



Minutes

Meeting:	TriMet Board of Directors Regular Board Meeting	Date:	January 24, 2018
		Time:	9:00 a.m.
Presiding:	Bruce Warner	Location:	World Trade Center, Bldg. 2 Plaza Conference Room 121 S.W. Salmon Portland, Oregon 97204
Board Members Present:	T. Allen Bethel Joe Esmonde Lori Irish Bauman Craig Prosser Linda Simmons Travis Stovall Bruce Warner	Board Members Absent:	

TriMet Board Business meetings and public forum are available via web video stream. You can access the archived meetings and materials at trimet.org/meetings/board.

President Warner called the business meeting to order at 11:10 a.m.

1. Board Reports:

A. Committee on Accessible Transportation (CAT) – Lori Irish Bauman shared the highlights from the January 17, 2018 meeting:

- Lt. Rachel Andrew provided an update on Transit Police activity including recent events and responded to the CAT's questions.
- Nancy Young-Oliver, Budget and Grants Director, and Michael Dohn, Senior Financial Analyst III, reviewed the FY 19 budget process. The CAT made a recommendation of the Committee's priorities for FY 2019.
- Kerry Ayres-Palanuk, Director of Policy and Planning, reviewed the FY19 Service Plan proposal and responded to the CAT's questions about service changes.
- John Joseph, Region 3 General Manager, and Jennea Jones, Claims Safety Manager, both with First Transit, reviewed the LIFT Operator training program.
- Eileen Collins, LIFT Service Delivery Manager, reviewed the proposed LIFT process for the non-payment of LIFT fares. The CAT made a recommendation to approve the policy.
- Eileen Collins also reported on LIFT Operations' performance for the months of November and December

B. Transit Equity Advisory Committee (TEAC) – T. Allen Bethel reported on the January 18, 2018 meeting:

- TEAC members received an update on fare enforcement and discussed providing feedback for the design of the upcoming training program for Fare Inspectors.
- TEAC also received an update on TriMet's efforts and timeline for bringing on program staff for the new low-income fare program slated to launch in July 2018.

- Members held a conversation about new member recruitment and identified organizations for staff to reach out to in order to have more robust community agency participation.
- TEAC members were asked to begin to identify priorities for 2018, the goal is to identify areas of focus that can be added to the ongoing TEAC work areas to show growth and progress in the year ahead.

C. Finance & Audit Committee – Craig Prosser reported that the Committee met on December 14, 2017 and reviewed: 1) the Financial Forecast summary, including HB 2017 funds; 2) a small change to the Budget Themes; and 3) the Business Plan with goals and objectives listed. The Committee discussed whether the Business Plan should replace the Budget Themes, and asked that staff lead that discussion to consider for next year's budget preparation. Also, the Committee reviewed adjustments to this year's budget and proposed changes to TriMet's Debt Policy that extends the allowable terms of the bonds that is before the Board today. This morning the Committee met and discussed: 1) the Financial Forecast and 2) FY 2019 Budget Development Plan to bring projected expenditures in line with expected revenues.

D. Metro Policy Advisory Committee (MPAC) – Linda Simmons stated that the Committee met on January 10, 2018 and heard from Metro staff on: 1) Regional Waste Management Plan, specifically the vision and goal setting; and 2) Community Placemaking Grant Program Update, including information about the 2017 grantees and the upcoming 2018 cycle opening in January; and 3) SW Corridor Equitable Housing Strategy and naturally occurring affordable housing.

2. General Manager Report

Neil McFarlane and staff provided the following reports and answered Board questions:

- December Ridership Results – Neil McFarlane
- Second Quarter Financial Report – Dee Brookshire, Chief Financial Officer

3. Consent Agenda

Director Simmons asked that Resolution 18-01-08 be moved to the regular agenda for discussion.

Action: Travis Stovall moved to approve the consent agenda items listed below; Linda Simmons seconded the motion. The Board unanimously approved the motion.

