street from S. 19th to S. 12th streets. There are eight local bus routes coming out of that Transit Center. With the redesign, Pierce Transit loses lanes, as well as having medians; all of which affect traffic flow. A signal is needed to help with the congestion. There is also apprehension about the safety conflict between bikes and buses.

Financial Update ~ VP of Finance Wayne Fanshier said that sales tax collections are still of great concern. Pierce Transit has suffered eight consecutive months of negative sales tax revenue.

Cosmos Property Update ~ Wayne said the property across the street, along South Tacoma Way and about half-way back, is zoned commercial. The rest is zoned PI (*Public Institution*). The problem is, that it is also classified as an Air Corridor 1 (*ACI*) by the US Air Force, which limits 25 people per acre. Once the zoning is all changed to commercial, we should be able to move forward with sale of the property by August or September. There are people interested.

EXECUTIVE SESSIONS

At 4:47 p.m., Commissioners Farrell and Fey **moved** and seconded to adjourn to Executive Session *to consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public; and*

*Pursuant to RCW 42.30.140(4)(a): The governing body to discuss, plan or adopt the strategy or position to be taken by the governing body during the course of any collective bargaining negotiations and/or to review the proposals made in the negotiations of proceedings while in progress for a period not to exceed 25 minutes. Motion **carried**.*

Chair Strickland reconvened the meeting at 5:09 p.m.

ADJOURMENT

Chair Strickland adjourned the meeting at 5:10 p.m.

Treva Percival, MMC
Clerk of the Board

Marilyn Strickland, Chair
Board of Commissioners

Prepared by: Barbara Schatz, Senior Executive Assistant/Deputy Clerk of the Board

FACT SHEET

TITLE: Authority to Execute a Purchase and Sales Agreement for the Property at 3621 Hunt Street NW, Gig Harbor, Washington

DEPARTMENT: Finance, Audit & Administration

ORIGINATOR: Wayne Fanshier

PRECEDING ACTION: Resolution No. 11-021, Declaration of Surplus of Real Property at 96th Street and South Tacoma Way, Lakewood and in Gig Harbor and Authorization for Public Sale Thereof

COORDINATING DIVISION: Purchasing

APPROVED FOR SUBMITTAL:

Vice President

APPROVED FOR AGENDA:

Chief Executive Officer

Legal Counsel

ATTACHMENTS:

Resolution

BUDGET INFORMATION

2012 Budget Amount
N/A

Required Expenditure
N/A

Impact

Explanation:

BACKGROUND: This resolution seeks authority to execute a purchase and sales agreement for the property at 3621 Hunt Street NW in Gig Harbor, Washington.

On August 8, 2011, the Board of Commissioners declared a number of Pierce Transit properties surplus and authorized staff to offer these properties for sale. We have also obtained concurrence from the Federal Transit Administration to dispose of the parcels that were purchased with federal funds.

Subsequently, we entered into an agreement with Jones Lang LaSalle to act as our real estate broker since we do not possess the in-house expertise to market real estate.

We have received a valid offer for the property at 3621 Hunt Street NW in Gig Harbor as follows:

- Offer amount is \$185,000;
- The offer is cash with no contingency;
- Above the appraised value.

Staff considers acceptance of this offer to be in the best interest of Pierce Transit. Although it is below the acquisition cost or assessed value, it is above current appraised value. We contracted for an appraisal a year ago and a review appraisal in May, showing that the values have continued to decrease. The property was purchased at the height of the real estate market, it is therefore unreasonable to expect recovery of the full purchase cost at this time. We have had one other offer for the properties in Gig Harbor, however that offer included a twelve month contingency based on a number of conditions that were not likely to be met.

ALTERNATIVES: The alternative would be to keep the property; however it is no longer of use to the Agency and real estate values in that area are not expected to increase in the foreseeable future.

RECOMMENDATION: Authorize execution of a Purchase and Sales Agreement for the Property at 3621 Hunt Street NW, Gig Harbor, Washington.

RESOLUTION NO. 12-019

A RESOLUTION of the Board of Commissioners of Pierce Transit
Authorizing Execution of a Purchase and Sales Agreement for the Property
at 3621 Hunt Street NW, Gig Harbor, Washington

WHEREAS, by Resolution No. 11-021, approved on the 8th day of August 2011, the Board of Commissioners of Pierce Transit declared real property at 96th Street and South Tacoma Way, Lakewood and in Gig Harbor surplus and authorized public sale thereof; and

WHEREAS, staff has received an offer for the property at 3621 Hunt Street NW in Gig Harbor in the amount of \$185,000; and

WHEREAS, the offer is non-contingent and is above appraised value; and

WHEREAS, staff considers the offer to be fair and reasonable and recommends that the offer be accepted and to proceed with execution of a Purchase and Sales Agreement; and

WHEREAS, the Board of Commissioners of Pierce Transit finds it in the best interest of Pierce Transit to accept the offer and to execute a Purchase and Sales Agreement therefore;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Pierce Transit as follows:

Section 1. The Chief Executive Officer is herewith authorized to accept the offer of \$185,000 for the property at 3621 Hunt Street NW, Gig Harbor and execute a Purchase and Sales Agreement therefore.

ADOPTED by the Board of Commissioners of Pierce Transit at a regular meeting thereof held on the 11th day of June, 2012.

Marilyn Strickland, Chair
Board of Commissioners

ATTEST:

Treva Percival, MMC
Clerk of the Board

FACT SHEET

TITLE: Authority to Amend Sections 2.04.020 and 2.16.020 of the Pierce Transit Bylaws

DIVISION: Executive

ORIGINATOR: Treva Percival

PRECEDING ACTION: Resolution No. 04-003, Authority to Amend Sections 2.04.010, 2.04.020, 2.08.010, 2.08.040, and 2.20.020 of the Pierce Transit Bylaws; Resolution No. 00-041, Authority to Amend Sections 2.04.020, 2.08.010, 2.08.060, 2.20.010, 2.20.020, 2.274.010, 2.28.020, and 2.28.040 of the Pierce Transit Bylaws; Resolution Nos. 98-010, 97-051, 91-007, 90-147, 90-047, 90-028, 87-024, 86-082, 85-099, 84-095, 82-120, 81-055, 81-051, 80-069, 80-029, 80-026, 80-011, 79-016, and 79-004

COORDINATING DEPARTMENT:

APPROVED FOR SUBMITTAL:

Vice President

APPROVED FOR AGENDA:

Chief Executive Officer

Legal Counsel

ATTACHMENTS:

Strike-through version of the Bylaws, Resolution and New Bylaws

BUDGET INFORMATION

2012 Budget Amount
N/A

Required Expenditure
N/A

Impact
N/A

Explanation:

BACKGROUND: As a result of the Public Transportation Improvement Conference, on April 12, 2012, a meeting was held to review the composition of the Pierce Transit Board of Commissioners. With a boundary change adopted, the previous Board composition was no longer valid. In order to bring the Pierce Transit Code current with the new Board of Commissioners composition, the Bylaws must be revised. Upon further review of the Bylaws, it was also noted that minor changes were necessary to reflect current practices and procedures. Attached is a strike-through and clean version of the proposed changes.

