



## Minutes

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<b>Meeting:</b>	TriMet Board of Directors Regular Board Meeting	<b>Date:</b>	October 25, 2023
		<b>Time:</b>	9:00 a.m.
<b>Board Members Present:</b>	Keith Edwards Tyler Frisbee Ozzie Gonzalez Robert Kellogg LaVerne Lewis Kathy Wai	<b>Board Members Absent:</b>	Thomas Kim

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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](http://trimet.org/meetings/board).

Director Gonzalez called the business meeting to order at 9:42 am.

### 1. Committee Reports

**Committee on Accessible Transportation (CAT)** – Director Edwards provided a summary of the October 18, 2023 CAT meeting. At the meeting, the committee responded to a PSU survey of FX station platforms, announced that the viewing of the Type 6 trains was successful and announced upcoming CAT volunteer opportunities and a field trip to the Public Safety Office in November. The committee shared concerns in regards to the Gideon Overcrossing elevator and space for mobility devices on fixed route buses and rail. Director Edwards extended an invitation to President Gonzalez and Director Kellogg to attend the November CAT meeting. The next CAT meeting takes place November 15.

**Metro Policy Advisory Committee (MPAC)** –President Gonzalez shared highlights from the September 27, 2023 MPAC meeting on behalf of Director Kim. Metro staff provided an update on the 2024 Urban Growth Management process and engagement strategy. A discussion was facilitated by Metro on the Regional Transportation Plan (RTP) and the High Capacity Transit Strategy. The next MPAC meeting takes place October 25.

**Finance and Audit Committee (F&A)** – Director Lewis shared that Eide Bailly provided details on the external financial statement audit. A full presentation will be provided later this morning during the General Manager Report.

**American Public Transportation Association (APTA) TRANSform Conference** – President Gonzalez provided a summary of the APTA TRANSform Conference and EXPO held October 8<sup>th</sup> through 11<sup>th</sup> in Orlando, Florida. The TRANSform Conference is APTA’s premier annual event and brought together approximately 11,000 people from the world of public transit. The packed agenda covered new transit technology, products and services and addressed issues like increasing ridership, enhancing the rider experience, security and sustainability and system reliability. TriMet also received something that General Manager Desue will speak more about during his report. Next year’s TRANSform conference will be held in Anaheim, California from

September 29<sup>th</sup> through October 4<sup>th</sup>. Other upcoming APTA events closer to home will be the APTA Mobility Conference and the International Bus Roadeo. TriMet will host these events in Portland in late April and early May 2024. The Latinos in Transit Conference will also be held here in Portland on September 13-14, 2024.

## **2. General Manager Report**

### **A Better Red**

The General Manager provided an update on A Better Red Max Project. TriMet reopened the MAX Red Line on Sunday, ending the longest planned service disruption in our agency's history. We started the 126-day shutdown back in June. It was a long disruption for our riders but a necessary one as we completed an incredible amount of work. Among that, we now have a newly renovated MAX station at Portland International Airport. Trains heading into and out of the station now have a new mile-long section of double track where there was a single track before. The new double track is a vital part of the project. Along with improvements being made just north of Gateway Transit Center it will increase reliability for the Red Line and the entire MAX system. We look forward to completing the entire Better Red project, including the expansion 10 stations west into Hillsboro, wrapping up next August.

### **September 2023 Ridership**

Mr. Desue shared that TriMet provided just under 5.3 million rides in September; which is up 11% from September 2022. This puts our weekly system-wide ridership at 66.5% of pre-pandemic levels for September.

### **Vision 2030**

Mr. Desue thanked the board for the feedback and brainstorming at the Board's Strategy Session earlier this month. We took that information and just last week held a 4 hour marathon session with the Executive Team to continue work on the Guiding Framework for Vision 2030. At the Board's Retreat in November, we plan on sharing our Attitude and Awareness survey that will provide a glimpse into how the community and our riders perceive us. All of that plays a role as we use data to drive direction for our Vision 2030 plan. Today you'll get an overview of our safety and security efforts and we plan on having a more robust discussion at the Board retreat. After all of that, we will work with the agency's directors and managers in the coming months to further expand planning and the employee involvement in Vision 2030. We are well on our way and am grateful for the Board's work and excitement around this initiative.

### **Quarterly Performance Report**

Mr. Desue introduced Miles Crumley, Manager of Service Performance and Analysis to present the Third Quarterly System Performance Report featuring July, August and September 2023. The report provides a snapshot of the maintenance and reliability of our transit system. A copy of the presentation can be found in the meeting archives at [www.trimet.org](http://www.trimet.org).