Approval of Board Meeting Minutes for December 13, 2017

Resolution Directing that the Reading of all Ordinances be By Title Only

Resolution 18-01-01 Adopting a Revised Anti-Drug and Alcohol Policy

Resolution 18-01-02 Amending TriMet's Debt Policy

Resolution 18-01-03 Authorizing Contracts with LTK Engineering Services, STV Incorporated, and Elcon Associates, Inc. for On Call Systems Engineering Services

Resolution 18-01-04 Board of Directors, Acting In Its Capacity as the TriMet Contract Review Board, Exempting from Competitive Bidding Requirements a Contract(s) for Construction Manager/General Contractor Services for the Division Transit Project

Resolution 18-01-05 Authorizing an Intergovernmental Agreement with the Oregon Department of Transportation for Project Development of Multimodal and Arterial Connections

Resolution 18-01-06 Authorizing a Modification to a Contract with CVE Technologies Group, Inc. for IT Network Hardware, Software and Engineering Services

Resolution 18-01-07 Authorizing a Modification to Contracts with Columbia Pressure Washington, LLC and CBM Systems, LLC for Custodial Services for TriMet Facilities

4. Resolutions

Neil McFarlane and staff introduced the following resolutions and responded to Board questions:

Resolution 18-01-08 Authorizing a Contract with Parametrix, Inc. for Preliminary Design Services for the MAX Red Line Extension and Reliability Improvements Project

Director Simmons asked for further explanation on how Parametrix, Inc. was selected and if Parametrix was given preference due to past contract awards with TriMet and if we are getting the most value for our dollars.

Steve Witter explained the analysis performed that demonstrates no preference was given and that Engineering and Architectural contracts are subject to the Brooks Act and are awarded based on qualifications -- Parametrix, Inc. was the most qualified team.

Travis Stovall asked about the independent cost estimate and stated that he would assume the \$3.6 is in the ballpark. Steve Witter responded that is correct.

Neil McFarlane noted that Parametrix, Inc. has a very assertive DBE program at 28%.

Action: Joe Esmonde moved approval of Resolution 18-01-08; Lori Irish Bauman seconded the motion. The Board unanimously approved the motion.

Resolution 18-01-09 Authorizing the Transfer of Appropriated Funds Within the FY 2017-2018 General Fund Budget

Action: Craig Prosser moved approval of Resolution 18-01-09; Travis Stovall seconded the motion. The Board unanimously approved the motion.

Resolution 18-01-10 Authorizing a Contract with Balfour Beatty Construction, LLC DBA Howard S. Wright for Construction Manager/General Contractor Services for the Elevator Refurbishment/Replacement Program

Action: Linda Simmons moved approval of Resolution 18-01-10; Travis Stovall seconded the motion. The Board unanimously approved the motion.

Resolution 18-01-11 Authorizing a Modification to the Contract with Tactical Micro for Installation of a Mobile Closed Circuit Television System for TriMet Buses and Light Rail Vehicles

Action: T. Allen Bethel moved approval of Resolution 18-01-11; Travis Stovall seconded the motion. The Board unanimously approved the motion.

Resolution 18-01-12 Authorizing a Modification to a Contract with Stacy and Witbeck, Inc. for Construction Manager/General Contractor Services for the Blue Line Station Rehabilitation Project

Steve Witter detailed the improvements that would be made with the approval of this contract.

Director Prosser asked if the elevator rebuilds approved in the previous contract are at the same stations as the Rehabilitation Project.

Steve Witter responded, no, the elevator rebuilds are at stations with grade differences located along the Banfield. The stations being improved as part of the Rehabilitation Project are further east. The stations along the Banfield will be improved later, but the elevators take precedence.

Action: Linda Simmons moved approval of Resolution 18-01-12; Craig Prosser seconded the motion. The Board unanimously approved the motion.

Resolution 18-01-13 Authorizing a Contract with Portland Patrol Inc. (PPI) for Transit Peace Officer Services

Testimony during Public Forum:

Semir Said, SEIU Local 49, expressed concern regarding TriMet's approach to awarding the sole-source no bid contract for unarmed security services to PPI. Mr. Said stated that SEIU feels that competition is essential in ensuring TriMet spends public funds responsibly. Mr. Said added that G4S already protects TriMet properties and has a relationship and coordination with Portland Police and asked the Board to take the time to reconsider this contract.

Orlando Lopez, OPAL, stated that the decision to hire PPI does not reflect OPAL's request to bring back the Rider Advocate Program and that TEAC did not have an opportunity to provide input.