ALTERNATIVES: None

RECOMMENDATION: Approve proposed amendments to the Pierce Transit Bylaws

PIERCE TRANSIT BYLAWS

Chapters:

<u>2.04</u>	<u>Membership</u>
<u>2.08</u>	<u>Meetings</u>
<u>2.12</u>	<u>Chairperson</u>
<u>2.16</u>	<u>Vice-Chairperson</u>
<u>2.20</u>	<u>Clerk of the Board</u>
<u>2.24</u>	<u>Appointed Positions</u>
<u>2.28</u>	<u>General Provisions</u>

Chapter 2.04--MEMBERSHIP

Sections:

<u>2.04.010</u>	<u>Offices.</u>
<u>2.04.020</u>	<u>Members of the board of commissioners.</u>

2.04.010 Offices. The principal office of Pierce Transit as of November 19, 1987, shall be located at 3701 96th Street S.W., Lakewood, Washington 98499. Pierce Transit may have such other offices, within Pierce County as the board of commissioners may determine from time to time. (Res. 82-120 §1; Res. 84-098 §1(Ex. I(part))); Res. 04-003 (part))

2.04.020 Members of the board of commissioners.

A. The board of commissioners (hereinafter referred to as the board) shall consist of nine members and one nonvoting member who are selected as follows:

1. ~~Three~~ Two members selected by the city council of the city of Tacoma;
2. One member selected by the city council of the city of Lakewood;
3. ~~Three~~ Two members selected by the Pierce County Government;
4. One member selected by the city councils of ~~the cities of Puyallup and University Place, rotating between the two jurisdictions~~ Puyallup;
5. One member selected by the city council of University Place;
5. ~~One member selected by the representatives of city and town councils of the remaining cities and towns within the boundary of Pierce Transit.~~
6. One at-large member voted on by the Fife, Edgewood, and Milton City Councils.
7. One member selected by the representatives of city and town councils of the remaining cities and towns within the boundary of Pierce Transit.
 - a. Pierce Transit shall request the city and town councils of Fife, Edgewood, and Milton; and Auburn, Fircrest, Gig Harbor, Pacific, Ruston, and Steilacoom to nominate a representative to the board of commissioners of Pierce Transit. The request for nomination shall be sent on the second Wednesday in ~~February~~ January. The nomination deadline shall be the ~~fourth-second~~ second Wednesday in ~~March~~ February.
 - b. The list of prospective nominees shall be mailed to the town and city councils for a vote on the ~~fourth-second~~ second Friday in ~~March~~ February. The city and town councils shall have until ~~May 1st~~ second Wednesday in March to return the ballots.
 - c. The ballots shall be accompanied by a certified copy of the council resolution or motion. The clerk of the board of Pierce Transit shall count the ballots and announce the results of the balloting to the board of commissioners.

d. A plurality of ballots cast shall determine the winner.
e. In the event of a tie, the city and town councils shall have an additional thirty days to reconsider. The ballot procedure will be repeated until a winner is selected by a plurality vote.

B. All members of the Pierce Transit board must be elected officials of the jurisdiction they represent.

C. The members of the board of Pierce Transit shall be selected in the following manner and shall serve the following terms: members shall be selected to serve a three-year term. ~~One representative of the city of Tacoma shall be selected to the board each year. One representative of the Pierce County Government shall be selected to the board each year. All members shall serve a term of three years, with the relative balance of the City of Tacoma and Pierce County representatives preserved thereby.~~ Each voting member shall hold office until the expiration of the term for which he/she is elected and until his/her successor has been selected and properly qualified.

~~An exception to the three-year term as provided in this chapter shall be the first two terms of the Puyallup/University Place representatives, which shall each consist of two years, rotating between the two municipalities. After the first two two year terms, the term shall be for three years as provided by this chapter.~~

~~D. The members shall be selected on or before the first of May. (Res. 79-1 (part); Res. 82-120 §2; Res. 84-098 §1 (Ex. I (part)); Res. 86-082 (Ex. I (Part)))~~

Chapter 2.08--MEETINGS

Sections:

2.08.010	Regular.
2.08.020	Special.
2.08.030	Quorum.
2.08.040	Chairperson.
2.08.050	Voting.
2.08.060	Order of business.
2.08.070	Conduct.
2.08.080	Authority decisions.
2.08.090	Responsibilities.
2.08.100	Compensation.

2.08.010 Regular. The regular meetings of the board of Pierce Transit shall be held at 3701 96th Street S.W., Lakewood, Washington, at the hour of 4:00 p.m. on the second Monday of each month. However, the board may designate an alternative regular meeting location and/or an alternative regular meeting date whenever the board finds it in the best interests of Pierce Transit. (Res. 82-120 §3(a); Res. 84-098 §1(Ex. I(part)); Res. 85-099 §1; Res. 87-024 §1(Ex. I); Res. 90-028 §1; Res. 91-007 §1)

2.08.020 Special. Special meetings of the board may be called by the chairperson. A majority of the members of the board of Pierce Transit may call a meeting by signing a request that same be called and delivering the request to the clerk of the board who shall forthwith give notice to the public and members of the board of the time and place of the meeting which notice shall be given not less than 24 hours before the time specified for such meeting and such request. (Res. 82-120 §3(b); Res. 84-098 §1(Ex. I(part)))

2.08.030 Quorum. At all meetings of the board a majority of the members of the board shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by resolution. (Res. 82-120 §3(c); Res. 84-098 §1(Ex. I(part)))

2.08.040 Chairperson. The chairperson shall preside at all meetings of the board. In the event of his/her absence from any meeting, the vice-chairperson shall perform the duties of the chairperson, as outlined in Section 2.16.030 of these bylaws. Absence is defined as the chairperson being unable or unwilling to conduct the duties and business of the position of chairperson. (Res. 82-120 §3(d); Res. 84-098 §1(Ex. I(part)))

2.08.050 Voting. All members in attendance, including the chairperson, at board meetings shall vote on matters brought before the authority (unless excused by a majority of members in attendance). Motions drawing a tie vote shall be deemed lost. All votes taken shall be by voice vote unless a roll call is requested by a member of the board present at the meeting. (Res. 82-120 §3(e); Res. 84-098 §1(Ex. I (part)))

2.08.060 Order of business. The order of business at board meetings shall be the following, except whereby, upon a majority vote, the order of business may be suspended:

- A. Call to order;
- B. Roll call;
- C. Approval of minutes;
- D. Approval of vouchers;
- E. Public comment;
- F. Public hearings;
- G. Presentations;
- H. Consent agenda;
- I. Regular agenda;
- J. Miscellaneous board items;
- K. Miscellaneous staff items;
- L. Executive session;
- M. Adjournment.

