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Supreme Court Case No. 92140-7
Superior Court Case No. 14-2-03362-5

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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

JOHN LEY; WILLIAM CISMAR; DAN COURSEY;
MARK ENGLEMAN; CARL GIBSON; TOM HANN;
JOHN JENKINS; SHARON LONG; LARRY MARTIN;
GREG NOELCK; HARVEY OLSON; LARRY
PATELLA; BRIAN PECK; BRIAN PEABODY; FRAN
RUTHERFORD; GARY SCHAEFFER; TOM
SHARPLES; CHARLES STEMPER;
and DON YINGLING,

Petitioners,

v.

CLARK COUNTY PUBLIC TRANSPORTATION
BENEFIT AREA, a Washington Public
Transportation Benefit Area,

Respondent.

APPELLANT'S
PETITIONER'S OPENING BRIEF

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I. INTRODUCTION

The issue presented to this Court is whether C-TRAN¹ can lawfully spend revenue from sales and use tax levies approved by voters in 2005 and 2011 (“2005 Levy” and “2011 Levy” and collectively, the “Levies”), on construction and other capital costs associated with the Fourth Plain Corridor Bus Rapid Transit Project (“BRT Project”). Resolution of this appeal will turn on this Court’s understanding of the voter approved sales and use tax enabling legislation, as well as the Court’s application of the constitutional limitations on the authority of local governments to deviate from the terms of voter approved tax legislation.

The BRT Project is the largest capital improvement project ever undertaken by C-TRAN. CP 1194. During the pendency of this appeal, C-TRAN is spending revenue from the Levies on construction and capital costs associated with the BRT Project.

The Levies’ enabling legislation did not authorize C-TRAN to

¹ C-TRAN is a public benefit transportation area organized under Chapter 36.57A RCW, and provides transportation services in parts of Clark County.

spend revenue from the Levies on construction of the BRT Project, or grant the agency the discretion to spend revenue from the Levies on construction of significant capital projects. To the contrary, the enabling legislation indicates that the intended purpose of the sales and use tax increases was to maintain then-current public transportation services. CP 458, 1310; App A, p. 3, App B, p. 3. Furthermore, in the run up to the elections in which the Levies were adopted, C-TRAN made clear to the voters that if the tax increases were not approved, C-TRAN would be forced to drastically reduce its services. CP 454, 1307; App A, p. 1, App B, p. 1. Faced with the alternative of significant cuts to the availability of public transportation service, Clark County voters twice elected to accept a higher tax rate in order to maintain the public transportation status quo.

Years after the votes were cast, C-TRAN is now funding construction and other capital costs of the BRT Project with the revenue from the very same voter approved sales and use taxes intended to maintain the status quo. C-TRAN rationalizes such spending on after-the-fact re-interpretation of the sales and use tax enabling legislation, concluding that voters granted the agency the implied discretion to, on an ongoing basis, identify capital projects and use the sales and use tax

revenue to construct such projects. The record of this case demonstrates that there was no intention on behalf of the voters to authorize C-TRAN spending revenue from the Levies on the BRT Project specifically, or grant discretion to the agency to spend such revenue on capital projects generally. As such, C-TRAN's current spending of revenue from the Levies on the BRT Project exceeds the agency's voter-granted authority and is an unlawful deviation from the voter approved purposes of the Levies.

II. ASSIGNMENT OF ERROR

A. Assignment of Error

1. The trial court erred in granting C-TRAN's motion for summary judgment, dismissing Appellants' claim that C-TRAN's ongoing expenditure of revenues from the 2005 and 2011 Levies violates Article VII, § 5 of Washington's Constitution.

B. Issues Pertaining to Assignments of Error

1. By adopting C-TRAN resolution BR-05-021, did

Clark County voters collectively intend to authorize C-TRAN to spend revenue from the 2005 Levy on the BRT Project?

2. By adopting C-TRAN resolution BR-05-021, did Clark County voters collectively intend to grant C-TRAN the discretion to spend revenue from the 2005 Levy on construction of significant capital projects, and absent a clear or explicit manifestation in BR-05-21, can such a grant of discretion be implied?
3. By adopting C-TRAN resolution BR-11-04, did Clark County voters collectively intend to authorize C-TRAN to spend revenue from the 2011 Levy on the BRT Project?
4. By adopting C-TRAN resolution BR-11-004, did Clark County voters collectively intend to grant C-TRAN the discretion to spend revenue from the 2011 Levy on construction of significant capital

projects, and absent a clear or explicit manifestation in BR-11-04, can such a grant of discretion be implied?

III. STATEMENT OF THE CASE

This case rises and falls on whether Clark County voters either: (i) authorized C-TRAN to spend sales and use tax revenue from the Levies on the BRT Project, or alternatively, (ii) granted C-TRAN the discretion to undertake such spending. The pertinent facts relating to C-TRAN's sales and use taxation, the BRT Project, and the trial Court proceedings, are set out below.

A. The BRT Project.

The BRT Project is estimated to cost \$53,000,000 to construct and is primarily comprised of the following capital costs:

- 23 new BRT stations (\$500,000 each);
- 10 new, extended buses (\$1,000,000 each);
- Expansion of the C-TRAN bus maintenance facility (\$4,000,000);
- Right-of-way purchases (\$1,300,000);

- Miscellaneous site work and street improvements (\$7,300,000);
- Systems upgrades (\$5,300,000); and
- Revisions to and relocation of the Vancouver Mall Transit Center (\$2,500,00).

CP 1381.

The BRT Project will be constructed with public funds from different agencies, the primary sources being two grants from the Federal Transit Administration (“FTA”) in the amount of \$42,496,000 and the C-TRAN local capital share of \$7,400,000, upon which the FTA grant funding is contingent. CP 962. The BRT Project will operate along the Fourth Plain corridor in Vancouver, Washington. CP 961.

