

**Salem Area Mass Transit District
Special Transportation Fund Advisory Committee
Tuesday, May 7, 2019
Courthouse Square – Senator Hearing Room
555 Court St NE, Salem, Oregon 97301**

A. CALL TO ORDER & NOTE OF ATTENDANCE:

Ron Harding called the meeting to order at 3:00 p.m. with a quorum present.

MEMBERS PRESENT:

Ron Harding, Chair; John Hammill, Vice Chair; Bryant Baird; Beth Jackson; Jean Sherbeck; Sherena Meagher-Osteen; Marja Byers

MEMBERS ABSENT: Victor Reppeto; Emily Broussard

STAFF:

Ted Stonecliffe, Transit Planner II; Chris French, Senior Planner; Steve Dickey, Director of Transportation Development; Allan Pollock, General Manager; SueAnn Coffin, Contracted Services Manager; Melissa Kidd, Operations Programs Administrator; Jolynn Franke, Administrative Assistant, Transportation Development

SAMTD BOARD LIAISON:

Jerry Thompson, SAMTD Board of Directors; Colleen Busch, SAMTD Board of Directors

PROVIDERS:

Kathleen McClaskey, Woodburn Transit; Tim Williams, MV Transportation

GUESTS: None

Ron Harding, Chair, presented two changes to the agenda provided at the meeting. First, agenda item D.1 shall be moved to F.3. Second, Cherriots Contracted Services Manager, SueAnn Coffin, had an announcement to add to section D.

John Hammill, Vice Chair, motioned to accept the two agenda changes presented by Ron Harding. Marja Byers seconded the motion. The motion passed unanimously among voting members.

B. PUBLIC COMMENT [Ron Harding]: None

C. APPROVAL OF MEETING MINUTES – April 2, 2019 [Ron Harding]:

John Hammill motioned for the April 2, 2019 Special Transportation Fund Advisory Committee (STFAC) minutes be accepted by the STFAC as written. Sherena Meagher-Osteen seconded the motion. The motion passed unanimously among voting members.

D. ANNOUNCEMENTS:

1. New MV Transportation general manager [SueAnn Coffin] –

SueAnn introduced Tim Williams as the new general manager for MV Transportation. MV Transportation is contracted by Cherriots to operate the Cherriots Regional, Cherriots LIFT, and Cherriots Shop and Ride vehicles. Tim was promoted to general manager from the safety manager position. MV Transportation are searching for a candidate to take over his former position as safety / operations manager.

E. ACTION ITEMS: None

F. DISCUSSION ITEMS:

1. Update on recommendation regarding FY2021 – 2023 STF funding [Ted Stonecliffe] –

Ted Stonecliffe referenced page 5 of the April 2, 2019 Special Transportation Fund Advisory Committee (STFAC) meeting minutes. The motion notated on that page reads:

“Victor motioned for the proposed \$10 million cut to the STF grant by the State in FY21-23 to be brought to the attention of the Cherriots Board of Directors in order that they would lobby against this proposed budget cut. John Hammill seconded the motion. The motion passed with seven votes in favor and one abstention among voting members.”

Staff have decided not to take this motion to the Cherriots Board of Directors (the board) because the State has now included the \$10 million contribution from the State General Fund to the STF grant for fiscal year 2019 – 2021 in the proposed budget.

2. Review of comments on Coordinated Plan and 5310 Program Management Plan updates [Ted Stonecliffe] –

Ted compiled all comments received from STFAC members into the memo

provided for agenda item F.2. All comments have either been addressed or deferred until a more comprehensive update of the two plans can be done. Ted confirmed again with ODOT that there is no funding available for a comprehensive update this year, so staff will be looking into doing that next year.

The updates now being made by staff have to do with bringing the plans into accordance with Cherriots brand names and style guide. Some of the comments from STFAC members are also being addressed. For example, chapter three of the Coordinated Plan will be updated to cover only those existing services currently funded by the STF or Section 5310(ODOT) grants. Any existing services not funded by these two grants will be included in the list of public transportation service providers in Appendix D of the Coordinated Plan. Appendix D will be updated to include services that have emerged since the Coordinated Plan was last updated in 2016. The Falls City Direct Connect service has already been added to this list.

Because these updates are not considered comprehensive they do not require approval from the board. However, they will be presented at the May 13, 2019, Board Work Session.

Director Jerry Thompson thanked Jean Sherbeck and Emily Broussard for all the work they put into their comments. John Hammill expressed his gratitude as well.

3. Legal opinions provided regarding lobbying rules and public meetings law [Ted Stonecliffe] –

At the April 2, 2019, STFAC meeting, Cherriots legal counsel, Ben Fetherston, presented on advisory committee ethics. At the end of the meeting STFAC members decided to ask for legal opinions regarding two issues. The first issue is whether it is against the STFAC bylaws or any Oregon ethics laws, for STFAC members to lobby the State Legislature on behalf of the District when it could potentially benefit the District. The second question was whether it is a violation of Oregon Public Meeting laws if grant applicants are asked to leave the room when the STFAC deliberates and ranks applications for STF and Section 5310 grants. Ben provided a legal opinions document which has been distributed to all STFAC members in the agenda packet for this meeting. In the legal opinions document, Ben gave the following short answers:

(1) STFAC members are not prohibited from lobbying the State Legislature; and

(2) It is a violation of the Oregon Public Meeting laws to exclude grant applicants during STFAC deliberations.

