

RECEIVED

MAY 26 2016

Will Knedlik

May 26, 2016

Public Disclosure Commission

Ms. Evelyn Fielding Lopez, Executive Director
Washington State Public Disclosure Commission
711 Capitol Way, Suite 206
Olympia, Washington 98504

Re: Illegal misuses of tax dollars now ongoing to advance a planned Sound Transit 3 tax ballot

Executive Director Lopez:

In the context of inquiries undertaken by Public Disclosure Commission staff based upon contacts made by *The Seattle Times* as to but one of numerous illegal misuses of tax dollars, now ongoing, in order to advance Sound Transit's planned ST3 tax-ballot proposition in direct violation of state election statutes (<http://www.seattletimes.com/seattle-news/sound-transit-pulls-survey-question-that-may-break-state-law>), and in the further context of that junior taxing district's own previous admissions as to its multiple violations of state law through its formal stipulations with the PDC (<https://web.pdc.wa.gov/archive/commissionmeetings/meetingshearings/pdfs/2011/04.28.11.11099.stip.pdf>), request is hereby made for the agency first to investigate, carefully, and thereafter to penalize, to the maximum extent of its lawful authority, long-running and increasingly egregious misappropriations of public facilities, public monies and other public resources funded by citizens as taxpayers **both** affirmatively to **support** Sound Transit's planned Sound Transit 3 tax proposal through a wide range of intentional misdeeds by multiple elected officials, managerial personnel and others acting in several fiduciary capacities and **also** willfully to **suppress** pivotal information essential for any voter to be informed – whether simply through unlawful misfeasance implicated thereby, including misconduct comprising the tort of misfeasance in public office at common law, or whether through actual criminal malfeasance – so as to expropriate, through its multiplicity of illegitimate means, government assets for unlawful exploitation in order to foster Sound Transit's ST3 tax proposal through a broad array of wrongdoing outlined hereinafter in a preliminary form.

As important as is *The Seattle Times'* crucial above-referenced inquiry to the Commission, which is hereby acknowledged forthrightly, its primary focal point appears to be largely on one certainly intended, not insignificant but relatively finite **consequence** of the junior taxing district's clearly unlawful (and, thus, legally void) approval of fully obvious misuses of public funds (as reported on its public website on April 3, 2016), as was the spotlight within its likewise powerful editorial criticism of a blatant factual distortion promulgated by Sound Transit's present chair, recently, to further a taxpayer-financed campaign to promote its ST3 tax ballot for the 2016 General Election (in its lead editorial, for that Sunday's print edition, stating that “[Dow] Constantine exaggerated, using Sound Transit numbers to present a best-case scenario for rail while grossly undercounting freeway capacity,” now available at <http://www.seattletimes.com/opinion/editorials/expanding-rail-bus-transit-is-tantalizing-but-questions-must-be-clearly-answered-first>), *inter alia*.

However, the principal focus of the formal request hereby made is **not** merely on such **unlawful consequences**, but upon the **underlying intentional wrongdoing** by the Sound Transit Board of

Directors, as patently designed to cause – and as did in fact and in law successfully yield – those **illegal outcomes**, precisely as was intended by every Board member who voted to violate patent laws through casual disregard for and through utter defiance toward our state’s clear statutes that indisputably prohibit **any-and-all** misuses of public facilities, public monies and other public resources financed both by state citizens as taxpayers and as voters, and also by every other non-citizen resident levied on as a taxpayer only, in order to advance the thereby-corrupted ST3 tax ballot to thus-misinformed voters, on November 8, 2016, as RCW 42.17A.555 makes undeniable by squarely prohibiting **each-and-every** “use of any of the facilities of a public office or agency, **directly or indirectly**, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition” (bolding added), beyond any potential for good-faith dispute, given that Initiative 276’s “Declaration of policy” specifies that all of the “provisions of this chapter shall be liberally construed” in RCW 42.17A.001(11).