### **Reduced Fare Enrollment**

Mr. Desue provided highlights on some recent accomplishments of our Fare Programs and Outreach teams. They have been working hard to get the word out about our Honored Citizen reduced fare and signing up people who qualify for it and September was a banner month. It was our third-highest month for enrollments since we began qualifying people to ride for less based on their income, back in 2018. The spike in interest and enrollment was largely driven by students in higher education. Portland State, Portland Community College and Mount Hood Community College were all back on campus and back to class last

month. We held a 3-day enrollment event at Portland State that alone saw 253 people sign up. There are currently more than 22-thousand people with active registrations for reduced fare based on income. That is more than the Moda Center can hold and we're not stopping there. To help get more people signed on to the program, which allows for unlimited rides for just \$28 a month, we are hosting pop-up registration events. The next ones are coming up on Saturday in Tigard and Gladstone. We have information about those events and other coming up at [trimet.org-slash-income](http://trimet.org-slash-income). People can also apply for the Honored Citizen reduced fare right there on the web page.

#### **Eide Bailly Financial Statement Audit**

Mr. Desue introduced Ahmad Gharaibeh, a partner from Eide Bailly, to present the results of our external financial statement audit. This is Eide Bailly's second year working on our financial statement audit and related financial compliance. The outcome of this year's audit and finalization of the financial statements resulted in good news; a clean, unmodified opinion. A copy of the Eide Bailly presentation can be found in the meeting archives at [www.trimet.org](http://www.trimet.org).

#### **Finance Award**

Mr. Desue announced that our Finance team has earned an excellence award. The Government Finance Officers Association (GFOA) has honored TriMet as one of six recipients of the 2023 Award for Excellence. This award highlights work that brings leadership to the profession and promotes improvements in public finance. This was our first year applying for the recognition. Mr. Desue congratulated Chief Financial Officer, Nancy Young-Oliver, and the entire Finance and Administration Division. He stated that they are setting a high bar for public finance, and he cannot thank them enough for their hard work and dedication.

#### **Inclusive Collaboration Award**

Mr. Desue announced that TriMet was honored at the "American Public Transportation Association's" TRANSForm earlier this month. He shared that he was proud and humbled to accept APTA's inaugural "Inclusive Collaboration Award" on behalf of TriMet. Michael Kiser served as TriMet's Project Director for the Division Transit Project. He worked closely with Raimore Construction from start to finish. Raimore, a disadvantaged business enterprise, at the time of the project, brought in additional DBE's including companies like Advanced Tribal for subcontracting and other work. The result was record-setting DBE participation in the project, with a total of 82% of the work completed by disadvantaged minority or women-owned businesses. Mr. Desue then shared the video that was played at American Public Transportation Association's award ceremony. A copy of the video can be viewed in the meeting recording located on our YouTube channel at <https://www.youtube.com/watch?v=FCv25MD0jxA>. Mr. Desue recognized Michael Kiser for his dedication to inclusion on our projects. He also acknowledged John Gardner, TriMet's Chief Inclusion, Diversity, Equity and Accessible Officer, along with Les Spitler, our Director of Procurement and Supply chain management, for their ongoing efforts to increase our engagement with minority-owned and disadvantaged business enterprises.

### **3. Consent Agenda**

- Approval of Board Meeting Minutes for September 27, 2023
- Resolution to Read Ordinances by Title Only

**Action:** Director Lewis moved for approval of the Consent Agenda. Director Edwards seconded the motion. The motion passed with unanimous approval.

#### 4. Resolutions

##### **Resolution 23-10-51 – Approving the Employment Agreement with the General Manager and Authorizing the Board President to Sign It**

President Gonzalez discussed Resolution 23-10-51. At our board meeting last month, we approved the General Manager’s FY23 Performance Appraisal, which concluded that GM Sam Desue had met or exceeded all of the performance objectives the Board had set for him. As several of us noted last month, we are indeed fortunate to have such an experienced, dedicated, and high-performing General Manager leading this Agency. We also heard from Tracy Bean, a partner at the independent consulting firm Mercer, regarding the results of a national market study Mercer performed around General Manager salaries. The presentation discussed the “silver tsunami” of retirements and resignations that has occurred in the transit industry during the pandemic, creating stiff competition for seasoned and high-performing chief executives. The outcome of that has been an overall increase in salaries for transit CEOs, as well as longer contract terms. Following that presentation, the Board approved the Mercer Market Study and set a new salary range for the General Manager’s position. That range had a minimum of \$329,000, a midpoint of \$412,000, and a maximum of \$494,000. Following that action, the Board authorized me to commence negotiations with Mr. Desue for a new employment contract. I entered those negotiations equipped with the Mercer Market Study, knowledge of Mr. Desue’s excellent performance over the last two and a half years, and the fact that Mr. Desue’s current annual salary is \$365,000. I also consulted with TriMet’s Executive Director of Labor Relations and Human Resources. The goal was to confirm that whatever TriMet offers to Mr. Desue remains competitive, and to ensure that we maintain leadership continuity for the foreseeable future as we all work toward accomplishing Vision 2030. Under your authority, I negotiated with the General Manager to reach agreement on the terms of a new Employment Agreement, which is attached as Exhibit A to Resolution 23-10-51. Highlights of the contract include a new employment term commencing November 1, 2023 and ending June 23, 2029, an annual salary of \$412,000, and a 4% merit increase in recognition of excellent FY23 performance. By approving this Resolution, the Board will authorize me to sign the Employment Agreement with General Manager Desue that is attached as Exhibit A.