B. C-TRAN Sales and Use Tax.

Over 70 percent of the C-TRAN budget is funded by the proceeds of its .07 percent sales and use tax. CP 1257. That tax is comprised of three distinct sales and use tax levies which were passed in 1980, 2005, and 2011 respectively. CP 1036. C-TRAN comingles the funds from all three of its separate sales and use tax levies with revenues from other sources and does not track its expenditures of such sales and use tax

revenue. CP 957, 1036.

In 1980, voters authorized C-TRAN's first sales and use tax on local purchases, in the amount of .03 percent. CP 1023. That 1980 tax rate remained in place until voters approved a .02 percent increase in 2005. CP 1024. A second increase of .02 percent was approved in 2011. CP 1025.

1. 2004 Failed Measure

In 2003, C-TRAN adopted a new 20-Year Transit Development Plan. CP 1286; App A, p. 2. The 20-Year TDP found that the then effective .03 percent sales and use tax rate was insufficient to fund the demand for transit over the 20 year period of the plan, and that an additional .03 percent of sales and use tax was required to do so. *Id.*

In the 2004 general election C-TRAN asked the voters for a corresponding .03 percent increase in its sales and use tax for the broad purpose of funding the 20-Year TDP. *Id.* Voters rejected the 2004 measure. *Id.*

2. 2005 Levy

In response to the failed 2004 measure, C-TRAN proposed a

scaled back sales and use tax increase in the 2005 primary election. CP 1091-92. This time, C-TRAN proposed an increase of .02 percent, down from the .03 percent proposal that failed in 2004. CP 1310-1311; App A, p. 3-4. C-TRAN also limited the object of the 2005 Levy. *Id.* On June 14, 2005, the C-TRAN Board adopted Resolution BR-05-021, the enabling legislation of the 2005 Levy. *Id.* In contrast to the broadly defined object in the failed 2004 measure, Resolution BR-05-021 states the object of the 2005 Levy as “funding C-TRAN’s Service Preservation Plan.” CP 1310; App A, p. 3.

In association with the 2005 Levy, C-TRAN prepared both a Service Preservation Plan to be implemented upon passage of the 2005 Levy, and a Service Reduction Plan to be implemented upon rejection by the voters of the 2005 Levy. CP 1285-1297; App C. BR-05-021 directed the C-TRAN staff to provide information to the citizens of Clark County describing both the Service Preservation Plan and the “Service Reduction Plan that has been approved by the Board for implementation on September 25, 2005, should voters reject the [2005 Levy].” CP 1310-11; App A, p. 3-4.

The Service Preservation Plan created by C-TRAN staff was a six-

year plan which did not include the BRT Project, and specified that “no change” will be made to the then existing bus service along Fourth Plain Boulevard. CP 1286-1297; App C. The Service Preservation Plan did not identify or list capital construction projects, and called for C-TRAN spending to remain consistent over the six-year plan period, subject only to inflationary increases of approximately \$1 million per year over that time. CP 1292, 1295, App C, p. 8, 11. Additionally, the Service Preservation Plan did not include any language explicitly granting C-TRAN discretion to unilaterally identify and fund significant capital construction projects subsequent to voter approval or to unilaterally extend or amend the scope of the Service Preservation Plan. CP 1286-1297, App. C.

The voter’s pamphlet statement in support of the 2005 Levy indicates that “Without the additional funding, C-TRAN must cut back service.” CP 1307; App A, p. 1. Clark County voters approved the 2005 Levy.

3. 2011 Levy

C-TRAN proposed another 0.2 percent sales and use tax increase

in 2011 (“2011 Levy”). CP 458; App B, p. 3. This proposal mirrored the form and political presentation of the 2005 Levy. CP 458, 1310-1311; App A, p. 3-4, App B, p. 3.

On April 12, 2011, the C-TRAN Board adopted Resolution BR-11-004, the enabling legislation of the 2011 Levy. CP 458; App B, p. 3. C-TRAN Resolution BR-11-004 proposed adoption of the 2011 Levy for the limited purpose of “funding the Core Bus and V-VAN Preservation Ballot Measure.” *Id.* The Core Bus and C-VAN Preservation Plan did not identify or list capital construction projects, instead stating that the purpose of the plan was as follows:

“[S]imply preserve existing Fixed Route bus service levels and meet the existing and future growth for C-VAN for a period of about 10 years. It would provide for minimal capital improvements and replacement of vehicles after running them about 16 years.”

CP 1318; App D, p. 4. (emphasis added).

The Core Bus and C-VAN Preservation Plan does mention the BRT Project, but only to distinguish the BRT Project from the plan presented to voters under the 2011 Levy. CP 1315; App D, p. 1. Specifically, the Core Bus and C-VAN Preservation Plan notes that it is C-

TRAN's intention to fund the BRT Project through a 2012 ballot measure that is separate and distinct from the 2011 Levy. CP 1315-1316; App D, p. 1-2. The Core Bus and C-VAN Preservation Plan did not include any language granting C-TRAN discretion to unilaterally identify and fund significant capital construction projects subsequent to voter approval, or to unilaterally extend or amend the scope of the Core Bus and C-VAN Preservation Plan. CP 1315-1327; App D.

The voter's pamphlet for the 2011 Levy included an explanatory statement that should the 2011 Levy not pass, "C-TRAN would need to reduce service by approximately 35 percent." CP 454; App B, p. 1. The voter's pamphlet statement in support indicates that:

"Without your vote, C-TRAN will cut 35% of bus and C-VAN (Paratransit) service. These cuts are real: loss of fourteen routes; elimination of all Sunday, holiday, and special event service such as 4th of July and Clark Co Fair; and elimination of the Camas Connector. Remaining routes' hours and frequency will be reduced, leaving commuters, senior citizens, the disabled, and students without a way to get to work, church, doctor, school, and shopping. All revenue from Prop 1 will fund bus service only, not light rail." *Id.*

Clark County voters approved the 2011 Levy.