A secondary focus of this request for the thorough investigation necessary based on every factual circumstance set forth hereinbelow as a preliminary overview – and for all appropriate sanctions against a junior taxing district earlier allowed to stipulate to its previous wrongdoing in order to be afforded a token penalty – is on providing a brief initial outline of wholly obvious misconduct that is presently being employed, through additional misuses of taxpayer funding, so as to foster Sound Transit’s long-planned ST3 tax proposal directly reliant upon a broad range of intentional wrongdoing that now flows from clear misfeasance in public office, and from possible criminal malfeasance in public office, and that has patently resulted in the grossly wrongful consequences initially identified by our state’s largest and most influential daily newspaper (along with several related *foci*, hereinbelow, that can only start to suggest the entire dimensions of that junior taxing district’s egregiously wrongful misconduct, in furtherance of its thus-illegal ST3 ballot, which is subject to voiding, judicially, for having thus “probably affected the outcome,” and to mandatory reballoting on an expedited basis, within 60 days, pursuant to provisions of RCW 42.17A.750).

For example, on August 18, 2015, the Sound Transit Capital Committee met and adopted Motion No. M2015-74, whereby nominal authorization was provided for “public involvement consultant services supporting the Sound Transit 3 ballot measure in the amount of \$560,000 for a new total authorized amount not to exceed \$1,360,000”; whereby that motion specified that those products intended to be thereby funded were to include “Developing web content and interactive features that showcase transit options and benefits”; related “Social media activities; and Responding to public inquiries and correspondence” generated by content and features which “showcase transit options and benefits”; and whereby justification for adding another \$560,000 in taxpayer funding to \$800,000, already expended by the contractor, was due to the initially unanticipated “level of success achieved by Sound Transit in generating public comments” (obtained through intentional misuses of public facilities, public monies and other public resources specifically to “showcase transit options and benefits” with its thumb so placed upon the scale in order thereby to promote the planned ST3 tax ballot through misuses of public funds). Under Sound Transit rules, Capital Committee adoption nominally authorized the contract for every therein directly noted objective.

Additionally, Motion M2015-74 further implicates the wrongful purpose for \$1,360,000 to be so misused in related contract-informing specifications that state “exercise of options to extend the duration of the contract to support a potential ballot measure that occurs later than 2016 would require Board approval of additional funding” (also in order so to “showcase” for a later-planned tax ballot through myriad abuses of public facilities, public monies and other public resources).

Despite Mayor Dave Earling's overt statement of concern on August 18, 2015 about "consultant services supporting the Sound Transit 3 ballot measure in the amount of \$560,000" – in order to "showcase transit options and benefits" – not a single word was altered due to clearly indicated, if *pro forma*, concern thereby voiced; the Capital Committee's approval was in fact unanimous; the contractor thereafter provided services in order to "showcase" ST3 precisely as indicated and exactly as intended by the junior taxing district's Board members, its senior bureaucrats and its many other agents; *The Seattle Times* made its resultant inquiry; and its employee, Lewis Kamb, then duly reported that "commission spokeswoman Lori Anderson responded that part of the survey appeared to violate a state law that prohibits spending public funds for political purposes."

All of this and far more are, of course, entirely consistent with the obviously intended objective of expending \$1,360,000 in taxpayer funds to "showcase transit options and benefits" by means of push-polling aimed at ascertaining how best to craft ST3's self-serving claims politically and, thereby, to advance the ST3 tax proposal through such and other misuses of taxpayer dollars to "showcase transit options and benefits" optimally (so as to influence balloting on ST3 through a publicly financed seduction of citizens, as voters, by means of indisputable political activities).