The clerk of the board may alter the order of business for a particular board meeting for purposes of efficiency or to accommodate special needs of board members, staff or the public upon direction of, or with the approval of, the chairperson or chief executive officer. (Res. 82-120 §3(f); Res. 84-098 §1 (Ex. I(part)))

2.08.070 Conduct. Robert's Rules of Order Newly Revised shall govern the conduct of board meetings except where in conflict with these bylaws or other resolution of the board. (Res. 82-120 §3(g); Res. 84-098 §1(Ex. I(part)))

2.08.080 Authority decisions. A majority vote of the members at a meeting at which a quorum is present shall be the act of the authority. The majority vote must have at least four affirmative votes if only five members are present, or if only five members vote (excluding abstentions) on an authority act, in order to be an authority decision unless a greater number is required by law or by the bylaws. (Res. 82-120 §3 (h); Res. 84-098 §1(Ex. I (part)))

2.08.090 Responsibilities. The board shall be responsible for conducting the legislative business of Pierce Transit. The board shall also review periodically the staff administration of Pierce Transit. Nothing in these bylaws is intended to limit the general powers of the board of Pierce Transit pursuant to Chapter 36.57A RCW or hereinafter amended. (Res. 82-120 §3(i); Res. 84-098 §1(Ex. I(part)))

2.08.100 Compensation. Each board member shall be entitled to the maximum per diem compensation as set forth in RCW 36.57A.050, as enacted or hereafter amended, unless a different amount is established by resolution of the board. Each board member shall be compensated under the following circumstances:

1. For attending a regular or special meeting as defined under Pierce Transit Code Sections 2.08.010 and 2.08.020, respectively.

2. For performing prescribed duties approved by the chairperson. (Res. 90-147; Res. 90-047; Res. 87-149)

Chapter 2.12--CHAIRPERSON

Sections:

- 2.12.010 Election.
- 2.12.020 Term.
- 2.12.030 Duties.

2.12.010 Election. The chairperson shall be a member of the board elected by the members by majority vote at a regular or special meeting of the board. (Res. 82-120 §4(a)(1); Res. 84-098 §1(Ex. I(part)))

2.12.020 Term. The chairperson shall be elected from among the members at a first meeting in June of each year. In the event of a vacancy, the members will elect a new chairperson at the next regular meeting. A board member shall not serve as chairperson for more than two consecutive one-year terms, effective May 1983. (Res. 82-120 §4(a) (2); Res. 84-098 §1(Ex. I(part)))

2.12.030 Duties. In addition to the powers and duties granted by these bylaws, the chairperson shall have such other powers and duties as shall be prescribed by law or by resolution of the board. (Res. 82-120 §4(a) (3); Res. 84-098 §1(Ex. I(part)))

Chapter 2.16--VICE-CHAIRPERSON

Sections:

- 2.16.010 Election.
- 2.16.020 Term.
- 2.16.030 Duties.

2.16.010 Election. The vice-chairperson shall be a member of the board elected by the members by majority vote at a regular or special meeting of the board. (Res. 82-120 §4(b) (1); Res. 84-098 §1(Ex. I(part)))

2.16.020 Term. The vice-chairperson shall be elected from among the members at the first meeting in ~~June~~February of each year. In the event of a vacancy, the members will elect a new vice-chairperson at the next regular meeting. A board member shall not serve as vice-chairperson for more than two consecutive one-year terms, effective May 1983. (Res. 82-120 §4(b) (2); Res. 84-098 §1(Ex. I(part)))

2.16.030 Duties. In addition to the powers and duties granted by these bylaws, the vice-chairperson shall have such other powers and duties as shall be prescribed by law or by resolution of the board. In the absence of the chairperson, the vice-chairperson shall perform the duties of the chairperson, and when so acting, shall have all the powers of and be subject to all the restrictions upon the chairperson. The vice-chairperson shall perform other duties as may be assigned to him/her by the chairperson or by the board of commissioners. (Res. 82-120 §4(b) (3); Res. 84-098 §1(Ex. I(part)))

Chapter 2.20--CLERK OF THE BOARD

Sections:

- 2.20.010 Appointment.
- 2.20.020 Duties.
- 2.20.030 Minutes.
- 2.20.040 Resolutions.
- 2.20.050 Other legal documents.

2.20.010 Appointment. The board of commissioners and the chief executive officer shall appoint a clerk of the board who shall have such power and perform such duties as prescribed by law, or action of the board. (Res. 82-120 §8(a); Res. 84-098 §1(Ex. I(part)))

2.20.020 Duties.

A. The clerk of the board serves as a liaison between the board and Pierce Transit staff. The clerk of the board shall respond to requests from members of the board. The clerk of the board, in addition to his/her other duties shall be responsible for documenting compensation paid to the board in accordance with "Meeting Compensation Guidelines" as approved by the board. The clerk of the board shall also be responsible for keeping the minutes, resolutions of the board, and all other legal documents. Such records shall be kept at the principal office of the authority and shall be made available for inspection by the public in accordance with state law.

B. The clerk of the board is designated as the employee responsible for distribution of all American Public Transportation Association transit board members committee communications to members of the board of Pierce Transit. (Res. 82-96 §1; Res. 82-120 §8(b); Res. 84-098 §1(Ex. I(part)))

2.20.030 Minutes.

A. The clerk of the board shall cause to be recorded electronically all of the regular and special Pierce Transit board meetings and shall maintain these recordings for such period of time as may be required by applicable state laws and regulations.

B. At the conclusion of each regular or special meeting of the Pierce Transit board, the

clerk of the board shall cause the minutes to be prepared in a brief and concise manner, which minutes shall contain an accurate resume of the board's official action with reference to all matters properly before it.

C. Minutes of board meetings shall be mailed to each member of the board following each meeting. The official copy for each meeting shall be signed by the chairperson and clerk of the board and shall become part of the permanent records file. (Res. 82-120 §8(c); Res. 84-098 §1(Ex. I (part)))

2.20.040 Resolutions. The clerk of the board shall cause resolutions to be prepared as documentation of certain board action. Resolutions are signed by the board chairperson and the clerk of the board and are made a part of the permanent records file. (Res. 82-120 §8(d); Res. 84-098 §1(Ex. I(part)))

2.20.050 Other legal documents. All written contractual obligations of Pierce Transit, including, but not limited to, contracts, leases, and assignments are to be referenced by the clerk of the board and made part of the agency record files, which shall be maintained as required by law. (Res. 82-120 §8(e); Res. 84-098 §1(Ex. I (part)))

Chapter 2.24--APPOINTED POSITIONS

Sections:

- 2.24.010 Chief executive officer
- 2.24.020 Legal counsel.
- 2.24.030 Committees.

