

**CITY OF EDMONDS  
TRANSPORTATION BENEFIT DISTRICT BOARD  
APPROVED MINUTES  
August 3, 2010**

The Edmonds Transportation Benefit District meeting was called to order at 9:46 p.m. by Board President Steve Bernheim in the Council Chambers, 250 5<sup>th</sup> Avenue North, Edmonds.

**OFFICIALS PRESENT**

Steve Bernheim, Board President  
Strom Peterson, Board Vice President  
D. J. Wilson, Board Member  
Michael Plunkett, Board Member  
Lora Petso, Board Member  
Adrienne Fraley-Monillas, Board Member  
Diane Buckshnis, Board Member

**STAFF PRESENT**

Stephen Clifton, Community Services/Economic  
Development Director  
Phil Williams, Public Works Director  
Rob Chave, Planning Manager  
Rob English, City Engineer  
Scott Snyder, City Engineer  
Sandy Chase, City Clerk  
Jana Spellman, Senior Executive Council Asst.  
Jeannie Dines, Recorder

**1. APPROVAL OF AGENDA**

**BOARD PRESIDENT PETERSON MOVED, SECONDED BY BOARD MEMBER FRALEY-MONILLAS, TO APPROVE THE AGENDA IN CONTENT AND ORDER. MOTION CARRIED UNANIMOUSLY.**

**2. CONSENT AGENDA ITEMS**

**BOARD MEMBER WILSON MOVED, SECONDED BY BOARD MEMBER FRALEY-MONILLAS, TO APPROVE THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:**

**A. ROLL CALL**

**B. APPROVAL OF TRANSPORTATION BENEFIT DISTRICT BOARD MEETING MINUTES OF JULY 13, 2010**

**C. APPROVAL OF TRANSPORTATION BENEFIT DISTRICT BOARD MEETING MINUTES OF JULY 20, 2010**

**3. CONSIDERATION, PUBLIC COMMENT, AND ACTION ON A PROPOSED ORDINANCE OF THE EDMONDS TRANSPORTATION BENEFIT DISTRICT (ETBD) TO ADOPT BALLOT TITLE LANGUAGE AND INSTRUCT THE CITY CLERK TO NOTIFY THE COUNTY AUDITOR AND TAKE ALL OTHER NECESSARY STEPS TO PLACE BEFORE VOTERS WITHIN THE ETBD, ON THE GENERAL ELECTION BALLOT IN NOVEMBER, AN OPPORTUNITY TO APPROVE OR REJECT A \$40 INCREASE IN THE LOCAL USER FEE FOR TRANSPORTATION TO BE USED TO PURSUE A SPECIFIC LIST OF 37 TRANSPORTATION CAPITAL PROJECTS.**

Public Works Director Phil Williams explained the Edmonds City Council passed an ordinance tonight to expand the authorities of the ETBD to include the ability to seek voter approval on an increase in the local user fee for transportation. Staff recommends the ETBD Board approve an ordinance to adopt ballot title language and instruct the City Clerk to notify the County Auditor and take other necessary steps to place before the voters in the ETBD an opportunity to approve or reject the \$40 increase.

Board President Bernheim opened the public participation opportunity for this item.

**Al Rutledge, Edmonds**, recommended the ballot language describe the user fee, the projects it would fund, why a voter should support the measure, and the amount of money needed to upgrade and create new roads.

Hearing no further comment, Board President Bernheim closed public comment.

City Attorney Scott Snyder explained the proposition includes the ballot title, the voters pamphlet explanatory statement and information incorporated by reference in those documents. The ballot title is limited to 75 words and must be neutral in nature. One of the challenges is complying with the requirement of the TBD legislation that the proposition describe the specific projects the monies will fund. The State Supreme Court has provided some guidance in *Sane v. Sound Transit* in which they noted the proposition includes the ballot title; the voters pamphlet information, an additional 200 words; and the documents that are referenced in the voters pamphlet. That is the reason for the whereas in the ordinance as well as the provision in Section 1 that reserve to the Board the discretion to move projects around, respond to emergencies, respond to cost overruns, use bonds and adjust to other priorities and receipt of grant funds. The City is limited in what it can say in each element of the proposition and an informed voter needs to go from the ballot title to the voters pamphlet. The City is prohibited from using public funds to promote this ballot measure. The Council is seeking voter assistance with the pro and con committees. He summarized it was hoped with all those resources, it would be possible to accomplish what Mr. Rutledge asked.