Additionally, the statutorily prohibited tax-ballot campaign to support the ST3 proposal thus put into motion on August 18, 2015 – through Capital Committee adoption of Motion No. M2015-74 nominally authorizing expenditures of up-to-\$1,360,000 in taxpayer funds in order to "showcase transit options and benefits" – has been repeatedly aided and abetted, since then, through serially recurring misuses of public resources both by Sound Transit's Citizen Oversight Panel (nominally empanelled to guarantee full compliance by the junior taxing district with its previous ballot-title obligations directly owed to state citizens, as voters and as taxpayers, pursuant to all terms of the statutory contract legally created between that agency and those residing within its jurisdictional boundaries), and also by the state's Expert Review Panel (nominally appointed to guarantee the junior taxing district's full compliance with all statutory requirements for a valid ST3 tax ballot).

As documentation hereinbelow indicates, substantial amounts of taxpayer dollars have been and are being misused, both to support a ST3 tax ballot illegally, and also to stifle pivotal information certain to impact negatively on that thus unlawfully promoted ST3 campaign absent suppression.

While Sound Transit's COP was formally established to ensure the junior taxing district's major ballot-title contractual responsibilities to "conduct an annual comprehensive performance audit through independent audit services," and while it is explicitly "charged with an annual review of the R[egional] T[ransit] A[uthority]'s performance audit and financial plan and for reporting and recommendations to the Board" (each stated in Section 5 of Resolution No. 75 available online at www.soundtransit.org/sites/default/files/documents/html/board/resolutions/html/reso075.html), it has consistently failed to do either, for almost two full decades, as it has instead degenerated into a rogue cabal misusing public funds in order both actively to foster the agency's political agenda *via* political wrongdoing inclusive of its ST3 tax proposal (as it has done repeatedly since Motion No. M2015-74 was approved by the Capital Committee), and also affirmatively to cover up very major problems coming to its notice through its nominal oversight functions for all citizens (as it has likewise done repeatedly since the Capital Committee's approval of said unlawful motion).

For example, since August 18, 2015, formal meetings of the COP conducted in public facilities, paid for with tax dollars, and staffed with highly paid consultants and agency bureaucrats, have

been repeatedly used to solicit participation by panel members in ST3 campaign activities and to disseminate information about such ST3 campaign activities. In addition, when minutes in draft form memorializing those unlawful COP activities have identified such illegal misconduct, then COP's overly paid consultant has been requested to remove such evidence of gross wrongdoing, and she has agreed and has done so in a fashion that has, on information and belief, imposed still further costs on taxpayers in order thereby to conceal such unlawful misuses of public funds for an ST3 campaign purpose. Yet additionally, COP minutes have repeatedly been drafted both to cover up further unlawful uses of public funds for ST3 campaign functions and also to suppress vital information about severe engineering problems with a major Sound Transit capital project, which are certain to undermine, greatly, electoral support by citizens as voters and as taxpayers unless that completely quintessential information is suppressed through misuses of public funds (exactly as Sound Transit and its various cooperators in such immense wrongdoing have done).

Thus, while a significant portion of the COP's annual retreat conducted on February 18, 2016, in public facilities and with staffing at taxpayer expense, was devoted to COP discussions of how it can most effectively (but illegally) help to **support** ST3 – e.g., when immediate past COP chair Josh Benaloh inquired of new Chief Executive Officer Peter Rogoff precisely “how far do you want us [COP] to stray into politics” – that patently unlawful and likewise unethical activity then financed through misuse of tax dollars, Mr. Rogoff's failure to refuse to participate therein so as further to misuse public funds and follow-on dialogue that ensued thereafter so as still further to misuse public funds were all intentionally excluded in COP minutes drafted in order to cover up those three expropriations of public assets (all directly violative of RCW 42.17A.555), *inter alia*.