4. 2012 Failed Levy

C-TRAN placed a measure on the ballot in the 2012 general election, proposing to levy additional sales and use tax for the stated purpose of, amongst other things, funding the local capital share and operations and maintenance of the BRT Project. CP 1155, 1169. The 2012 measure was rejected by the voters. CP 1187. Subsequently, C-TRAN began using revenues from the 2005 and 2011 Levies to fund its local capital share of the BRT Project.

C. The Trial Court Proceedings.

In November 2014, Appellants filed an action in Clark County Superior Court to obtain a declaration from the court that, among other things, C-TRAN is not authorized to spend revenue from the Levies on the BRT Project. An amended complaint was submitted in December 2014. CP 5. C-TRAN moved for summary judgment in May of 2015, and the trial court heard that motion on July 17, 2015. CP 960.

At that hearing, the Honorable David E. Gregerson, issued an oral ruling granting C-TRAN's motion for summary judgment. Pertinent to this appeal, Judge Gregerson's ruling consisted of the following statement:

“[THE COURT:] The next issue is whether the, constitutionally or otherwise, the use of the tax revenues as authorized by the voters in 2005 and 2011 is inappropriate. The Court, likewise, is unable to rule that that is outside the scope. I think the language of the levies themselves is sufficiently broad that the present project, regardless of the history...

I think what’s more important is whether this falls generally under the authorization given by the voters under the circumstances. And I think the language is broad enough there that for purpose and scope we’re not running afoul. So the Court grants summary judgment to the defendant on that issue as well.”

RP 35, ll. 1-18.

No factual or legal findings were made by the trial court as to: (i) the constitutional and other legal standards that were applied; (ii) whether the trial court considered the C-TRAN Resolutions BR-05-021 and BR-11-004 as the Levies’ enabling legislation, as opposed to the voter’s pamphlet explanatory statements; (iii) the standard of construction applied by the trial court when construing the Levies’ enabling legislation; or (iv) any declaration of the legal meaning of the 2005 and 2011 Levies.

However, the following exchange from the hearing may provide this Court with some additional insight into the rationales underlying the decision of the trial court:

“[MR. HALL:] The parties appear to agree that the constitutional standards that apply here are whether or not application of the revenues, or expending of the revenues on BRT is consistent with the purpose of the levies under Article 7, Section 5, and also whether or not subject expenditures represent substantial deviations from the stated purpose under the Article 2, Section 1, separation of powers provisions of the constitution.

That leaves the question before the court here is whether or not C-TRAN can now, after the fact, [interpret] the BRT project into the scope and purpose of these 2005 and 2011 tax levies.

We urge the court that the answer is no, given that the scale and substance of the BRT project is clearly not anticipated by the levies, enacting legislation, the resolution, and the plans that the levies are adopted to fund.

So the operative [question] here is what are the purpose and the scope of the levies. Looking at *Sane Transit v. Sound Transit*, the Supreme Court found that to determine the purpose and scope of the levies, you look to the enacting legislation, in this case the 2005 and 2011 resolutions.

Fortunately, this is a pretty straight-forward inquiry in this case as both resolutions state on their face very plainly what their purpose is. The 2005 levy states that its purpose is to fund the Service Preservation Plan. The 2011 levy states that its purpose is to fund the [Core] Bus and C-VAN preservation Plan.

THE COURT: But doesn't that view of those –

here's my concern about that argument, is that it's artificially constrained – I mean to preserve operations, routes and standards, et cetera, because times are going to change. We're in a growing community. Roads change, traffic conditions change, technology changes, all sorts of things change.

So you're asking this Court to sort of intervene when we – we start with the proposition that there's a political remedy, right? Because the citizens have opportunities to vote and vote for elected officials and board compositions who make these decisions, et cetera.

So that's kind of the starting point, is that as a basic matter of democratic governance, there's a representative body that's answerable at some point to the voters, to the local media, et cetera.

What you're asking for is for a Court to come in and really tightly construe those two tax levies that passed to tie the hands of this government to something specific as to that time. And that's the concern I have, I guess, about your argument, is that it's a – it seems like an awfully tight and narrow reading of those – the 2005 and 2011 –

MR. HALL: Well, I only ask the Court to construe it pursuant to the terms of contract construction as is indicated by the *Sane Transit* opinion that the [Supreme] Court laid out how these resolutions, these enacting resolutions are to be construed."

RP 18-19, ll. 7-17.

On July 17, 2015, the trial court entered an order granting C-TRAN's motion for summary judgment. CP 1586. A second order clarifying that court's original order was entered on August 6, 2015. CP 1594. The amended order dismissed all of the claims at issue in Appellant's case, including Appellant's claim for declaratory relief that C-TRAN had violated Articles II and VII of Washington's Constitution. *Id.* Thus the order is an appealable decision. Appellants filed their Notice of Appeal on August 17, 2015. CP 1589-1597.

IV. STANDARD OF REVIEW

This Court reviews a trial court's decision to grant summary judgment *de novo*, considering the evidence and all reasonable inferences from such evidence in the light most favorable to the nonmoving party, here Appellants. *Keck v. Collins*, ___ Wash. ___, 357 P.3d 1080, 1086 (September 24, 2015); *Berger v. Sonneland*, 144 Wn.2d 91, 102-03, 26 P.3d 257 (2001); *Citizens for More Important Things v. King County*, 131 Wn.2d 411, 415, 932 P.2d 135 (1997). A motion for summary judgment will be considered properly granted only where there is no genuine issue as to any material fact such that the moving party is entitled to a judgment as a matter of law. CR 56(c).