2.24.010 Chief executive officer. The board shall appoint a chief executive officer who shall be responsible for the administrative functions of Pierce Transit and who shall have such power and perform such duties as shall be prescribed by law and action of the board. (Res. 82-120 §5; Res. 84-098 §1(Ex. I(part)))

2.24.020 Legal counsel. The board may appoint legal counsel as necessary. (Res. 82-120 §6; Res. 84-098 §1(Ex. I (part)))

2.24.030 Committees. Committees of the board shall be created from time to time by act of the board as needed to facilitate the conduct of business. Except where a motion is adopted with respect to a particular committee specifying a different method of appointment, the chairperson shall make the appointments to such committees. Terms of the committees should coincide with the term of the chairperson. (Res. 82-120 §7; Res. 84-098 §1(Ex. I(part)))

Chapter 2.28--GENERAL PROVISIONS

Sections:

- 2.28.010 Contracts.
- 2.28.020 Warrants.
- 2.28.030 Notes.
- 2.28.040 Deposits.
- 2.28.050 Gifts.
- 2.28.060 Resolutions.
- 2.28.070 Amendments.

2.28.010 Contracts. The board may authorize any officer or officers, agent or agents of Pierce Transit, in addition to the officers so authorized by resolution, to enter into any contract or execute and deliver any instrument in the name of and on behalf of Pierce Transit, and such authorization may be general or may be confined to specific instances. (Res. 82-120 §9 (a); Res. 84-098 §1(Ex. I (part)))

2.28.020 Warrants. All disbursements of Pierce Transit shall be by warrant drawn by the vice president, finance and administration auditor or as otherwise directed by law. All requests for warrants shall be signed as directed by board resolution. (Res. 82-120 §9 (b); Res. 84-098 §1(Ex. I (part)))

2.28.030 Notes. All notes or other evidence of indebtedness, including bills, issued or incurred in the name of Pierce Transit, shall be signed by such officer, member, agent or employee of Pierce Transit, and in such manner as shall from time to time to be determined by resolution of the board. (Res. 82-120 §9 (c); Res. 84-098 §1(Ex. I(part)))

2.28.040 Deposits. All funds of Pierce Transit shall be deposited in the appropriate funds established by resolution. The vice president, finance and administration shall be custodian of the funds and is, subject to approval by resolution of the board, authorized to invest such funds in the manner provided by law. (Res. 82-120 §9 (d); Res. 84-098 §1(Ex. I(part)))

2.28.050 Gifts. The board may accept on behalf of Pierce Transit any contribution, gift, bequest, or devise, for any purpose of Pierce Transit. (Res. 82-120 §9(e); Res. 84-098 §1(Ex. I(part)))

2.28.060 Resolutions. The vote on all formal resolutions of the board shall be recorded in the minutes, and each such resolution shall be signed by the chairperson and the clerk of the board. (Res. 82-120 §10; Res. 84-098 §1(Ex. I(part)))

2.28.070 Amendments. These bylaws may be added to or changed by an affirmative vote of five members in attendance at any board meeting where a 30-day written notice of such meeting has been sent to all legislative bodies within the jurisdiction of Pierce Transit. The 30-day written notice shall advise all of the legislative bodies within the boundaries of Pierce Transit of the proposed changes which are to be considered. (Res. 82-120 §11; Res. 84-098 §1(Ex. I (part)))

RESOLUTION NO. 12-020

A RESOLUTION of the Board of Commissioners of Pierce Transit
Amending Sections 2.04.020 and 2.16.020 of the Pierce Transit Bylaws

WHEREAS, by Resolution No. 79-4, approved May 21, 1979, Pierce Transit adopted a set of
Bylaws; and

WHEREAS, those Bylaws were amended and codified as part of the Pierce Transit Code in
1983; and

WHEREAS, a Public Transportation Improvement Conference meeting was held on April 12,
2012, and a plan was approved to change the composition of the Pierce Transit Board of Commissioners; and

WHEREAS, as a result of the change in the membership the Fife, Edgewood, and Milton City
Councils will be entitled to representation by a member of one of their City Councils on the Pierce Transit Board
of Commissioners; and

WHEREAS, the remaining cities and towns of Auburn, Gig Harbor, Fircrest, Pacific, Ruston,
and Steilacoom will be entitled to representation by a member of one of their City Councils on the Pierce Transit
Board of Commissioner; and

WHEREAS, the Cities of Puyallup and University Place will each be entitled to representation
by one member of each of their City Councils; and

WHEREAS, the City of Tacoma and Pierce County will each lose one representative; and

WHEREAS, in accordance with Section 2.28.070 of the Pierce transit Code, a 30-day written
notice of the proposed changes has been sent to all legislative bodies within the jurisdiction of Pierce Transit.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Pierce Transit as
follows:

Section 1. The Bylaws of the Pierce Transit Board of Commissioners are hereby amended per
Exhibit I that is attached and incorporated by reference herein.

ADOPTED by the Board of Commissioners of Pierce Transit at a regular meeting thereof held
on the 11th day of June, 2012.

Marilyn Strickland, Chair
Board of Commissioners

ATTEST:

Treva Percival, MMC
Clerk of the Board

PIERCE TRANSIT BYLAWS

Chapters:

<u>2.04</u>	<u>Membership</u>
<u>2.08</u>	<u>Meetings</u>
<u>2.12</u>	<u>Chairperson</u>
<u>2.16</u>	<u>Vice-Chairperson</u>
<u>2.20</u>	<u>Clerk of the Board</u>
<u>2.24</u>	<u>Appointed Positions</u>
<u>2.28</u>	<u>General Provisions</u>

Chapter 2.04--MEMBERSHIP

Sections:

2.04.010	Offices.
2.04.020	Members of the board of commissioners.

2.04.010 Offices. The principal office of Pierce Transit as of November 19, 1987, shall be located at 3701 96th Street S.W., Lakewood, Washington 98499. Pierce Transit may have such other offices, within Pierce County as the board of commissioners may determine from time to time. (Res. 82-120 §1; Res. 84-098 §1(Ex. I(part))); Res. 04-003 (part))

2.04.020 Members of the board of commissioners.

A. The board of commissioners (hereinafter referred to as the board) shall consist of nine members and one nonvoting member who are selected as follows:

1. Two members selected by the city council of the city of Tacoma;
2. One member selected by the city council of the city of Lakewood;
3. Two members selected by the Pierce County Government;
4. One member selected by the city council of Puyallup;
5. One member selected by the city council of University Place;
6. One at-large member voted on by the Fife, Edgewood, and Milton City Councils.
7. One member selected by the representatives of city and town councils of the remaining cities and towns within the boundary of Pierce Transit.
 - a. Pierce Transit shall request the city and town councils of Fife, Edgewood, and Milton; and Auburn, Fircrest, Gig Harbor, Pacific, Ruston, and Steilacoom to nominate a representative to the board of commissioners of Pierce Transit. The request for nomination shall be sent on the second Wednesday in January. The nomination deadline shall be the second Wednesday in February.
 - b. The list of prospective nominees shall be mailed to the town and city councils for a vote on the second Friday in February. The city and town councils shall have until second Wednesday in March to return the ballots.
 - c. The ballots shall be accompanied by a certified copy of the council resolution or motion. The clerk of the board of Pierce Transit shall count the ballots and announce the results of the balloting to the board of commissioners.
 - d. A plurality of ballots cast shall determine the winner.
 - e. In the event of a tie, the city and town councils shall have an additional thirty

days to reconsider. The ballot procedure will be repeated until a winner is selected by a plurality vote.