More recently, on April 21, 2016, John Harrison reported to the COP in regard to a *sine qua non* engineering problem of very longstanding in the junior transit district's continuing multifarious-but-as-yet unresolved efforts to devise a completely novel track-design solution both necessary and also sufficient to allow its rail-transit vehicles to descend onto, exit from and traverse across floating-bridge structures for the very first time, in all of railroading history, anywhere on earth (since rail transport modalities initially began freight service for Hohensalzburg Castle in Austria in *circa* 1495 A.D.), which thus-far-intractable engineering problem has occupied Mr. Harrison, for several years, as the manager directly responsible for design and for testing of an Interstate 90 Track Bridge System for Sound Transit up until his retirement from Parsons Brinkerhoff in 2014. Mr. Harrison then stated, explicitly, that the quintessential engineering requirement for a reliable “track attachment is still up in the air and getting harder by the day.” Both this pivotal report and also the follow-on discussion thereafter were totally excluded from COP minutes drafted in order to cover up that major defect through misuse of public funds so as, on information and belief, to **support** the ST3 tax ballot by **suppression** of vital facts directly presented to the COP, explicitly within its oversight function and squarely withheld from citizens through misuse of public funds in order to benefit the ST3 tax ballot and in order to conceal actions constituting the common law tort of misfeasance in public office by panelists (each likewise violative of RCW 42.17A.555).

Simply put, these examples of patent-and-indisputable violations of public trust by persons now serving in a nominal oversight capacity necessarily implicating fiduciary obligations, as a matter of law, are legally startling, *sui generis*, but the *modus operandi* made out by the pattern of very severe misconduct over nearly two decades is still more disturbing when public funds are being exploited to support the largest tax-ballot measure in the entire history of our state, illegally, and when enormously important information essential to voters is being suppressed to that same end.

However, such gross misdeeds pale in comparison with those of the state's Expert Review Panel.

Since a statutorily prohibited tax-ballot campaign to support the ST3 proposal with public assets was activated upon August 18, 2015 to "showcase transit options and benefits" – by adoption of Motion No. M2015-74 – the state-appointed Expert Review Panel's series of meetings as held in November, 2015, February, 2016 and April, 2016 has abandoned, flagrantly and repeatedly, any pretenses as to oversight functions as multiple in-state panelists have evidenced their **support** for the ST3 tax ballot through direct-and-extended counsel of junior taxing district staff on precisely how best to repackage individual elements of the draft ST3 plan in order to make it as "seductive as possible for state citizens, as voters and as taxpayers, and as the appointed in-state chair, Jim Jacobson, has repeatedly abused his prerogative as the presiding officer in order to **suppress** key inquiries by out-of-state members, which such misconduct culminated on April 11, 2016, dually, when panelist Mark Hallenbeck repeatedly and squarely urged Sound Transit managers simply to "blame" the 64th Legislature for a pivotal defect in the ST3 tax-ballot proposition, and continued such urging even after panelist Steve Lundin directly pointed out that debt limits on the ST3 plan were imposed by Article VIII of the Washington State Constitution and had nothing whatsoever to do with the 64th Legislature, and when chair Jacobson forcefully suppressed a pivotal inquiry by panelist William C. Lorenz, P.E. about the ST3 plan's design to fill up Sounder commuter rail cars with people living outside the junior taxing district, who can avoid Sound Transit's gigantic-and-increasing tax levies, and thus to prevent seating for residents of the district, who are not able to avoid more-than-\$2 million in taxes now already being paid to Sound Transit every single day.

While the state's Expert Review Panel is legally set up to ensure that the junior taxing district's ST3 planning complies wholly with statutory requirements, its operations have thereby misused taxpayer dollars both to **support** an ST3 tax ballot illegally (including but not limited to repeated misuses of its publicly funded sessions in order to advise the junior taxing district's managers on how to make any ST3 tax ballot more seductive to citizens, as taxpayers and as voters, instead of fulfillment of its oversight responsibilities), and also to **suppress** vital information that is certain to impact negatively on that thus illegally promoted ST3 campaign absent that stifling (including but not limited to patent misuses of public funds in order to urge shifting of fault, as to the junior taxing district's central ST3 plan deficiencies, from Sound Transit to the 64th Legislature), and heavy-handed **suppression** of pivotal questions identifying major defects within that draft plan (thereby comprising not only gross breaches of the panel's statutory oversight function as clearly identified within the applicable statute as "Independent system plan oversight" duties, nor simply utter disregard for fiduciary obligations of panelists involved in such wrongdoing, but also acts constituting the common law tort of misfeasance in public office legally applicable in this state).