V. SUMMARY OF ARGUMENT

Without either an express grant of authority to fund the BRT Project with revenue from the Levies, or an express grant of discretion to use revenue from the Levies to fund significant capital projects, C-TRAN's use of revenue from the Levies on the BRT Project is unconstitutional. *Sane Transit v. Sound Transit*, 151 Wn.2d 60, 68-69, 85 P.3d 346, 350 (2004). Here, Clark County voters did not authorize C-TRAN to fund the BRT Project, nor did they grant C-TRAN the discretion to fund construction of significant capital projects through approving the Levies.

The resolutions enabling the Levies contain no language authorizing C-TRAN to spend revenue on the BRT Project, nor do they authorize the spending of revenue on construction of any significant capital projects. CP 458, 1310-1311; App A, p. 3-4; App B, p. 3. The enabling resolutions also do not contain any language granting C-TRAN discretion to subsequently identify significant capital improvements on which to spend levy revenue. *Id.* In fact, at the time that the Levies were

approved, C-TRAN had no plans to fund the BRT Project or the construction of any other significant capital projects through the Levies. Furthermore, as of the 2011 Levy, C-TRAN actually expressed a stated intent to fund the BRT Project via a separate 2012 tax measure. CP 1315-1316; App D, p. 1-2. That 2012 measure ultimately failed, which is why C-TRAN subsequently decided to fund the BRT Project with the previously established voter-approved Levies. CP 1187.

The enabling resolutions for the Levies do not contain any language manifesting intent by Clark County voters to: (i) authorize C-TRAN to spend revenue on the BRT Project, or (ii) grant C-TRAN discretion to spend revenue on any significant capital improvement projects. Absent such an express manifestation of intent, C-TRAN's use of such funds in promoting and constructing the BRT is unlawful under Washington's Constitution. At a minimum, a question of fact remains as to whether C-TRAN's spending of revenues from the Levies is lawful such that the trial court's decision should be reversed.

VI. ARGUMENT

Article VII § 5 of Washington's Constitution states that "[n]o tax

shall be levied except in pursuance of law; and every law imposing a tax shall state distinctly the object of the same to which only it shall be applied.” It is well established that local governments may only spend voter-approved taxes as directed by the voters themselves. *Sane Transit*, 151 Wn.2d at 68. The collective intent of the voters is determined based on interpretation of the language of the voter-approved enabling legislation. *Id.* at 71; *see also Amalgamated Transit Union Local 587 v. State*, 142 Wn.2d 183, 205, 11 P.3d 762 (2000)(The primary objective in interpreting enabling legislation “is to ascertain the collective intent of the voters who, acting in their legislative capacity, enacted the measure”)(internal citations omitted).

This Court interprets enabling resolutions pursuant to principles of contract construction. *Sane Transit*, 151 Wash. 2d at 69:

As we stated in *Hayes*, ‘[t]he question is one of construction of contract, and that contract is expressed in the original ordinance. If the terms of that instrument do not permit the proposed change, then it cannot be made, regardless of the advantages which might result.’ *Hayes*, 120 Wash. at 375, 207 P. 607.

Washington also follows the “objective manifestation theory” of

contract interpretation, under which the focus is on the reasonable meaning of the contract language to determine the parties' intent. *Hearst Commc'ns, Inc. v. Seattle Times, Co.*, 154 Wn.2d 493, 503, 115 P.3d 262 (2005). (“We generally give words in a contract their ordinary, usual, and popular meaning unless the entirety of the agreement clearly demonstrates a contrary intent.”). Contracts are to be viewed as a whole, interpreting particular language in the context of other contract provisions. *See Weyerhaeuser Co. v. Commercial Union Ins. Co.*, 142 Wn.2d 654, 669–70, 15 P.3d 115 (2000). And in the context of tax legislation, the enabling instrument of a tax “must be construed most strongly against the taxing power and in favor of the taxpayer, consistent with our constitution’s requirement that every law imposing a tax shall state distinctly the object of the same to which only it shall be applied.” *En re Estate of Bracken*, 175 Wn.2d 549, 563, 290 P.3d 99 (2012) (internal quotations and citations omitted); *see also Dep’t of Revenue v. Hoppe*, 82 Wn.2d 549, 552, 512 P.2d 1094 (1973) (acknowledging the “fundamental precept[.]” that any ambiguity in a taxing statute is “construed most strongly against the taxing power and in favor of the tax payer.”).

In addition to the above, enabling legislation must clearly state the

object for which a local government may spend revenues from the tax, and the spending of such tax revenues is limited to the stated object of the tax. Const. art. VII, § 5; *Sheehan v. Central Puget Sound Regional Transit Authority*, 155 Wn.2d 790, 804, 123 P.3d 88 (2005). “[W]hen voters approve taxes for a public project any major deviation to the project is not within the government’s lawful power.” *Sane Transit*, 151 Wn.2d at 68 (emphasis added).

Local government spending may only deviate from the stated object of a tax if the enabling legislation clearly provides discretion for the taxing agency to do so. *Id.* at 69 (“It is clear that the corollary principle is also true: if the ‘contract’ approved by voters authorizes substantial deviations to a project under particular circumstances, then the agency may lawfully make such changes”).

Relying on the above principles, the trial court erred in finding the Levies’ enabling resolutions to either explicitly authorize C-TRAN to spend on the BRT Project or explicitly grants C-TRAN discretion to fund construction of significant capital projects.

A. The Levies' Enabling Resolutions Do Not Authorize C-TRAN to Spend on the BRT Project or Any Significant Capital Projects.

