

MINUTES
LINK TRANSIT BOARD OF DIRECTORS

April 18, 2023

3:00 p.m.

Columbia Station 3rd Floor, 300 South Columbia Street, Wenatchee, WA

ATTENDANCE

Board members attending in person: Chair Marc Straub, Kevin Overbay, Joyce Huber, Jim Fletcher, Rob Tidd, Mark Kulaas, Anne Hessburg, Kyle Steinburg, Randy Agnew, Tiffany Gering, Clay Brandenburg

Board members attending through ZOOM on-line internet program: Bob Goedde

Link Transit Staff: Richard DeRock, Ron Hatton, Julie Shipman, Samantha Miller, Nick Covey, Jeremiah Hodges, Cristina Barone, Lynn Bourton, Ron Hatton, Eric West, Brenda Lamb, Justin Brockwell, Pete Kappler, Paulo Estrada, Selina Danko, Pete Kappler, Gabby Walker

Legal Counsel: Erin McCool

1. CALL TO ORDER

Chair Marc Straub called the meeting to order at 3 p.m. A quorum was established with 10 board members present at that time.

Two adjustments to the posted agenda were made:

- Item 6.5, a report from counsel was moved up to 6.1.
- Chair Straub announced that there would be a hard break at 3:30 pm for the board to enter closed session to discuss labor matters (Item 7).

Board Action:

Kevin Overbay moved to approve the amended agenda.

Joyce Huber seconded the motion.

VOTE: All in favor with 10 voting board members present for this vote.

Motion Carried Unanimously

2. BOARD MEMBER DECLARATION OF CONFLICT OF INTEREST: No board members announced conflicts of interest with any of the items on the agenda.

3. PUBLIC COMMENT ON NON-AGENDA ITEMS: There was no public comment

4. CONSENT AGENDA

The following Consent Agenda items were submitted for approval:

4.1 Minutes of the March 21, 2023 board meeting

4.2 Minutes of the March 23, 2023 board workshop

4.3 Accounts Payable & Payroll Vouchers from March 1-31 totaling \$1,724,428.24

Board Action:

There were no requests for corrections or changes to any of the Consent Agenda items.

Rob Tidd moved to approve all Consent Agenda business items as presented.

Anne Hessburg seconded the motion.

VOTE: All in favor with 10 voting board members present for this vote.

Motion Carried Unanimously

5. BOARD ADMINISTRATION & COMMUNICATIONS

High Five Award: Coach Operator Jeremiah Hodges was presented with a High Five award for an act of kindness conducted during his regular course of work.

5.1 Finance Committee Report There was no discussion related to the committee report contained in the board packet.

5.2 CEO Report

- **Link Transit CEO Town/City Presentations:** Richard DeRock reported that he is making appearances at all the town and city council meetings in the jurisdiction to deliver in-person agency updates.
- **March ridership** was one of the highest on record for the agency.
- **Paulo Estrada** was introduced as the new Link Transit Outreach Specialist.
- **Union contract status:** Link staff are recommending board approval of the collective bargaining agreement.
- **A discrepancy between the actual Link Transit boundaries** and the maps used by the Washington State Department of Revenue do not match and it appears that no sales tax collection has occurred in the portion of the Chelan School District that is within Douglas County and also part of the Chelan-Douglas Public Transportation Benefit Area.

5.3 Facilities Redesign Committee: Committee member Randy Agnew reported the committee (Randy, Anne Hessburg and Rob Tidd) met March 29 and reviewed the process for obtaining feedback representative of each Link Transit department. With the goal of getting all staff under one roof, several options were presented with a two-phase approach:

- Phase I addresses the need for additional parking and charging capacity for Link's growing fleet of electric buses. The bus parking garage project involves tearing down the current facility and building a new 90,000-square-foot enclosed garage with temperature control, an indoor wash bay and a fare-counting room. A grant application is being prepared to help support the cost of the project that includes solar panels and a battery wayside storage facility.
- Phase II involves an expansion or a redesign of existing facilities or new construction to realize the goal of housing as many agency staff in one building as possible. Plan B is to repurpose Columbia Station to meet some of the same goals of housing staff together.

No cost estimates were presented.