Simply stated, such gross subversions both of statutorily required oversight responsibilities of the Expert Review Panel in order to coach a junior taxing district's managers on how best to package and to sell its ST3 tax ballot through misuses of the Panel's tax funding and in order to hide core defects in the plan related to that tax ballot also through misuses of taxpayer dollars – in order to lend **support** unlawfully, and to **suppress** facts unethically, instead of fulfilling those demanding statutory-and-fiduciary duties imposed by RCW 8.104.110 – could not likely be exceeded by any means other than urgings for Sound Transit to scapegoat the 64th Legislature by an employee of a state university massively funded by the branch of government thus intended to be savaged for purposes of political expediency, so as thereby to **support**, rather than to inhibit, plotting for the ST3 tax-ballot proposition by the panel's unlawful means and by its other unethical **suppression**.

Additionally, the statutorily prohibited tax-ballot campaign to promote the ST3 proposal put into motion on August 18, 2015 in order to "showcase transit options and benefits" – by adoption of Motion No. M2015-74 – has been further aided and abetted repeatedly, since then, through serial and recurring misuses of immense tax dollars by multiple members of Sound Transit's Board of Directors in order to advance, foster and otherwise further its ST3 tax ballot with public monies by means of a pattern of willful misfeasance in public office, if not rather worse, through explicit suppression of essential facts by means of repeated misuses of public funds, and through patently falsified declamations intent on and successful in distorting pivotal data by means of still greater misuses of taxpayer dollars. In fact and in law, Sound Transit Board members have expropriated public resources both for heavy-handed **suppression** of crucial information essential for citizens as voters and as taxpayers and also for heavy bombardment of us all with critical disinformation.

For example, on April 8, 2016 during a formal session of locally elected officials who meet each month as the Eastside Transportation Partnership, when Woodinville City Councilwoman Susan Boundy-Sanders suggested that ETP should inform the junior taxing district, **in writing**, that its official request for input from its East King County subarea, on an unfeasibly brief basis, made it **impossible** for that representative body to comply, Claudia Balducci exploited her positions of public trust, as a King County Councilwoman and as a Sound Transit Board member, to prevent ETP from thus communicating the reality that ST3 processes precluded **real** input from a subarea that has received far, far less transit benefits than eastside communities have paid Sound Transit for, both under a Sound Transit 1 tax ballot approved in 1996 and also under a Sound Transit 2 tax ballot approved in 2008, and would be yet again short-changed by ST3 (which such heavy-handed clampdown was clearly indicated to be for the purpose of precluding ETP from creating **any paper-trail** of this fact and was achieved through further blatant misuse of taxpayer dollars).

The example of County Executive Constantine's misuses of public funds in order to distort rail-*versus*-road capacities have previously been highlighted by *The Seattle Times*' editorial, quoted hereinabove, that pointed out his numerical disinformation campaign in order to "present a best-case scenario for rail while grossly undercounting freeway capacity" during that same month.

Another standard canard employed repeatedly by several Sound Transit Board members to claim, falsely, that the junior taxing district has a record of delivering its projects not just "on time," but also "under budget," was squarely declaimed by Board member Roger Millar, on April 11, 2016, to the state oversight panel appointed pursuant to RCW 81.104.110 (notwithstanding that Sound Transit 1's 10-year plan begun in 1996 remains incomplete nearly 20 years later, will be far more than a decade late at the earliest, if ever completed eventually, and is thus hugely over its budget, so that his risibly false claim is feasible only through constant movement and removal of the original ST1 goal posts set out in the "Sound Move Plan" in 1996, and through massive spending on public-and-media relations to hide major cost-and-delivery failures so as to mislead citizens).