The enabling resolutions of the Levies do not identify funding the BRT Project as a purpose for which C-TRAN is authorized to spend revenue from the Levies; that is undisputed. In fact, no reference to the BRT Project is made in the enabling resolutions. CP 458, 1310-1311; App A, p. 3-4, App B, p. 3.² The enabling resolutions also make no reference to funding any capital improvements, significant or otherwise. *Id.*

Instead, the enabling resolutions identify specific plans, prepared by C-TRAN, that are to be funded by revenue from the Levies. Similar to the enabling resolutions, these plans also do not include any significant capital improvement projects to be funded by the Levies. CP 1286-1297, 1315-1327; App C, App D. The Service Preservation Plan calls for spending to remain consistent, with spending increases limited to those associated with inflation (CP 1292, 1295; App C, p. 8, 11), and the Core

² The sole reference to the BRT Project in any documentation associated with the Levies is found in the Core Bus and C-VAN Preservation Plan, which the 2011 Levy was adopted to fund. CP 1318; App D, p. 4. Specifically, the Core Bus and C-VAN Preservation Plan states that C-TRAN intends to fund the BRT Project through sources other than the 2011 Levy. CP 1315-1316; App D, p. 1-2. C-TRAN's own plans demonstrate a clear intent that funding the BRT Project with the Levies was never intended until well after approval of the 2011 Levy.

Bus and C-VAN Preservation Plan “would provide for minimal capital improvements.” CP 1318; App D, p. 4.

Based upon the above, the enabling resolutions do not expressly authorize C-TRAN to fund the BRT Project.³ Without a distinct statement in the enabling resolutions that the BRT Project is an object of the tax on which C-TRAN is authorized to spend, such spending violates Washington Constitution Article VII § 5. It was error for the trial court to find otherwise.

B. The Levies Do Not Grant C-TRAN Discretion to Spend on the BRT Project.

In addition to lacking any language manifesting intent to authorize C-TRAN spending on the BRT Project, the Levies also do not include any language manifesting intent to grant C-TRAN discretion to fund construction of significant capital projects. CP 1286-1297, 1315-1327; App C, App D. Thus, it was reversible error for the trial court to conclude the 2005 and 2011 Levies granted C-TRAN with the discretion to fund the

³ Without such express grant, the voters could not have intended to fund the BRT Project via the Levies. Washington Pattern Jury Instruction 301.03 (“In order for there to be mutual assent, the parties must agree on the essential terms of the contract, and must express to each other their agreement to the same essential terms.”).

BRT Project.

At the trial court, C-TRAN argued the explanatory statements in the voter's pamphlets contained an implied grant of discretion for C-TRAN to spend revenue from the Levies on the BRT Project. CP 972-973. Specifically, C-TRAN argued that the statement "preserve C-TRAN local, fixed route ... service" was sufficiently broad to grant C-TRAN discretion to identify and fund construction of the BRT Project with revenue from the Levies. *Id.* The trial court agreed, which this Court should reverse for three reasons.

First, both Article VII § 5 and *Sane Transit* stand for the rule that voter-approved taxes can only be spent on the object of a tax that is *explicitly and clearly* identified in the voter approved legislation. Second, the voters adopted the enabling resolutions, not the explanatory statement; thus, the enabling resolutions are probative of the intent of the voters. *See Sane Transit*, 151 Wn.2d at 72-73. Third, even if an implied grant of discretion is consistent with Article VII § 5 and *Sane Transit*, no such grant exists in this instance.

1. A grant of discretion to a local government to substantially deviate from voter adopted legislation must be explicitly and clearly stated in the enabling legislation

Both Article VII § 5 and *Sane Transit* require that for a local government to lawfully deviate from the terms of voter approved tax legislation, the enabling legislation must contain an explicit grant of discretion to do so. Article VII § 5 requires that the enabling resolutions “shall state distinctly the object of the [tax] to which only it shall be applied.” This Court has clarified that “the ‘state distinctly’ requirement ... is directed not simply to the method of taxation but rather the relationship between the tax and the purpose of the tax.” *Sheehan v. Central Puget Sound Regional Transit Authority*, 155 Wn.2d at 804. It follows that if the object and purpose of the tax is to include or be subject to discretionary decisions of the local government, such a caveat must also be stated distinctly in the enabling legislation in order to pass constitutional muster under Article VII § 5.

In *Sane Transit*, this Court held that the terms of the enabling legislation are treated as a contract, and if “the terms of that instrument do not permit the proposed change, then it cannot be made, regardless of the

advantages which might result.” *Sane Transit*, 151 Wn.2d at 69 (quoting *Hayes v. City of Seattle*, 120 Wash. 372, 375, 207 P. 607 (1922)). Accordingly, a grant of discretion must be explicitly permitted in the enabling legislation, as opposed to simply being implied in a general sense. Application of this principle is in accord with the declaration of the United States Supreme Court that,

“In the interpretation of statutes levying taxes it is the established rule not to extend their provisions, by implication, beyond the clear import of the language used, or to enlarge their operations so as to embrace matters not specifically pointed out. In case of doubt they are construed most strongly against the Government, and in favor of the citizen.”

Gould v. Gould, 245 U.S. 151, 153, 38 S.Ct. 53, 62 L.Ed. 211 (1917).

An example of a sufficiently explicit grant of discretion is found in the enabling legislation at issue in *Sane Transit*. There, the subject resolution included the following language, found by this Court to clearly and explicitly grant discretion to a local government in how it spends tax revenues:

“In the event that the Ten-Year Regional Transit System Plan improvements, or some portion

thereof, are impractical to accomplish due to changed conditions or force majeure events, the [Regional Transit Authority] may use the available funds to pay principal of or interest on bonds, to reduce tax levies, or to pay for other capital and/or service improvements that achieve the stated goals of said plan, as the Board in its discretion shall determine as appropriate or necessary in accordance with law and Board policy.”

Sane Transit, 151 Wn.2d at 69-70 (emphasis added).