Jonathan Hunt, ATU Vice President, expressed concern that the work proposed in the Contract with PPI is ATU work and does not provide the level of security service that is needed on the system. Mr. Hunt asked the Board not to move forward with this contract and stated that if it does move forward the ATU would immediately file an Unfair Labor Practice.

Shirley Block, ATU President, stated that she feels that the functions proposed in the PPI Contract are currently being performed by ATU employees and that ATU will fight hard to prevent this.

Neil McFarlane explained that the PPI Peace Officers would be an addition to our security force and would not replace the need for additional Fare Enforcement, G4S and Transit Police Officers. The contract before you is for 15 Peace Officers and allows for growth over time based on budget approvals.

Director Simmons stated that she met with Harry Saporta to share concerns about the safety presence on the system and learned that TriMet's safety force is smaller than similar size agencies around the Country. Director Simmons stressed the importance of providing riders the security presence needed to address security issues timely without having to call 911. Director Simmons stated that she feels it is absolutely critical to move forward with this contract at this time.

Director Prosser stated that during public forum ATU officers expressed concern that this contract covers functions that are ATU members work, and asked Neil to address those comments and why we are going this way.

Neil McFarlane responded that hiring outside contractors to enforce the TriMet Code is not new and is consistent with past practices. Neil McFarlane explained that this contract allows TriMet to hire peace officers to supplement our security force, not replace Fare Inspectors, G4S and Transit Police Officers.

Director Stovall stated that during his testimony Jon Hunt referenced several critical issues the agency is facing including safety, security and fare enforcement as well as the horrific incident that occurred on the system last year. Director Stovall stated that to address these issues effectively it is essential we bring a balanced approach to enhance our safety and security in a way that does not bring on additional armed security and police presence that has historically not been welcomed by some riders and stakeholders – this contract would provide that. Director Stovall asked how we see this impacting safety and security on the buses, along with other parts of our system.

Neil McFarlane responded that the Transit Police Department currently provides an active presence on the system. This contract will provide a flexible resource the commander can deploy when needed on the bus side and system-wide.

Director Esmonde expressed the importance of implementing this contract and stated that he will be voting to move this forward.

Director Prosser stated that what we heard in previous testimony is that while some riders do not want additional armed police, they do want officers who could defuse situations so they did not escalate. Director Prosser asked if the Peace Officers we would be hiring have that training.

Neil McFarlane stated that the Peace Officers hired by PPI are experienced and professionally trained and have been using those techniques throughout their career. Mr. McFarlane explained that we would also augment that with TriMet specific training that would emphasize de-escalation techniques. Mr. McFarlane added that PPI has a great reputation of being able to compassionately deal with many difficult situations in the downtown area.

Commander Westbrook stated that the Peace Officers will partner with us and will add a needed presence on the system.

Dorian Yee, President of Portland Patrol, Inc. stated that the Peace Officers are seasoned professionals that use de-escalation tactics, not weapons.

President Warner stated that PPI has been effective downtown and this is a good solution and everyone will be safer for it including our operators.

Action: Travis Stovall moved approval of Resolution 18-01-13; Linda Simmons seconded the motion. The Board unanimously approved the motion.

5. Ordinances

Ordinance 347 of the Tri-County Metropolitan Transportation District of Oregon (TriMet) Adopting a Low Income Fare Program and Amending TriMet Code Chapter 19 (Second Reading)

Shelley Devine, General Counsel, read Ordinance 347 by title only.

Bruce Warner introduced Ordinance 347 and explained that TriMet has done extensive public outreach, provided the Board with a summary of comments, and the Board has seen the conclusions of the Equity Analysis.

Action: Travis Stovall moved approval of Ordinance 347; Joe Esmonde seconded the motion.

The following roll call vote resulted in the approval of Ordinance 347:

Craig Prosser	Yes
Lori Irish Bauman.....	Yes
Travis Stovall	Yes
Bruce Warner	Yes
Linda Simmons	Yes
Joe Esmonde.....	Yes
T Allen Bethel	Yes

Note: Travis Stovall left the meeting.

Ordinance 348 of the Tri-County Metropolitan Transportation District of Oregon (TriMet) Amending Chapter 14 of the TriMet Code to Revise the Definition of “Net Earnings from Self-Employment (First Reading and Public Hearing)

Shelley Devine read Ordinance 348 by title only and Neil McFarlane introduced – no action was taken.