Board President Bernheim asked whether the list would be included in the voters pamphlet. Mr. Snyder answered the voters pamphlet was limited to a 200 word description. Board President Bernheim asked how voters could obtain the project list. Mr. Snyder answered the Board and Council could provide neutral information. The information to be included in the voters pamphlet refers voters to the City's website. He read from the explanatory statement, a detailed list of the improvements, their cost and priorities are contained in TBD Ordinance No. 2 and are available upon request from the Edmonds City Clerk and are posted on the City's web site.

Board President Bernheim asked about the procedures for selecting and appointing pro and con committees and having statements prepared. Mr. Snyder answered the process was at the Council's discretion, there was no process established by statute.

Board Vice President Peterson asked whether the City's website address could be included in the voters pamphlet explanatory statement without impacting the word count. He recalled candidates' profiles did not include certain information in the word count such as name, website, etc. Community Services/Economic Development Director Stephen Clifton answered there was likely enough space for the website, noting because there were no spaces in the website address, it would count as only one word.

Board Member Petso referred to Mr. Snyder's comment that the specific projects must be identified, inquiring how a project defined as overlays met that requirement. Mr. Williams explained it is staff's intent via the overlay project on the list to fund ongoing overlay projects with the proceeds of the additional fee as well as construct a list of specifically described transportation improvements. He

anticipated the overlays were described sufficiently such as via the Pavement Condition Rating Index. The actual list of street segments to be overlaid will depend on other works to be performed in the City such as utility work, private development, etc. He summarized it would be difficult to identify the specific street segments to be overlaid or the order in which they would be done.

Board President Bernheim declared a brief recess at Mr. Snyder's request.

Mr. Snyder explained the statute requires a specific description of projects to be funded within the proposition. As a result of *Sane v. Sound Transit*, the proposition includes the ballot title, the voters pamphlet explanatory statement and information incorporated by reference in those documents. To add specificity, staff suggests adding the following language as a footnote to Project 1 on the project list, "in accord with the City's Comprehensive Plan, Transportation Element, and Transportation Improvement Plan" to provide the necessary detail.

Board Vice President Peterson suggested the City's website contain a link directly to the project list.

Board Member Wilson advised he would oppose the proposed ordinance for the reasons he outlined during the August 3 City Council meeting.

Board Member Buckshnis asked who developed the pro and con statements. Board President Bernheim explained the City Council appoints the pro and con committees. City Clerk Sandy Chase advised Board Members were allowed to serve on a pro or con committee. Board President Bernheim advised the forms identifying the members of the committees are due by August 10. The first statement from each committee is due by August 24 and August 27 is the due date for rebuttal.

Board Member Wilson suggested either, 1) giving Board President Bernheim the authority to name members of the committees, or 2) he would volunteer to chair the con committee and anyone interested in participating could contact him and someone else could chair the pro committee. Board President Bernheim encouraged Board Members and/or voters interested in participating in either committee to email him and by August 10 he would notify the Council of the names selected to serve on the committees. Ms. Chase requested the names be provided to her in time to submit them to the Auditor. That process was acceptable to the Board.

**BOARD MEMBER BUCKSHNIS MOVED, SECONDED BY BOARD MEMBER FRALEY-MONILLAS, TO APPROVE THE ORDINANCE NO. 2 WITH THE SUGGESTED CHANGE TO THE PRIORITY LIST. UPON ROLL CALL, MOTION CARRIED (4-3), BOARD MEMBERS PETERSON, FRALEY-MONILLAS, AND BUCKSHNIS AND BOARD PRESIDENT BERNHEIM VOTING YES; AND BOARD MEMBERS PETSO, WILSON AND PLUNKETT VOTING NO.**

#### **4. AUDIENCE COMMENTS**

**Al Rutledge, Edmonds**, commented only three voters can participate on the pro committee and three voters can serve on the con committee. He recommended information on the City's website be neutral and that the Board establish a process for selecting the members of the pro and con committees. He said Councilmembers and City employees could not serve on the pro or con committees. Ms. Chase advised Councilmembers were eligible to participate on the pro and con committees. Board President Bernheim assured any documents on the City's website regarding the proposition would be information only and not advocacy.

#### **5. BOARD COMMENTS – NONE**

**6.     ADJOURN**

With no further business, the TBD Board meeting was adjourned at 10:15 p.m.