As noted above, voters explicitly granted the taxing agency in *Sane Transit* “discretion [to] determine as appropriate or necessary” what other capital and/or service improvements might receive funding through the voter-approved measure. Such language stands in stark contrast to the current situation in which the enabling legislation for the 2005 and 2011 Levies contains no explicit grant of discretion for C-TRAN to spend on significant capital projects. CP 458, 1310-1311; App A, p. 3-4; App B, p. 3.

The requirement that any grant of discretionary authority be explicit is fundamentally intertwined with the people’s legislative referral power. As a practical matter, in order to understand a proposed tax, a conscientious voter reading the enabling legislation must be able to identify the purpose for which a local government can spend taxes it is

asking the people to adopt. Without an explicit statement of the local government's spending discretion, the intent of the enabling legislation (and therefore the voters) is subject to any amount of after-the-fact interpretation and convenient rationalization by the taxing agency, and the referral power of the people is significantly watered down if not rendered meaningless.

Here, C-TRAN has determined well after the enactment of the 2005 and 2011 Levies, that it has the implied discretion to spend revenue from the Levies on substantial capital construction projects generally, and the BRT Project specifically. Such implied discretion, and C-TRAN's spending on the BRT Project that it attempts to justify through such implied discretion, is in direct contravention of Article VII § 5, *Sane Transit*, and sound public policy.

2. The resolutions adopted by the voters are the enabling legislation of the Levies, not the voter's pamphlet explanatory statements

This Court has made clear that the explanatory statement is not the enabling legislation that is adopted by the voters. *Sane Transit*, 151 Wn.2d at 72-73. That is particularly true in this case, where resolutions BR-05-021 and BR-11-004 were both included in the respective voter's

pamphlets in their entirety. CP 458, 1310-1311; App A, p. 3-4, App B, p. 3. Thus, in determining the intent of the voters, this Court properly constructs BR-05-021 and BR-11-004, and not the explanatory statements for the Levies.

At the trial court, C-TRAN based its argument for the existence of an implied grant of discretion to the agency on the phrase “preserve C-TRAN local fixed route ... service.” CP 972-973. As used in the enabling resolutions, the phrase “preserve C-TRAN local fixed route ... service,” is part of suggested language for consideration by the Clark County Auditor to include in the explanatory statement, and therefore is not the distinctly stated object of the Levies for which C-TRAN is authorized to spend consistent with Article VII § 5. CP 458, 1311; App A, p. 4, App B, p.3. To the extent that the decision of the trial court relied on the language in explanatory statements to establish the object of the Levies, the trial court made reversible error as recent precedent in *Sane Transit* establishes that the explanatory statements are not controlling in determining voter intent.

3. The language of the enabling legislation of the 2005 and 2011 Levies does not imply any grant of discretion to C-TRAN

Even if this Court somehow determines (i) that a voter approved

tax can contain an implied grant of discretion to a local government, and (ii) that the phrase “preserve C-TRAN local fixed route ... service” is considered part of the enabling legislation, there still is no reasonable construction of the enabling legislation that impliedly grants C-TRAN the discretion to spend revenue from the Levies on construction of significant capital projects. Application of the tenants of contract construction demonstrate that the object of the enabling legislation is clearly stated as authorizing C-TRAN to fund specific plans (the Service Preservation Plan and the Core Bus and C-VAN Preservation Plan), which were adopted by the agency prior to the vote. Again, neither of these plans includes any mention of funding significant capital projects. CP 1285-1291, 1315-1327; App C, App D.

BR-05-021 directs the Clark County Auditor to place on the ballot,

[A] proposition which authorizes the imposition of up to an additional 0.2 percent of the sales and use tax available to the Clark County Public Transportation Benefit Area (C-TRAN) for the purpose of funding a Service Preservation Plan.”

CP 1310-1311; App A, p. 3-4 (emphasis added). Similarly, BR-11-004 directs the Clark County Auditor to place on the ballot,

“a proposition which authorizes the imposition of

up to an additional 0.2 percent of the sales and use tax available to the Clark County Public Transportation Benefit Area (C-TRAN) for the purpose of funding a Core Bus and C-VAN Preservation Ballot Measure.” (Emphasis added).

CP 458; App B, p. 3.

Thus, each enabling resolution distinctly states that it is authorizing C-TRAN to impose additional sales and use tax for the specific objective of funding the corresponding plan, each of which were approved by the C-TRAN board of directors prior to voter approval of the Levies. This Court need look no further to identify the objective manifestation of the intent of the Levies, stated in clear, ordinary language.

To read the enabling ordinances to grant C-TRAN the overarching discretion to spend on anything related to “preservation” likewise would ignore other parts of the enabling legislation. Specifically, such a reading gives no effect to the above-quoted provisions stating that the object of the respective Levies is to fund specified plans. No such plans need have been funded if the intent of the voters was to grant C-TRAN broad discretion.

Further, such an over-broad reading gives no effect to the content of the plans funded by the enabling resolutions. The Service Preservation

Plan or the Core Bus and C-VAN Preservation Plan call for minimal capital improvements and no change to service on 4th Plain Boulevard. CP 1285-1297, 1315-1327; App C, App D. To read into the enabling legislation a broad discretion for C-TRAN to identify and fund construction of significant capital projects renders meaningless the stated intent and purpose of the enabling legislation and the content of the plans the Levies were adopted to fund. Thus, C-TRAN's ongoing spending of revenue from the Levies is an unlawful deviation of the voter approved tax legislation.

Even if this Court were to eschew the plain statements in the enabling resolutions that the object of the Levies is adoption of the plans, it still does not follow that constructing the BRT Project is consistent with the concept of preserving the status quo and levels of service as they existed in 2005 and 2011. First, the trial court undertook no analysis to compare the operational projections of the BRT Project to the levels of service along 4th Plain Boulevard in 2005 and 2011, leaving a fundamental question of whether the operational projections for the BRT are preserving the 2005 or 2011 service. Whether service in this instance relates to frequency of service, fare rates, total number of buses in operation,

passengers served, capital costs, or operations and maintenance costs, the record does not contain the baseline information against which to determine if the BRT Projects serves to preserve. Due to the existence of this question of fact, the trial court's granting of summary judgement is in error.