All or virtually all Sound Transit Board members are also actively engaged in misrepresenting an **open-ended** tax proposal nearly certain to be unable to deliver overdue ST1 programs, unfinished ST2 projects and largely undefined ST3 plans without receipt of at least **\$250 billion** in local tax collections from residents of the junior taxing district – and more likely half a trillion dollars – as a **\$27 billion** tax-ballot proposal (based on a calculated sleight-of-hand formulation of a "partial tax rollback" that merely repeats an illusory promise fraudulently exploited to sell ST1 and ST2). Thus, the ST3 tax ballot likely presents the largest tax fraud in the United States' 240-year history.

Wrongdoing by Sound Transit's Board appears to have occurred even before adoption of Motion No. M2015-74. For example, well over three and a half years after that Board first approved a contract with Parsons Brinckerhoff on October 25, 2012 in the maximum amount of \$27,885,000 for "final design services" for rail operations across the I-90 floating bridge, and notwithstanding that PB had still failed to complete even "Preliminary Hazard Analysis to identify and document hazards and establish mitigation" then according to Motion No. M2015-64, the Board nonetheless approved an emergency appropriation of \$20 million more, rather than terminating the contract for cause, so as thereby to yield monies, on information and belief, for its planned ST3 campaign.

Any inquiry made by the PDC through its expert staff would likely identify other misuses of tax dollars both to **support** the planned ST3 tax ballot unlawfully and also to **suppress** vital facts essential for full-and-fair information for voters as the electorate thus illegally targeted through myriad-and-massive frauds in order by such egregiously dishonest means to acquire the largest tax authority ever sought in all of state history, which renders the unlawful use of public funds particularly urgent, especially when the junior taxing district orchestrating this enormous public-sector ponzi scheme is one which has a lengthy history of previous trickery to scam approvals for its huge **open-ended** tax-ballot proposals, including but not limited to its original fiscal sleight-of-hand that caused the quite deep angst expressed by the late Justice Tom Chambers within *Sane Transit v. Sound Transit*, 151 Wn.2d 60, 104 (2004), in his dissent, wherein he lamented to his colleagues on a then rather deeply riven Washington State Supreme Court that "I fear this court is failing its constitutional duty to protect the legislative role of the people by permitting inaccuracies, false representations, and clever manipulation of these processes. This court has failed its essential constitutional duty to protect the integrity of the exercise of the people's legislative power" (following a less-sad but more-angry dissent signed by two other justices who had concluded by stating pithily that "it is not our role to help Sound Transit railroad the voters").

Thus, request is hereby made for Commission members first to instruct PDC's able staff to make a thorough investigation into repeated misuses of taxpayer dollars in order to finance, unlawfully, both **support** for Sound Transit's planned ST3 tax-ballot proposal and also **suppression** of core data required by state citizens as voters and as taxpayers, and then to impose penalties to the full extent of its lawful authority, as appropriate, given obviously intended subversion in bad faith of the by-far-largest tax-authorization ballot proposal in our state's history by a junior taxing district.

Respectfully yours,



Will Knedlik, J.D., Ph.D.

wknedlik@aol.com

Post Office Box 99

Kirkland, Washington 98083

Attachment: Sound Transit Motion M-2015-74

cc: Honorable Katrina Asay, Chair
Honorable Anne Levinson, Vice-Chair
Honorable John Bridges
Honorable Jack Johnson

ATTACHMENT A

MOTION NO. M2015-74

A motion of the Capital Committee of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute a contract amendment with EnviroIssues for public involvement consultant services supporting the Sound Transit 3 ballot measure in the amount of \$560,000 for a new total authorized contract amount not to exceed \$1,360,000.