B. All members of the Pierce Transit board must be elected officials of the jurisdiction they represent.

C. The members of the board of Pierce Transit shall be selected in the following manner and shall serve the following terms: members shall be selected to serve a three-year term. Each voting member shall hold office until the expiration of the term for which he/she is elected and until his/her successor has been selected and properly qualified.

Chapter 2.08--MEETINGS

Sections:

2.08.010	Regular.
2.08.020	Special.
2.08.030	Quorum.
2.08.040	Chairperson.
2.08.050	Voting.
2.08.060	Order of business.
2.08.070	Conduct.
2.08.080	Authority decisions.
2.08.090	Responsibilities.
2.08.100	Compensation.

2.08.010 Regular. The regular meetings of the board of Pierce Transit shall be held at 3701 96th Street S.W., Lakewood, Washington, at the hour of 4:00 p.m. on the second Monday of each month. However, the board may designate an alternative regular meeting location and/or an alternative regular meeting date whenever the board finds it in the best interests of Pierce Transit. (Res. 82-120 §3(a); Res. 84-098 §1(Ex. I(part)); Res. 85-099 §1; Res. 87-024 §1(Ex. I); Res. 90-028 §1; Res. 91-007 §1)

2.08.020 Special. Special meetings of the board may be called by the chairperson. A majority of the members of the board of Pierce Transit may call a meeting by signing a request that same be called and delivering the request to the clerk of the board who shall forthwith give notice to the public and members of the board of the time and place of the meeting which notice shall be given not less than 24 hours before the time specified for such meeting and such request. (Res. 82-120 §3(b); Res. 84-098 §1(Ex. I(part)))

2.08.030 Quorum. At all meetings of the board a majority of the members of the board shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by resolution. (Res. 82-120 §3(c); Res. 84-098 §1(Ex. I(part)))

2.08.040 Chairperson. The chairperson shall preside at all meetings of the board. In the event of his/her absence from any meeting, the vice-chairperson shall perform the duties of the chairperson, as outlined in Section 2.16.030 of these bylaws. Absence is defined as the chairperson being unable or unwilling to conduct the duties and business of the position of chairperson. (Res. 82-120 §3(d); Res. 84-098 §1(Ex. I(part)))

2.08.050 Voting. All members in attendance, including the chairperson, at board meetings shall vote on matters brought before the authority (unless excused by a majority of members in attendance). Motions drawing a tie vote shall be deemed lost. All votes taken shall be by voice vote unless a roll call is requested by a member of the board present at the meeting. (Res. 82-120 §3(e); Res. 84-098 §1(Ex. I (part)))

2.08.060 Order of business. The order of business at board meetings shall be the following, except whereby, upon a majority vote, the order of business may be suspended:

- A. Call to order;
- B. Roll call;
- C. Approval of minutes;
- D. Approval of vouchers;
- E. Public comment;
- F. Public hearings;
- G. Presentations;
- H. Consent agenda;
- I. Regular agenda;
- J. Miscellaneous board items;
- K. Miscellaneous staff items;
- L. Executive session;
- M. Adjournment.

The clerk of the board may alter the order of business for a particular board meeting for purposes of efficiency or to accommodate special needs of board members, staff or the public upon direction of, or with the approval of, the chairperson or chief executive officer. (Res. 82-120 §3(f); Res. 84-098 §1 (Ex. I(part)))

2.08.070 Conduct. Robert's Rules of Order Newly Revised shall govern the conduct of board meetings except where in conflict with these bylaws or other resolution of the board. (Res. 82-120 §3(g); Res. 84-098 §1(Ex. I(part)))

2.08.080 Authority decisions. A majority vote of the members at a meeting at which a quorum is present shall be the act of the authority. The majority vote must have at least four affirmative votes if only five members are present, or if only five members vote (excluding abstentions) on an authority act, in order to be an authority decision unless a greater number is required by law or by the bylaws. (Res. 82-120 §3 (h); Res. 84-098 §1(Ex. I (part)))

2.08.090 Responsibilities. The board shall be responsible for conducting the legislative business of Pierce Transit. The board shall also review periodically the staff administration of Pierce Transit. Nothing in these bylaws is intended to limit the general powers of the board of Pierce Transit pursuant to Chapter 36.57A RCW or hereinafter amended. (Res. 82-120 §3(i); Res. 84-098 §1(Ex. I(part)))

2.08.100 Compensation. Each board member shall be entitled to the maximum per diem compensation as set forth in RCW 36.57A.050, as enacted or hereafter amended, unless a different amount is established by resolution of the board. Each board member shall be compensated under the following circumstances:

1. For attending a regular or special meeting as defined under Pierce Transit Code Sections 2.08.010 and 2.08.020, respectively.

2. For performing prescribed duties approved by the chairperson. (Res. 90-147; Res. 90-047; Res. 87-149)

Chapter 2.12--CHAIRPERSON

Sections:

- 2.12.010 Election.
- 2.12.020 Term.
- 2.12.030 Duties.

2.12.010 Election. The chairperson shall be a member of the board elected by the members by majority vote at a regular or special meeting of the board. (Res. 82-120 §4(a)(1); Res. 84-098 §1(Ex. I(part)))

2.12.020 Term. The chairperson shall be elected from among the members at a first meeting in June of each year. In the event of a vacancy, the members will elect a new chairperson at the next regular meeting. A board member shall not serve as chairperson for more than two consecutive one-year terms, effective May 1983. (Res. 82-120 §4(a) (2); Res. 84-098 §1(Ex. I(part)))

2.12.030 Duties. In addition to the powers and duties granted by these bylaws, the chairperson shall have such other powers and duties as shall be prescribed by law or by resolution of the board. (Res. 82-120 §4(a) (3); Res. 84-098 §1(Ex. I(part)))

Chapter 2.16--VICE-CHAIRPERSON

Sections:

- 2.16.010 Election.
- 2.16.020 Term.
- 2.16.030 Duties.