Second, the scope of capital improvements and costs associated with the construction of the BRT Project is fundamentally inconsistent with the concept of preserving the operations of the bus routes along Fourth Plain Boulevard as they existed in 2005 and 2011. A plain understanding of the term "preserve" does not involves transforming a standard bus route into the largest capital project in C-TRAN's history through expenditure of millions of dollars on real estate purchases, construction of 24 new station and a \$4,000,000 new garage, or 10 new and larger buses. CP 1381. The scale and nature of the BRT Project is fundamentally inconsistent with an objective and clear understanding of what it means to preserve something that exists, in this case a bus route. Thus, the trial court made reversible error to the extent that it found that the BRT Projects "preserves" the bus service on 4th Plain Boulevard in 2005 and 2011.

C. Appellants request their attorney fees.

Pursuant to RAP 18-1, appellants request their attorney fees and actual costs on appeal and in the trial court under the common fund doctrine. See e.g. *Bowles v. Washington Department of Retirement Systems*, 121 Wn.2d 52, 70, 847 P.2d 440 (1993). By bringing this claim, appellants are preserving a significant fund that C-TRAN is continuing to spend on the BRT Project, in excess of the agency's spending authority. Appellant's litigation expenses should be paid out of the fund preserved so that all those who benefit share in the expense.

VII. CONCLUSION

Twice C-TRAN has convinced Clark County voters to approve an increase in sales and use tax by promising that such taxes will be used in a limited fashion and threatening major service reductions if the tax increases were not approved. At the heart of this appeal is whether C-TRAN's decision to now use revenue from the Levies to construct the "largest capital project ever undertaken" by the agency requires additional voter approval to expand the scope of the currently levied sales and use tax, or if C-TRAN can unilaterally cast aside the very spending limitation

relied on by the voters in approving the Levies in the first place.

At stake is not only the legitimacy of the referral legislative power reserved to the people by Article II, § 1 of the Washington Constitution, but also an unknown amount of unfettered future spending by C-TRAN. The ruling of this Court will not only apply to the use of the Levies for the BRT Project, but will also direct C-TRAN's ability to fund construction of capital projects the agency deigns to undertake going forward. As it currently stands, the trial court's decision would allow C-TRAN to use revenue generated from the Levies on any future capital project or pet project which the agency can, even in the most tangential way, associate with "preservation" of services, without limitation on the expense of such projects. Certainly, to grant such broad discretion was not the intent of the voters when faced with the choice of higher taxes or drastic service reductions.

This Court should reverse the decision of the trial court to grant summary judgment dismissing Appellants' claim for declaratory relief against C-TRAN that it has violated Article VII § 5 of Washington's Constitution, and remand the case back to the trial court. Costs on appeal should be awarded to Appellants.

DATED: November 23, 2015.

Respectfully submitted,

BALL JANIK, LLP

/s/ Damien R. Hall

Damien R. Hall, WSBA #47688
Adele J. Ridenour, WSBA #35939
Attorneys for Appellants

NOTICE OF FILING AND PROOF OF SERVICE

I certify that on November 23, 2015 I electronically filed the foregoing *PETITIONER'S OPENING BRIEF* using the Washington Judicial Department's eFiling system and mailing a copy to:

Washington Supreme Court Clerk
The Supreme Court of the State of Washington
P.O. Box 40929
Olympia, WA 98504-0929

I further certify that on November 23, 2015, I served a copy of the foregoing *PETITIONER'S OPENING BRIEF* by e-service addressed to the following party:

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Attorneys for Respondent

DATED: November 23, 2015

BALL JANIK, LLP

/s/ Damien R. Hall
Damien R. Hall, WSBA #47688
Adele J. Ridenour, WSBA #35939
Attorneys for Appellants

APPENDIX A

2005 Voter's Pamphlet and Resolution

(Pages 9, 10, 30)

(CP 1307-08; 1310-11)



Ballot measures

Proposition No. 1 CLARK COUNTY PUBLIC TRANSPORTATION BENEFIT AREA AUTHORITY (C-TRAN)

C-TRAN, Clark County Public Transportation Benefit Area Authority, in adopting Resolution #BR-05-021, authorizes a proposition to increase the sales and use tax by 0.2 percent, or two cents on a \$10.00 purchase, to preserve C-TRAN local fixed route, commuter, and demand response service (C-VAN and the Camas Connector) in the City of Vancouver and its urban growth boundary, and the city limits only of Camas, Washougal, and Battle Ground; and to restore service to the cities of La Center and Ridgefield, the Town of Yacolt, and the WSU - Vancouver campus.

Should this proposition be:

APPROVED ...

REJECTED

Statement for:

A good public transportation system is an important part of every world class community. For nearly 25 years, C-TRAN has filled that role for our citizens.

Broad Community Support

The Committee to Save C-TRAN is a coalition of Republicans, Democrats, and independent voters who want to preserve public transportation in Clark County. While it may be true that Democrats and Republicans generally don't agree on many issues, C-TRAN's role as a provider of essential public transportation in Clark County is an issue that they can agree on.

A Small, But Wise Investment

For just 2 pennies on a \$10 dollar taxable purchase, voters will have the opportunity to preserve and restore - *not expand* - C-TRAN service. With a simple majority vote, this would be the first tax increase in the agency's history, and their sales tax rate will still be lower than every other urban transit system in Washington. Without the additional funding, C-TRAN must cut back service to make up for the 40% loss in funding when the legislature eliminated matching funds in 2000.