President Warner opened the meeting for Public Hearing and no one addressed the Board.

Ordinance 349 of the Tri-County Metropolitan Transportation District of Oregon (TriMet) Amending TriMet Code Chapter 29.35 Concerning Penalties for Fare Evasion (First Reading and Public Hearing)

Shelley Devine read Ordinance 349 by title only.

Erik Van Hagen explained the Ordinance and the proposed changes to the TriMet Code and answered Board questions.

There were no public comments during public forum, nor did anyone sign up to speak, regarding Ordinance 349.

Action: Craig Prosser moved to change the word proscribe to prescribe on Exhibit A of Ordinance 349 in Section H(1); Joe Esmonde seconded the motion. The Board unanimously approved the motion.

Director Simmons stated that the addition of Option 3 dispels concerns voiced about a \$75 citation to low-income riders because it would allow them to become a part of the low-income fare program and would eliminate the fine.

Director Esmonde asked if other agencies have signed off on this Ordinance. Erik Van Hagen responded that the Work Group recommendations that were discussed at the December 13th Board meeting did support a \$50.00 starting fine and reductions in the citations for repeat offenders.

President Warner stated that the Board did discuss this in detail at the December 13th Board meeting and the majority was comfortable with moving forward with the fines proposed. Directors Bethel and Stovall both indicated at the December 13th meeting that they would like to see the first time offense fine reduced to \$50.00. If the Board does want to make a change to Ordinance 349 today, we can do so, then come back for a First Reading at the February 28th meeting.

Director Simmons stated that she does not have an issue with the \$75.00 fine as there is a community service option as well as a provision for qualified low-income riders to sign up for the program and have their fine eliminated.

Director Esmonde stated he prefers the \$50.00 fine, but is good with moving forward with the \$75.00 option as proposed.

Director Bethel indicated that his preference is the \$50.00 fine for first time offenders, but given the community service and the low-income program option, he is good with moving forward with Ordinance 349 as proposed. Director Bethel expressed that he wants to ensure that when a citation is given, that all options are clearly communicated to the rider.

Director Bauman stated that she supports the \$75.00 penalty for first time offenders that keeps us in line with peer agencies and lessens the risk of people not paying fares.

Director Prosser indicated that he is comfortable with the \$75.00 initial fine and agrees with Director Bauman on the risk of people not paying their fares if the fine is too low. Director Prosser stated that he also agrees with Director Bethel on making sure that riders understand the options when given a citation.

Director Esmonde asked if the options could be listed on the citation. Erik Van Hagen responded yes, the forms are approved by the State and we are optimistic that they will move forward as proposed. Mr. Van Hagen added that we also realize that information shared at the point of contact is critical and can be a method of de-escalation.

Director Esmonde asked if the Board could amend the fine amounts later on. Erik Van Hagen responded, yes, the Board would have the option of reconsidering the fine and approving an Ordinance to make that change.

Director Bethel stated that the Ordinance addresses fines for people 18 and above and asked about the fines for riders who are under 18.

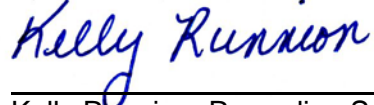
Erik Van Hagen explained that riders under 18 were not included in the legislation authority and will continue going through the Juvenile Court System. Erik Van Hagen added that with the youth program in place, TriMet writes very few tickets to riders under 18 and it would have made it more difficult to pass the legislation including youth, but we can go back and revisit this if desired.

Director Prosser explained that the conversation that led to this decision began after the awful event in Charlotte, NC when many jurisdictions were making symbolic acts to address the issue. TriMet Board members wanted to do something more than symbolic so Directors Prosser and Stovall met with the Transit Equity Advisory Committee (TEAC) who suggested that we address our Fare Enforcement System. Director Prosser stated that the Board did not want a persons first experience with the justice system to be a court appearance for fare evasion and cause them to have a record. With this system in place, that is no longer an issue. Director Prosser thanked TEAC for bringing this issue forward and providing a substantive way for this Board to make a difference.

6. Other Business & Adjournment

Hearing no further business, President Warner adjourned the meeting at 12:32 p.m.

Respectfully submitted,



Kelly Runnion, Recording Secretary