2.16.010 Election. The vice-chairperson shall be a member of the board elected by the members by majority vote at a regular or special meeting of the board. (Res. 82-120 §4(b) (1); Res. 84-098 §1(Ex. I(part)))

2.16.020 Term. The vice-chairperson shall be elected from among the members at the first meeting in February of each year. In the event of a vacancy, the members will elect a new vice-chairperson at the next regular meeting. A board member shall not serve as vice-chairperson for more than two consecutive one-year terms, effective May 1983. (Res. 82-120 §4(b) (2); Res. 84-098 §1(Ex. I(part)))

2.16.030 Duties. In addition to the powers and duties granted by these bylaws, the vice-chairperson shall have such other powers and duties as shall be prescribed by law or by resolution of the board. In the absence of the chairperson, the vice-chairperson shall perform the duties of the chairperson, and when so acting, shall have all the powers of and be subject to all the restrictions upon the chairperson. The vice-chairperson shall perform other duties as may be assigned to him/her by the chairperson or by the board of commissioners. (Res. 82-120 §4(b) (3); Res. 84-098 §1(Ex. I(part)))

Chapter 2.20--CLERK OF THE BOARD

Sections:

- 2.20.010 Appointment.
- 2.20.020 Duties.
- 2.20.030 Minutes.
- 2.20.040 Resolutions.
- 2.20.050 Other legal documents.

2.20.010 Appointment. The board of commissioners and the chief executive officer shall appoint a clerk of the board who shall have such power and perform such duties as prescribed by law, or action of the board. (Res. 82-120 §8(a); Res. 84-098 §1(Ex. I(part)))

2.20.020 Duties.

A. The clerk of the board serves as a liaison between the board and Pierce Transit staff. The clerk of the board shall respond to requests from members of the board. The clerk of the board, in addition to his/her other duties shall be responsible for documenting compensation paid to the board in accordance with "Meeting Compensation Guidelines" as approved by the board. The clerk of the board shall also be responsible for keeping the minutes, resolutions of the board, and all other legal documents. Such records shall be kept at the principal office of the authority and shall be made available for inspection by the public in accordance with state law.

B. The clerk of the board is designated as the employee responsible for distribution of all American Public Transportation Association transit board members committee communications to members of the board of Pierce Transit. (Res. 82-96 §1; Res. 82-120 §8(b); Res. 84-098 §1(Ex. I(part)))

2.20.030 Minutes.

A. The clerk of the board shall cause to be recorded electronically all of the regular and special Pierce Transit board meetings and shall maintain these recordings for such period of time as may be required by applicable state laws and regulations.

B. At the conclusion of each regular or special meeting of the Pierce Transit board, the

clerk of the board shall cause the minutes to be prepared in a brief and concise manner, which minutes shall contain an accurate resume of the board's official action with reference to all matters properly before it.

C. Minutes of board meetings shall be mailed to each member of the board following each meeting. The official copy for each meeting shall be signed by the chairperson and clerk of the board and shall become part of the permanent records file. (Res. 82-120 §8(c); Res. 84-098 §1(Ex. I (part)))

2.20.040 Resolutions. The clerk of the board shall cause resolutions to be prepared as documentation of certain board action. Resolutions are signed by the board chairperson and the clerk of the board and are made a part of the permanent records file. (Res. 82-120 §8(d); Res. 84-098 §1(Ex. I(part)))

2.20.050 Other legal documents. All written contractual obligations of Pierce Transit, including, but not limited to, contracts, leases, and assignments are to be referenced by the clerk of the board and made part of the agency record files, which shall be maintained as required by law. (Res. 82-120 §8(e); Res. 84-098 §1(Ex. I (part)))

Chapter 2.24--APPOINTED POSITIONS

Sections:

- 2.24.010 Chief executive officer
- 2.24.020 Legal counsel.
- 2.24.030 Committees.

2.24.010 Chief executive officer. The board shall appoint a chief executive officer who shall be responsible for the administrative functions of Pierce Transit and who shall have such power and perform such duties as shall be prescribed by law and action of the board. (Res. 82-120 §5; Res. 84-098 §1(Ex. I(part)))

2.24.020 Legal counsel. The board may appoint legal counsel as necessary. (Res. 82-120 §6; Res. 84-098 §1(Ex. I (part)))

2.24.030 Committees. Committees of the board shall be created from time to time by act of the board as needed to facilitate the conduct of business. Except where a motion is adopted with respect to a particular committee specifying a different method of appointment, the chairperson shall make the appointments to such committees. Terms of the committees should coincide with the term of the chairperson. (Res. 82-120 §7; Res. 84-098 §1(Ex. I(part)))

Chapter 2.28--GENERAL PROVISIONS

Sections:

- 2.28.010 Contracts.
- 2.28.020 Warrants.
- 2.28.030 Notes.
- 2.28.040 Deposits.
- 2.28.050 Gifts.
- 2.28.060 Resolutions.
- 2.28.070 Amendments.

2.28.010 Contracts. The board may authorize any officer or officers, agent or agents of Pierce Transit, in addition to the officers so authorized by resolution, to enter into any contract or execute and deliver any instrument in the name of and on behalf of Pierce Transit, and such authorization may be general or may be confined to specific instances. (Res. 82-120 §9 (a); Res. 84-098 §1(Ex. I (part)))

2.28.020 Warrants. All disbursements of Pierce Transit shall be by warrant drawn by the vice president, finance and administration auditor or as otherwise directed by law. All requests for warrants shall be signed as directed by board resolution. (Res. 82-120 §9 (b); Res. 84-098 §1(Ex. I (part)))

2.28.030 Notes. All notes or other evidence of indebtedness, including bills, issued or incurred in the name of Pierce Transit, shall be signed by such officer, member, agent or employee of Pierce Transit, and in such manner as shall from time to time to be determined by resolution of the board. (Res. 82-120 §9 (c); Res. 84-098 §1(Ex. I(part)))

2.28.040 Deposits. All funds of Pierce Transit shall be deposited in the appropriate funds established by resolution. The vice president, finance and administration shall be custodian of the funds and is, subject to approval by resolution of the board, authorized to invest such funds in the manner provided by law. (Res. 82-120 §9 (d); Res. 84-098 §1(Ex. I(part)))

2.28.050 Gifts. The board may accept on behalf of Pierce Transit any contribution, gift, bequest, or devise, for any purpose of Pierce Transit. (Res. 82-120 §9(e); Res. 84-098 §1(Ex. I(part)))

2.28.060 Resolutions. The vote on all formal resolutions of the board shall be recorded in the minutes, and each such resolution shall be signed by the chairperson and the clerk of the board. (Res. 82-120 §10; Res. 84-098 §1(Ex. I(part)))