5.4 Board Executive Search Committee: Chair Straub reported that there are 14 applicants. Nine of those candidates will be interviewed by Prothman, the company hired to support Link Transit's CEO search. Prothman staff will narrow the field of 14 candidates down to four or five with the following timeline for next steps:

- **May 8** Board CEO search committee will conduct a work session to review prospective candidates' qualifications.
- **May 11** Link Transit will host a meet and greet with the lead candidates that is open to the public, staff, board and key community stakeholders.
- **May 12** Board subcommittee interviews with the top 4-5 candidates

- **May 16** An executive session will be scheduled during the regular board meeting for a discussion of the hiring process and review of the hiring committee recommendation.
- **June 20** The Board will formally approve the top candidate for the position of Link Transit CEO during its regular June meeting.

6. DISCUSSION/ACTION ITEMS

6.1 Drug & Alcohol Policy Update (Resolution 2023-11) Assistant Administrative Services manager Julie Shipman reported that Link Transit is required to have a board-approved Drug & Alcohol Abuse and Testing policy for all safety sensitive workers consistent with current Federal Transit Administration regulations. Board adoption of Resolution 2023-11 ensures Link Transit’s continued compliance.

Board Action:

Mark Kulaas made a motion that the board adopt Resolution 2023-11 to amend Link Transit’s drug and alcohol policy.

Jim Fletcher seconded the motion.

VOTE: All in favor with 7 voting board members present for this vote.

Motion Carried Unanimously

6.2 RFB 2023-04 Tilt-Up Concrete Wall Panel Joint Replacement Procurement specialist Samantha Miller recommended the board authorize Link Transit’s CEO to award RFB 2023-04 to the lowest responsive bidder, JMS Masonry Restoration LLC, in the amount not to exceed \$155,083. JMS Masonry will replace the joint sealant in the prefabricated walls of Link Transit’s Operations and Maintenance Base.

Board Action:

Jim Fletcher moved to approve RFB 2023-4.

Kevin Overbay seconded the motion.

VOTE: All in favor with 7 voting board members present for this vote.

Motion Carried Unanimously

6.3 Rideshare policy amendment (Resolution 2023-12) Planning and Development Manager Cristina Barone and Transportation Options Specialist Jessica Huerta recommended the board approve Resolution 2023-12 amending Link’s rideshare policy and requiring rideshare groups to start or end within the Chelan-Douglas Public Transportation Benefit Area. One Rideshare group would be grandfathered. The amended policy would also stipulate that 18 and under rideshare participants ride for free.

Board Action:

Jim Fletcher moved to approve Resolution 2023-12.

Kevin Overbay seconded the motion.

VOTE: All in favor with 7 voting board members present for this vote.

Motion Carried Unanimously

6.4 Rideshare purchase request Staff reported that Link Transit has reached its capacity to support rideshare groups with its existing fleet of vehicles and are requesting the board authorize staff to purchase up to 20 additional vehicles not to exceed \$1 million. This authorization allows staff the flexibility to purchase vehicles as needed without having to come back to the board for approval. There are three waitlisted groups and additional community groups have expressed interest in the program.

Board Action:

**Randy Agnew moved to approve the rideshare vehicle request as presented.
Clay Brandenburg seconded the motion.**

VOTE: All in favor with 7 voting board members present for this vote.

Motion Carried Unanimously

6.5 Report from Counsel This item was moved to 6.1 in the Action/Discussion portion of the meeting. The report was prepared as a follow-up to the board's March 23 Workshop held to discuss January 2024 sales tax options. Legal counsel Erin McCool reported:

- Ben-Franklin Transit submitted a formal question to the state Attorney General's office regarding the sales tax issue. The Attorney General declined to give a formal response.
- Ben-Franklin was informed by the Washington State Department of Transportation that a repeal of a sales tax would result in the agency becoming ineligible for Transit Support Grants.
- McCool shared legislation that is in process making it clear that, if an agency reduces its taxing authority or delays or suspends the collection of taxing authority the legislation, if passed, would make the agency ineligible for state Transit Support grants. Though it is not a fully passed bill, McCool said she had no indication that it would not pass. McCool said that her legal opinion is that if the board voted to repeal the sales tax Link Transit would not be eligible for Transit Support grants. If the new legislation is signed by the governor, delaying sales tax collection would also result in Link Transit losing eligibility for Transit Support grants.
- An email sent to CEO DeRock from Washington State Department of Transportation Director Don Chartock was shared with the board indicating that if Link Transit were to lose its eligibility for State Transit Grants, it would lose eligibility for 16 years, the duration of the Transit Support Grant program.

Closed Session: Chair Straub announced the board would go into closed session to discuss labor matters and would resume the sales tax discussion following the closed session.