BACKGROUND:

In August 2013 Sound Transit entered into a contract with EnviroIssues to promote widespread public interest and involvement as the Board shapes the future of the regional transit system. The contract scope of work covers activities to plan and implement:

- Public meetings around the region on transit expansion options and benefits;
- Printed and electronic communications such as mailers, fact sheets, display boards, etc.;
- Soliciting input at meetings, online, in writing, by phone and at various community events;
- Publicizing public involvement opportunities;
- Compiling, summarizing and presenting public input;
- Developing web content and interactive features that showcase transit options and benefits;
- Social media activities; and
- Responding to public inquiries and correspondence.

Costs to date have been higher than anticipated in part due to underestimation of the level of success achieved by Sound Transit in generating public comments, resulting in an increase in time required to track and respond. Sound Transit has received more than three times the number of comments than in earlier public involvement periods. Other expenditures can be attributed to the expanded use of platforms used to promote awareness. In addition to the development of an interactive website, an intense focus on social media has been effectively employed as more than half of traffic originates from mobile devices.

The amount requested will provide sufficient funding to complete the initial three year contract term extending through November 2016 as public interest and engagement intensifies. Work under this contract also includes a continued focus on maintaining the website and promotion across a wide range of platforms, including an intensified focus on social media. Any exercise of options to extend the duration of the contract to support a potential ballot measure that occurs later than 2016 would require Board approval of additional funding.

EnviroIssues was selected through a competitive procurement process. A request for proposals was issued on May 20, 2013. Of the five proposals received and evaluated, EnviroIssues was ranked the highest by the selection team and determined to be the best value for Sound Transit.

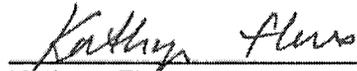
MOTION:

It is hereby moved by the Capital Committee of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute a contract amendment with EnviroIssues for public involvement consultant services supporting the Sound Transit 3 ballot measure in the amount of \$560,000 for a new total authorized contract amount not to exceed \$1,360,000.

APPROVED by the Capital Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on August 13, 2015.


Fred Butler
Capital Committee Chair

ATTEST:


Kathryn Flores
Board Administrator

MOTION NO. M2015-74
Contract Amendment for Public Involvement Services for High-Capacity Transit System Plan Development

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	08/13/2015	Final Action	Craig Davison, Executive Director, Communications and External Affairs Geoff Patrick, Media Relations and Public Information Manager

PROPOSED ACTION

Authorizes the chief executive officer to execute a contract amendment with EnviroIssues for public involvement consultant services supporting the Sound Transit 3 ballot measure in the amount of \$560,000 for a new total authorized contract amount not to exceed \$1,360,000.

KEY FEATURES SUMMARY

- This amendment will provide additional funding to continue public information and public involvement to support the Board in shaping the Sound Transit 3 (ST3) ballot measure.
- Sound Transit has had success in generating public interest and comment, and time spent tracking and responding to inquires has been significantly greater than anticipated. Sound Transit has received more than three times the number of comments than in earlier public involvement periods.
- Sound Transit has also put significant focus on website and social media efforts. After the successful development and launch of the interactive ST3 website, work under this contract also includes a continued focus on maintaining the website to effectively promote awareness across a wide range of platforms, including an intensified focus on social media, where more than half of traffic originates.
- The amount requested will provide sufficient funding to complete the initial three year contract term extending through November 2016 as public interest and engagement intensifies. Additional funding for option years to support a potential ballot measure later than 2016 would require Board approval.

BACKGROUND

In August 2013 Sound Transit entered into a contract with EnviroIssues to promote widespread public interest and involvement as the Board shapes the future of the regional transit system. The contract scope of work covers activities to plan and implement:

- Public meetings around the region on transit expansion options and benefits;
- Printed and electronic communications such as mailers, fact sheets, display boards, etc.;
- Soliciting input at meetings, online, in writing, by phone and at various community events;
- Publicizing public involvement opportunities;
- Compiling, summarizing and presenting public input;
- Developing web content and interactive features that showcase transit options and benefits;
- Social media activities; and
- Responding to public inquiries and correspondence.