2.28.070 Amendments. These bylaws may be added to or changed by an affirmative vote of five members in attendance at any board meeting where a 30-day written notice of such meeting has been sent to all legislative bodies within the jurisdiction of Pierce Transit. The 30-day written notice shall advise all of the legislative bodies within the boundaries of Pierce Transit of the proposed changes which are to be considered. (Res. 82-120 §11; Res. 84-098 §1(Ex. I (part)))

FACT SHEET

TITLE: Providing for a Ballot Proposition to be submitted to the Qualified Electors of the Pierce County Public Transportation Benefit Area (PCPTBA) on November 6, 2012, to Utilize an Additional Three-Tenths of One Percent (0.3%) Sales and Use Tax within the Pierce County Public Transportation Benefit Area for the Purpose of Restoring and Providing Transit Services to the Community

DIVISION: Executive

ORIGINATOR: Lynne Griffith, CEO

PRECEDING ACTION: Resolution No. 11-029, Adoption of the 2012 Budget

COORDINATING DEPARTMENT:

APPROVED FOR SUBMITTAL:

Vice President

APPROVED FOR AGENDA:

Chief Executive Officer

Legal Counsel

ATTACHMENTS: Resolution

BUDGET INFORMATION

2012 Budget Amount	Required Expenditure	Impact
\$600,000	\$310,000	+\$290,000
	(Estimation from Auditor)	

Explanation: Staff budgeted \$600,000 for an election to be held in 2-012; at the direction of the Board, this money will not be used until an election is held.

BACKGROUND: Pierce Transit has experienced two extended declines in sales tax revenue from December 2007 through January 2009 and again from June 2011 continuing through the latest month of collections, March 2012. The Pierce Transit Public Transportation Benefit Area's boundaries were revised by the Public Transportation Improvement Conference (PTIC) as outlined by RCW 36.57A.020. The new boundaries took effect on May 8, 2012. Due to the revision of the boundaries, beginning October 1, 2012, Pierce Transit will collect \$7.5 million dollars less annually in sales and use tax. The Board of Commissioners of Pierce Transit (the "Board") by virtue of its fact finding through staff provided information, Board workshops, public hearings and other input has concluded that in order to provide adequate transportation for those who rely on Pierce Transit to travel to places of employment, healthcare, education, or to other basic life services; to provide adequate transportation for those who desire to use transit to reduce traffic congestion; and to improve the quality of life of those residents who are dependent upon public transportation, the best interests of all residents of the PCPTBA require Pierce Transit to provide levels of service to meet the demands of the community. The Board also has determined that utilizing the additional 0.3% sales and use tax available to Pierce Transit is the only available means to provide funding lost by the

continued effects of global economic recession and the PCPTBA boundary revision. The impacts of declining sales tax collections and the boundary revision have made the existing sales and use tax revenue at the rate of 0.6% insufficient to provide and maintain transit services at the current and future anticipated levels. In order to provide service to meet the demands of the community, it is necessary to utilize the remaining 0.3% sales and use tax available to Pierce Transit. The question of whether or not to utilize the sales and use tax must be put forward to the qualified voters of the PCPTBA for their approval or rejection.

RECOMMENDATION: Recommend adopting Resolution 12-021. Public comment has been received regarding the Ballot Proposition. Putting forward the question to utilize the available 0.3% sales and use tax will allow area residents to determine the level of services Pierce Transit should provide, including but not limited to quality transportation choices for drivers, non-drivers and people with disabilities by providing local bus service with routes in the most urban areas of Pierce County while continuing to connect smaller towns and cities.

RESOLUTION NO. 12-021

1 A RESOLUTION of the Board of Commissioners of Pierce Transit
2 Providing for a Ballot Proposition to be Submitted to the Qualified Electors of the Pierce County Public
3 Transportation Benefit Area on November 6, 2012, to Utilize an Additional Three-Tenths of One Percent (0.3%)
4 Sales and Use Tax within the Pierce County Public Transportation Benefit Area for the Purpose of Restoring
5 Transit Services to the Community
6

7 WHEREAS, Pierce Transit has experienced two extended declines in sales tax revenue from
8 December 2007 through January 2009 and again from June 2011 continuing through the latest month of
9 collections, March 2012; and

10 WHEREAS, In early February of 2011, Proposition 1 failed which would have preserved
11 transit service to the community; and

12 WHEREAS, 35% of transit services were eliminated due to the failure of Proposition 1 making
13 a total of 43% cut in service since 2007; and

14 WHEREAS, on November 14, 2011, the Board of Commissioners, adopted Resolution 11-027
15 which convened a Public Transportation Improvement Conference (PTIC) to review the boundaries of the Pierce
16 County Public Transportation Benefit Area (PCPTBA); and

17 WHEREAS, the PTIC, in compliance with the PTIC process set forth in Ch. 36.57A, caused the
18 PCTPBA boundaries to be revised; and

19 WHEREAS, due to the revision of the PCPTBA boundary, Pierce Transit will collect \$7.5 million
20 dollars less annually in sales and use tax; and

21 WHEREAS, Pierce Transit conducted a public hearing on June 4, 2012 and received public
22 testimony regarding current Pierce Transit service; and

23 WHEREAS, THE Pierce Transit Board of Commissioners has determined that the current sales
24 and use tax of six-tenths of one percent (0.6%) is insufficient to maintain transit services at the current levels
25 and to provide for anticipated future need to expand transit services ; and

26 WHEREAS, in order to restore service to meet the current and anticipated future demands of
27 the community, it is deemed necessary and advisable that Pierce Transit increase the sales and use tax pursuant
28 to RCW 82.14.045 from six-tenths of one percent (0.6%) to nine-tenths of one percent (0.9%); and

29 WHEREAS, the question of whether or not to increase such sales and use tax must be
30 submitted to the qualified electors of the PCPTBA for their approval or rejection;

1
2 NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Pierce Transit as
3 follows:

4 Section 1. Findings. The Board of Commissioners of Pierce Transit (the "Board") finds that in
5 order (a) to provide adequate transportation for those who rely upon Pierce Transit to travel to places of
6 employment, healthcare, education, or to other basic life services; (b) to provide adequate transportation for
7 those who desire to use transit to reduce traffic congestion; and (c) to improve the quality of life of those
8 residents who are dependent upon public transportation, the best interests of all of the residents of the PCPTBA
9 require Pierce Transit to provide transit service levels to meet the current and anticipated future demands of the
10 community. The Board hereby finds that sales and use tax revenue is the only available means to restore
11 funding lost by the continued effects of the global economic recession and the PCPTBA boundary revision and
12 further finds that the current sales and use tax of six-tenths of one percent (0.6%) is insufficient for such
13 purpose.