**Action:** Director Keith moved for approval of Resolution 23-10-51. Director Wai seconded the motion. The motion passed with unanimous approval.

##### **Resolution 23-10-52 – Authorizing a Contract with Fleet Fuels LLC (Fleet Fuels) for Mobile Unleaded Gasoline Fuel for TriMet’s LIFT Vehicles**

Mr. Desue discussed Resolution 23-10-52. LIFT provides demand-response service seven days a week to riders with disabilities and older riders who are not able to use our fixed-route buses. In a previous Board action, you approved the purchase of new vehicles to replace our aging LIFT fleet to ensure we can provide this critical service. With over 30 new vehicles already in our fleet and many more coming, we are now coming to you with a contract for fuels purchase. As we have had a small fleet of these gasoline powered vehicles; we have managed fueling them using Pacific Pride fueling stations. However, with the number of vehicles we have and with more coming online, it makes operational and fiscal sense for us to now have a fuels contract for this fleet. Fleet Fuels is a certified DBE/MBE business with 19 employees; 16% female and 58% minority. This contract will provide the opportunity for us to help this minority contractor build capacity. Mr. Desue introduced Eileen Collins, Director of Accessible Transportation, as well as Inessa Vitko, Executive Director of Transportation and Les Spitler, Director of Procurement and Supply Chain to provide a presentation on the resolution and answer questions. A copy of the presentation can be found in the meeting archives at [www.trimet.org](http://www.trimet.org).

**Action:** Director Kellogg moved for approval of Resolution 23-10-52. Director Frisbee seconded the motion. The motion passed with unanimous approval.

**Resolution 23-10-53 – Authorizing a Contract Modification with David Evans and Associates, Inc. for Design and Engineering Services for the Hollywood Transit Center Community and Transit Infrastructure Project**

Mr. Desue discussed Resolution 23-10-53. The requested modification would add \$950,000 dollars to TriMet’s existing contract with David Evans and Associates. The additional amount will be used to cover work requested by TriMet for structural design changes for the Hollywood Transit Center Project. Among those changes are adjustments to the stairway and ramp and providing drawings for the Public Works permit, along with other needs. However, most of the additional cost will be used to support DEA’s ongoing design services during construction of this complex Project. If the Resolution is approved, the total value of the contract increases to \$4.36 million dollars. This contract was procured through a qualifications-based RFP process. DEA’s total employee count is 971 -- 33% are female and 17% are minority. In addition, the firm is on track to achieve a DBE participation goal of 40 to 45% for subcontracted work on the project. TriMet has sufficient FY2024 funds budgeted for DEA’s work on the Project.

**Action:** Director Wai moved for approval of Resolution 23-10-53. Director Lewis seconded the motion. The motion passed with unanimous approval.

**Resolution 23-10-54 – Authorizing a Contract with Advanced Tribal, LLC for On-Call Bus Shelter Repair, Maintenance and Installation Services**

Mr. Desue discussed Resolution 23-10-54. At the March meeting, while in your role as the TriMet Contract Review Board, you approved Resolution 23-03-12. The Resolution granted a contract-specific, special procurement exemption from the competitive bidding process for an on-call contract for bus shelter maintenance and installation services. The exemption limited the pool of competition for the contract... to firms certified by Oregon’s Certification Office for Business Inclusion and Diversity. The COBID-certified contractor would assemble and install new and used shelters, remove discontinued or damaged shelters and repair shelters and amenities, on an on-call basis. TriMet currently has 1,060 bus shelters in our system. Seven firms submitted proposals, and three moved forward in the selection process. Although the final bid prices were comparable, Advanced Tribal had the highest overall score, and was selected. The firm is Native American-owned and DBE/MBE certified. Its workforce is 100% minority and 40% female. All work will be self-performed. The proposed contract requests authorization of \$10.2 million dollars over a 5-year term. Such work is included in the Facilities Management Department’s annual operating budget, which has sufficient FY2024 funds budgeted for the Project’s scope of work.

**Action:** Director Frisbee moved for approval of Resolution 23-10-54. Director Edwards seconded the motion. Director Kellogg abstained. The motion passed with five votes in favor and one abstention.