Ted then highlighted some of the further details outlined in the legal opinions document.

- Page 2, section 1.A, third paragraph: "If a lobbyist spends more than either 24 hours or \$100 during a calendar quarter on lobbying, the lobbyist needs to register with the Oregon Government Ethics Commission (OGEC) and file quarterly lobbying expenditure reports."
- Page 3, section 1.B, last paragraph: "For the purpose of this statute, STFAC members, as appointed public officials, are considered public employees when they are acting in their official capacity. Therefore, these regulations apply when, for example, members are at a committee meeting, working on a duty assigned by the committee, working on official publications, or appearing at an event in an official capacity. Members should exercise caution when using their work titles in political activity because although it is not by default considered acting in an official capacity, it may still give this impression."
- Page 3, section 1.D, last paragraph: "A public official may not solicit or receive any gift(s) with a total value of more than \$50.00 from any single source who could reasonably be known to have an administrative or legislative interest in the official actions of that public official."
- Page 4, section 1.D, last paragraph: "A conflict of interest exists where a decision or recommendation could affect the finances of a public official or the public official's relative. A public official must give notice of a conflict if one exists, and depending on the situation may be required to restrict his or her participation in the matter."
- Pages 5 and 6, section 1.F: "STFAC members, as public officials, may lobby the Oregon Legislature for the benefit of SAMTD. Members should be aware of the ethics requirements pertaining to public officials, refrain from activities that constitute political campaigning

while the members are acting in their official capacity, and avoid using public funds for these activities. In addition, members must comply with registration and filing requirements if they exceed the 24 hour or \$100 threshold.”

Any questions or concerns regarding lobbying may be directed to Ted Stonecliffe or the OGEC.

- Page 5, section 2, third paragraph: “For the discussion of certain subjects, governing bodies may exclude the public by holding an executive session. ORS 192.660. An “executive session” is defined as “any meeting or part of a meeting of a governing body which is closed to certain persons for deliberation on certain matters.” ORS 192.610(2). Therefore, executive sessions may be called during a meeting that is subject to Public Meetings Law or as a standalone meeting.”

Paragraph 5: “Deliberation and rating of grant applications likely does not fall within any of the executive session purposes. It is possible that STFAC members may review or consider public records that are exempt from disclosure while reviewing grant applications, in which case that review or consideration should occur in an executive session. However, there do not appear to be any exceptions under the statute authorizing an executive session to deliberate and rank grant applications.”

STFAC members shared some thoughts on allowing applicants to stay for deliberations during Technical Advisory Committee (TAC) and STFAC meetings:

- Have a clear process outlined for how deliberations will be conducted and share it with applicants ahead of time.
- Let applicants know that, like any public meeting, they are welcome to stay through the entire meeting, but are not required to.
- Make sure applicants and STFAC members understand that the time to ask and answer questions is during the presentation time. TAC and STFAC members should be prepared to ask even the tough questions and try not to overlook anything.
- Let applicants know that they will have an additional opportunity to speak after a motion is made.
- Make sure applicants know that their final opportunity to protest a

recommendation would be when it is presented to the board before the board makes their final decision.

- Make sure it's clear to applicants that existing services do take priority. Ted added that there will be no potential for this to change until a comprehensive update of the Coordinated Plan can be done.

Some of these practices can be put into use during the upcoming Section 5310(FTA) funding cycle. Cherriots staff will be forming a TAC for this grant application process in August 2019. The Section 5310(FTA) grant is specific to transportation providers that operate within the Urban Growth Boundary (UGB). Those that operate outside of the UGB are not eligible to apply.

4. Provider Updates:

- Kathy McClaskey of Woodburn Transit shared that due to some construction on 1st Street in Woodburn, ridership on Woodburn Transit fixed route has decreased over the last couple of weeks. On the plus side, Woodburn Transit was able to purchase and install solar panel lighting for six of their bus shelters and they are working great. Also, a new bus has been purchased with the Statewide Transportation Improvement Fund dollars and will be arriving in about 45 days.

5. Round Table Topics:

- John Hammill mentioned that construction on a new signalized intersection at the Keizer Transit Center is underway. The construction has caused some delays on routes accessing the transit center.
- Ron asked if the upcoming Interstate-5 construction projects would have any effect on Cherriots services. Ted responded that Route 1X which runs between Salem and Wilsonville will likely be affected.
- Chris French shared that Jolynn Franke has been promoted to Transit Planner I for Cherriots. Cherriots will be posting an opening for the Transportation Development Administrative Assistant position.

G. ADJOURN: The meeting adjourned at 3:48 p.m.

Recorded by: Jolynn Franke, Administrative Assistant, Transportation Development Division

NEXT MEETING:

Tuesday, September 3, 2019; 3:00 - 4:30 PM

Courthouse Square Building, Senator Hearing Room
555 Court St NE, Salem, OR 97301