Costs to date have been higher than anticipated in part due to underestimation of the level of success achieved by Sound Transit in generating public comments, resulting in an increase in time required to track and respond. Other expenditures can be attributed to the

expanded use of platforms used to promote awareness. In addition to the development of an interactive website, an intense focus on social media has been effectively employed as more than half of traffic originates from mobile devices.

Any exercise of options to extend the duration of the contract to support a potential ballot measure that occurs later than 2016 would require Board approval of additional funding.

EnviroIssues was selected through a competitive procurement process. A request for proposals was issued on May 20, 2013. Of the five proposals received and evaluated, EnviroIssues was ranked the highest by the selection team and determined to be the best value for Sound Transit.

FISCAL INFORMATION

This action is within the Adopted Budget and sufficient funds remain after approval of this action to fund the remaining work in the Preliminary Engineering Phase as contained in the current cost estimates.

The 2015 Lifetime Adopted Budget for ST3 Planning project is \$48,925,345. Within that amount, \$43,737,655 has been set aside for the Preliminary Engineering Phase. Out of that amount \$12,528,415 has been committed for the Preliminary Engineering Phase.

The proposed action would commit additional \$560,000 to the EnviroIssues, Inc. contract to provide consultant services supporting the Sound Transit 3 ballot leaving the remaining uncommitted budget of \$30,649,240 in the Preliminary Engineering Phase.

ST3 Planning	2015 TIP	Commitment to Date	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	5,188	854	0	854	4,334
Preliminary Engineering	43,738	12,528	560	13,088	30,649
Final Design	0	0	0	0	0
Right of Way	0	0	0	0	0
Construction	0	0	0	0	0
Construction Services	0	0	0	0	0
Third Party Agreements	0	0	0	0	0
Vehicles	0	0	0	0	0
Total Current Budget	48,925	13,383	560	13,943	34,983

Phase Detail - Preliminary Engineering					
Preliminary Engineering Phase Activities	43,738	12,528	560	13,088	30,649
Total Phase	43,738	12,528	560	13,088	30,649

EnviroIssues, Inc. Contract Detail				
	Board Approvals to Date	Current Approved Contract Status	Proposed Action	Proposed Total for Board Approval
Contract Amount	800	800	560	1,360
Contingency	0	0	0	0
Total	800	800	560	1,360
Percent Contingency	0%	0%	0%	0%

Notes:

Amounts are expressed in Year of Expenditure \$000s.

Board Approvals to Date includes amounts through June 30 2015, plus any pending Board Actions.

Project Budget is located on page 87 of the 2015 Transit Improvement Plan (TIP).

Board Approvals = Committed to-date + Contingency.

SMALL BUSINESS/DBE PARTICIPATION AND APPRENTICESHIP UTILIZATION

Sound Transit promotes and encourages small business participation, which also includes Disadvantaged Business Enterprises (DBEs). Small Business and DBE goals are based upon an examination of subcontracting opportunities contained in the work of this contract and the number of Small Businesses/DBEs available to perform such subcontracting work.

Sound Transit determined that there were few subcontracting opportunities for Small Business and DBEs based upon the work described in this contract, so Small Business/DBE goals were not established or required.

PUBLIC INVOLVEMENT

Not applicable to this action.

TIME CONSTRAINTS

A one month delay would significantly impact Sound Transit's ability to maintain the level of public outreach required.

PRIOR BOARD/COMMITTEE ACTIONS

Motion No. M2013-63: Authorized the chief executive officer to execute a three-year contract with two one-year options to extend with EnviroIssues, Inc. to provide public involvement consultant services for planning the next phase of high-capacity transit system development for a total authorized contract amount not to exceed \$800,000.

ENVIRONMENTAL REVIEW

JI 7/6/2015

LEGAL REVIEW

JW 8/4/2015