**Resolution 23-10-55 – Authorizing an Exemption from Competitive Bidding Requirements to Procure Construction Management/General Contractor Services for the Cross Mall Turn Back Project**

Mr. Desue discussed Resolution 23-10-55. Last month, in Resolution No. 23-09-48, the Board authorized a contract award for design services for the Cross Mall Turnback Project. The Project is one of the highest ranked to improve MAX reliability and resiliency. It will connect tracks between SW Yamhill and Morrison on 1st Avenue. This will allow trains to turn back on the west side of the Willamette River whenever there is a service disruption or other significant issues that block service to the east side. The Project will include the construction and installation of switches, new track circuits, train signals, train control, and overhead

catenary equipment for the turnback. TriMet needs to procure the services of a Construction Manager/General Contractor (CM/GC) for the project. The CM/GC will assist with the completion of Project design, contribute to cost certainty and establish needed coordination for a successful construction process. This is a complex project, and the selected contractor will be required to maintain strict deadlines, coordination efforts and budget. Authorization of an exemption from the low bid process will allow TriMet to consider factors other than price, and use a competitive best-value solicitation process. The exemption will allow TriMet to select a contractor with the skill and experience to handle the complexities of this Project. It also will allow TriMet to consider the bidder's workforce diversity and proposed utilization of small businesses and COBID-certified subcontractors. TriMet successfully used the exemption from the low bid process to select CM/GC contractors for other complex construction projects, including the Division Transit Project and the Hollywood Transit Center.

**Action:** Director Gonzalez convened the TriMet Contract Review Board, comprised of the TriMet Board of Directors, to take action on this resolution. Director Frisbee moved for approval of Resolution 23-10-55. Director Wai seconded the motion. The motion passed with unanimous approval. Director Gonzalez reconvened the TriMet Board of Directors for the remainder of the business meeting.

## 5. Ordinances

### **Ordinance 375 – Amending TriMet Code Chapter 19 to Allow Current and Former Members of the United States Armed Forces to Qualify for Honored Citizen Fare (Second Reading)**

General Counsel Devine read Ordinance No. 375 by Title Only.

Mr. Desue discussed Ordinance 375. You will no doubt recall the testimony from our last Board meeting. Dale Thayer, who is an Air Force Vietnam Veteran, testified in support this Ordinance. Many veterans may already be eligible for our Honored Citizen reduced fare, based on age or disability. But Dale mentioned other young veterans, including those who felt called to serve after 9/11. Those veterans are home now and many are choosing to retire from the military and enter civilian life. And Mr. Thayer reminded us – “They deserve Honored Citizen status.” I want to quote his eloquent testimony. He said quote: “Honored Citizen status isn't about the cost to ride. I don't expect a free ride, and I'm not asking for one. It's about giving the recognition, the respect and the gratitude to those who are willing to make sacrifices to allow every American... opportunities that we enjoy... unparalleled freedoms.” With the expansion of the Honored Citizen reduced fare to veterans and active duty service members... TriMet would give that recognition... that respect. And we will improve opportunities for active duty and veterans to access health care, educational services and jobs via transit.

A roll call vote was conducted by General Counsel Devine.

Director Kellogg – yes  
Director Lewis – yes  
Director Wai – yes  
Director Edwards – yes  
Director Frisbee – yes  
Director Gonzalez – yes

Ordinance 375 passed with six votes in favor.

## 6. Other Business & Adjournment

### **FY24 GM Performance Objectives**

President Gonzalez reminded the board that several weeks ago he shared with the board a copy of the draft performance objectives for review and comment. These deliverables provide the General Manager clarity around Agency priorities, performance objectives and defines what success looks like. They form the foundation of the General Manager's annual performance review. President Gonzalez opened the floor for any comments or questions regarding the draft objectives before they are finalized.

### **Agency Safety Plan**

President Gonzalez addressed that TriMet is required to update the Agency Safety Plan (ASP) each year and the board is required to review and approve the plan. In order to give the board plenty of time to review the updated plan, it has been uploaded to the board portal and posted on [www.trimet.org](http://www.trimet.org) along with an executive summary of key changes to the ASP from last year. President Gonzalez announced that the board will take action to approve the plan at the December 13 business meeting.

Hearing no further business, President Gonzalez adjourned the meeting at 12:00pm

## 7. Briefing

### **Safety and Security**

Mr. Desue stated that TriMet values the safety and security of our riders, our employees and our system. We work day in and day out to provide transit service that is safe, reliable and welcoming to all. He introduced Executive Director of Safety and Security, Andrew Wilson. Mr. Desue shared that Mr. Wilson and his team have been working diligently to continuously improve our efforts and we have made important strides. Mr. Wilson provided a presentation on TriMet Safety and Security. A copy of the presentation can be found in the meeting archives at [www.trimet.org](http://www.trimet.org).

Respectfully submitted,

*Falesha Thrash*

Falesha Thrash, Board Administrator and recording secretary