14 Section 2. Authorization of the Sales and Use Tax for Service and Capital Investments. The
15 Board hereby finds that the best interest of the residents of the PCPTBA require Pierce Transit to increase the
16 sales and use tax imposed by the PCPTBA in the amount of three-tenths of one percent (0.3%) (bringing the
17 total sales and use tax imposed by the PCPTBA to nine-tenths of one percent (0.9%)) pursuant to RCW
18 82.14.045 to provide funds for system operations, maintenance and capital costs, and to provide transit service
19 levels to meet the current and anticipated future demands of the community, including but not limited to the
20 following ways:

21 (1) Provide Special events service such as; The Puyallup Fair, Freedom Fair, JBLM Air show
22 and the Taste of Tacoma

23 (2) Provide weekend service including bus service later in the evening and earlier in the
24 morning getting people to jobs, appointments, and church;

25 (3) Provide transportation choices for drivers, non-drivers, and people with disabilities by
26 improving local bus service with better connections between communities and regional centers.

27 (4) Provide commuter travel choices with higher frequencies for routes during commute
28 hour across the PCPTBA, with more direct and timely connections, and enhanced feeder routes to regional
29 Sound Transit services at the Puyallup, Downtown Tacoma, South Tacoma and Lakewood Sounder Stations. ;

(5) Provide service to primary, secondary, and higher education schools, both public and private;

(6) Support local economic development by transporting workers to places of employment;

(7) Enhance transit supportive infrastructure through the redeployment of buses, improvements to bus stops, and reduction in the dependence of the current transit centers

If available funds are sufficient, Pierce Transit shall make such other service and capital investments as the Board finds necessary; provided that such funds be used only to support the maintenance and growth of the public transportation system.

If Pierce Transit shall determine that it has become impracticable to accomplish such service or capital investments or portions thereof by reason of changed conditions or needs, incompatible development, costs substantially in excess of those estimated, or acquisition by a superior governmental authority, the PCPTBA shall not be required to accomplish such service or capital investments and may apply revenue as set forth in this section. If any or all of the service or capital investments have been completed, or their completion duly provided for, or their completion found to be impractical, Pierce Transit may apply the revenue or any portion of thereof to other portions of the improvements or to other purposes of Pierce Transit, as Pierce Transit in its discretion shall determine. Notwithstanding any provision of this resolution to the contrary, revenue may only be used to support the maintenance and growth of the public transportation system.

Section 3. Sales and Use Tax Proposition. It is hereby found and declared that the best interest of the PCPTBA require the submission to the qualified electors of the PCPTBA of the proposition whether Pierce Transit shall impose a sales and use tax within the imitations established in RCW 82.14.045 for their ratification or rejection for the purposes set forth in this resolution at a general election to be held on November 6, 2012. The Pierce County Auditor, as ex officio supervisor of elections, is hereby requested to conduct said election to be held within the PCPTBA on such day and to submit to the qualified electors of the PCPTBA for their approval or rejection a proposition to increase the sales and use tax in the amount of three-tenths of one percent (0.3%), for a total sales and use tax of nine-tenths of one percent (0.9%) of the selling price in the case of a sales tax, or value of the article used, in the case of use tax. The tax is in addition to any other taxes authorized by law and shall be collected from those persons who are taxable under RCW Chapters 82.08 and 82.12 upon the occurrence of any taxable event within the boundaries of the PCPTBA. Upon approval of the voters of the proposition hereinafter set forth, Pierce Transit may use proceeds of such sales and use tax for the

1 purpose of financing the purposes set forth in this resolution in accordance with the requirements of RCW
2 Chapter 36.57A.

3 The Clerk of the Board is hereby authorized and directed to certify the following proposition
4 to the Pierce County Auditor in the following form:

5
6 PIERCE COUNTY PUBLIC TRANSPORTATION BENEFIT AREA

7 PROPOSITION NO. _____

8
9 RESTORATION & PROVISION OF PUBLIC TRANSPORTATION SERVICES

10
11 The Board of Commissioners of the Pierce County Public transportation Benefit
12 Area (known as Pierce Transit) adopted Resolution No. 12-021 to utilize the
13 Agency's remaining sales and use tax authority. This proposition would impose a
14 three tenths of one percent (0.3%) sales tax to fund restoration and provision of
15 services, including, without limitation: special event and commuter service,
16 services for people with disabilities, and capital improvements, all authorized by
17 Resolution No. 12-021. Shall this proposition be:

18
19 APPROVED..... ☐

20
21 REJECTED ☐

22
23 The Clerk of the Board is hereby authorized and directed to deliver a certified copy of this
24 resolution to the Pierce County Auditor.

25 Section 4. Corrections. The Clerk of the Board is authorized to make necessary clerical
26 corrections to this resolution including, but not limited to, the correction of scrivener's or clerical errors,
27 references, resolution numbering, section/subsection numbers and any references thereto.

28 Section 5. Severability. In the event any one or more provisions of the resolution shall for
29 any reason be held to be invalid, such invalidity shall not affect or invalidate any other provision of this
30 resolution, but this resolution shall be construed and enforced as if such invalid provision had not been

1 contained herein; provided, that any provision which shall for any reason be held to be invalid shall be deemed
2 to be in effect to the extent permitted by law.

3 ADOPTED by the Board of Commissioners of Pierce Transit at a regular meeting thereof held
4 on the 11th day of June 2012.

Marilyn Strickland, Chair
Board of Commissioners

ATTEST:

Treva Percival, MMC
Clerk of the Board

ballot.res

Change Orders & Amendments - Sole Source Over \$10,000

	Name	Description/Project	Explanation	Contract Amount	Eff. Date
1	EFS West	Change Order No. 1, to the contract for CNG station construction to cover City of Lakewood permit fees.	Change in contractor would cause delays/hardships/added costs.	\$ 21,506	2/6/2012
2	Project Dimensions	Amendment No. 2, to cover testing services to the contract for CNG Project Oversight Management.	Change in contractor would cause delays/hardships/added costs.	\$ 58,850	3/22/2012

Contracts/Proprietary - Sole Source Over \$10,000

	Name	Description/Project	Explanation	Contract \$ Amount	Eff. Date
3	Puget Sound Energy	Natural gas transportation from city gate to Pierce Transit's fueling station.	Service not available through another vendor.	\$ 10,500 per month on average	3/1/2012

Other - Sole Source Over \$10,000

	Name	Description/Project	Explanation	Contract \$ Amount	Eff. Date
4	GIRO, Inc.	Perform GAP Analysis for HASTUS System Upgrade to version 2012.	Service provider for existing systems.	\$ 42,030	3/20/2012

Change Orders & Amendments: Master Agreements sometimes have Change Orders and Amendments. The reason could be for time extensions to a contract, or a situation where changing a contractor before the work is complete could cause delays, hardships, and/or added costs to the project. Change Orders and Amendments most often happen with construction contracts.

Contracts/Proprietary: The service or product is not provided by another vendor.

Other: A special circumstance when specialized knowledge or skill is needed for a project and there is limited time and vendors with the expertise.