Item 6.5 resumption: Following the closed session, the board resumed discussion of item 6.5 regarding the report from counsel prepared as a follow-up to the board's March 23 sales tax options Workshop.

Board Action: Randy Agnew made a motion to postpone taking the second 1/10th sales tax until Jan. 1 of 2025. Kevin Overbay seconded.

Randy Agnew amended his motion to amend the agenda to include the action item regarding sales tax and to delay the collection of that sales tax until Jan. 1, 2025 and direct counsel to craft a resolution to enact that motion. Kevin seconded the amended motion.

At the recommendation of counsel, Randy Agnew rescinded the motion.

Randy Agnew made a motion to amend the agenda to include an action item on the sales tax. Kevin Overbay seconded the motion.

VOTE:

Yes: Five – Marc Straub, Randy Agnew, Jim Fletcher, Kevin Overbay, Clay Brandenburg
No: Five – Tiffany Gering, Mark Kulaas, Anne Hessburg, Rob Tidd, Joyce Huber.

Motion Fails

7. CLOSED SESSION (RCW 42.30.140(4)(b) Labor Matters

The board entered closed session at 3:31 pm and reconvened open session at 3:51 pm.

8. ACTION ITEMS

8.1 Collective Bargaining Agreement Administrative Services Manager Lynn Bourton reported that Link Transit labor and management have negotiated a new collective bargaining agreement for 2023-25 and are recommending the board approve the new contract. Bourton highlighted key points from the document including:

- Overtime will be paid for any hours over ten in one day.
- Year one wages increased by 4.5% in year 2 and 4.25% in year 3, plus longevity pay of 2.5% after 20 years. Nine people will move into longevity pay during the life of the contract.
- Weekend premiums beginning July 2023 and ending at the end of year two: \$600 at the end of the bid cycle for those who choose to work both Saturday and Sunday and work 75 percent of the scheduled weekends. \$300 at the end of the bid cycle for those who choose to work either Saturday or Sunday and work 75% of the scheduled weekends.
- One-time signing bonus of \$1,000

Board Action:

Rob Tidd moved to accept the Collective Bargaining Agreement as presented. Clay Brandenburg seconded the motion.

VOTE: All in favor with 10 voting board members present for this vote.

Motion Carried Unanimously

9. **STAFF REPORTS**

Staff reports are included in the board packet and board members were invited by Chair Straub to ask questions of staff related to the materials.

9.1 Scorecards

A compilation of data prepared monthly to inform the board about agency progress in meeting the annual service goals established by the Link Transit Board of Directors. Additional slides are presented at the request of board members.

Randy Agnew asked that the scorecard slides include information about the destination of numbered routes.

9.2 Monthly financials

A detailed analysis of Link Transit finances for the month of March.

9.3 Capital Projects Update

Link Transit has a number of capital projects in progress and in the planning stages. This report is designed to keep the board informed on each project's status.

9.4 HR Report

Link Transit is experiencing challenges related to staffing and has employed a variety of strategies for employee retention and hiring. Staff shortages have impacted the ability to deliver aspects of the Vision 2020 Service Expansion Plan. Link has budgeted for 103 operators in 2023, but only 83 are currently rostered and 80 available to work.

Administrative services manager Lynn Bourton reported on new efforts Link Transit is employing to recruit employees.

9.5 Complaints/Commendation report

Link Transit staff generate a summary of complaints and commendations received from Link guests each month. The information is presented to keep board members informed about how Link services are perceived by guests.

10. **EXECUTIVE SESSION**

10.1 Potential Litigation

Chair Straub stated that an Executive Session was programmed on the agenda to discuss an issue of potential litigation with legal counsel. Legal counsel estimated the closed session would take approximately 10 minutes.

Board Action:

Mark Kulaas made a motion that the board convene into executive session for the purpose of discussing potential litigation in accordance with RCW 42.30.110(1)(i) for a period not to exceed 10 minutes. He noted for the record that legal counsel was present. Kevin Overbay seconded the motion.

VOTE: All in favor with 7 voting members present for this vote.

Motion Carried Unanimously


Executive Session began at 4:34 p.m. and ended at 4:44 p.m.

The board reviewed staff reports following the executive session.

11. **PUBLIC COMMENT** – No public comment was made at this time.

12. MEETING ADJOURNMENT

All business listed on the agenda had been addressed and with no further business to conduct, Chair Straub adjourned the meeting at 4:53 p.m.

Minutes Submitted by 
Selina Danko, Clerk of the Board