Get The Facts

If you have any questions or would like to volunteer, please contact the Save C-TRAN campaign at 713-8705 or visit our web page at www.savectran.org. Also, C-TRAN has information about what exactly happens should the measure pass or fail. You may contact them at 695-0123 or visit www.c-tran.com.

Vote Yes!

Please join us in voting yes for the preservation of C-TRAN!

Written by:

Michael C. Worthy, Committee Chair;
1518 NW 79th Circle, Vancouver 98665
Don Carlson
Craig Pridemore

Rebuttal of statement against:

The proposition has nothing to do with light rail. It has everything to do with preserving and restoring C-TRAN's bus service, period.

C-TRAN represents all cities. Emphasizing other people's interest in light rail is an attempt to distract voters from the real issue, which is preserving essential bus service to all our communities. Voters are smart enough to distinguish the truth.

Get the facts and vote *yes* to preserve and restore C-TRAN's existing bus service.

C-TRAN explanatory statement:

C-TRAN seeks authority to increase the sales and use tax by 0.2 percent to preserve C-TRAN's existing service (local fixed route, commuter, and demand response that includes C-VAN for disabled and Connector) within the City of Vancouver and its urban growth boundary, and the cities of Camas, Washougal, and Battle Ground; and to restore service to the cities of La Center, Ridgefield, Yacolt, and WSU Vancouver.

Currently, C-TRAN collects a 0.3 percent tax (three cents on a \$10.00 purchase). If approved, C-TRAN will have authority to collect up to 0.5 percent sales and use tax (five cents on a \$10.00 purchase).

Statement against:

The tax game truth, the whole truth and nothing but the tax game truth.

"Vancouver police and the sheriff's office say they have too few officers to handle growth in the population," Oregonian, 7/13/05, yet C-Tran complains about its \$26,337,483 income that serves approximately 4% of the population. Police, sheriff and fire departments work with a lot less while serving 100% of the Clark County population.

Stop the shameful service cut threats and intimidation toward vulnerable passengers. Special C-Tran vans should be available for special needs passengers requiring public transportation to their jobs; while tax money for purchasing expensive properties and support of I-5 HOVs should cease.

Every year over \$100 million tax dollars go into the Oregon treasury from Washington commuters. Where is the money spent? Tri-Met charges C-Tran approximately \$180,000 yearly for the privilege of allowing C-Tran's Commuter Express bus service into downtown Portland. At any time Tri-Met can refuse C-Tran this privileged access into Portland and force Washington commuters onto the MAX light rail.

April 2003 Mayor Pollard stated "Light rail is the way for the future." May 2005 city council approved Vancouver Housing Authority developing 4th Plain Blvd. as an "urban center." This area is designated as a possible route for light rail connections to the MAX Expo and Portland PDX lines. Light rail into Washington is being implemented by several small seemingly innocent baby steps; this tax increase for C-Tran serving 4% of SW Washington's population is one of them. Don't buy it.

Written by:

No on C-Tran's September 2005 Tax Levy Committee

Larry Martin, Chair; (360) 573-6298

Frances Rutherford (360) 896-2283

Jeanne Lipton (360) 737-3676

Rebuttal of statement for:

Taxpayers Beware

"All we're doing is sticking our finger in the dike." commented Mayor Pollard about 2005 City tax increases: Vancouver City 1% property tax; 14.5-16% storm water fees, higher trash rates, etc. State gas tax increase: 29¢ to 37.5¢ a gallon by 2008; Port of Vancouver doubling property tax share 2007; Upcoming levies: library, fire, schools.

VHA "Urban Center" leader "Audit finds flaws in VHA financial reports." Portland consultant leads I-5 bridge solution team.

Be an informed voter. Here's how.

There are many sources of information for citizens wishing to know more about candidates, issues, and coverage of the upcoming September 20 primary.

Read all about it.

▣ The Columbian.

Web site: www.columbian.com.

▣ The Oregonian.

Web site: www.oregonlive.com/elections/oregonian/clarkcounty.

▣ The Camas/Washougal Post Record.

Web site: www.camaspostrerecord.com.

▣ The Reflector.

Web site: www.thereflector.com.

League of Women Voters

For a schedule of events or

candidate forums, see their Web site at www.washingtonvoter.org or call 693-9966.

Cable TV

CVTV Clark-Vancouver Television on Comcast cable channel 23. Election coverage will include candidate forums and interviews of candidates in various races. See TV listings in The Columbian, cable channel 2, and the CVTV Web site, www.cvtv.org or call 696-8233.

If you do not have cable TV you can obtain video tapes of any program at any Fort Vancouver Regional Library branch or from CVTV.

Surf the Internet.

▣ Election coverage can be found on the Clark County Elections Department Web site: <http://elections.clark.wa.gov>.

▣ The Fort Vancouver Regional Library has computers with Internet connections available for public use.

Join Clark County residents on election night.

On election night at approximately 7 P.M. gather at Gaiser Hall at

Clark College to hear and see election results. The college is located at 1800 East McLoughlin Blvd., Vancouver.



Complete text of local measures

C-TRAN BOARD RESOLUTION BR-05-016

A RESOLUTION establishing governance of the CLARK COUNTY PUBLIC TRANSPORTATION BENEFIT AREA AUTHORITY as defined on March 29, 2005 by the Public Transportation Improvement Conference of January 2005 (PTIC).

WHEREAS, the PTIC was formed by a resolution of the C-TRAN Board of Directors for the purpose of establishing a new Public Transportation Benefit Area, which defines new C-TRAN's geographic boundaries; and

WHEREAS, the PTIC defined the Clark County Public Transportation Benefit Area boundaries on March 29, 2005 to include only the City of Vancouver and its Urban Growth Boundary (VUGB), all of election precincts 915, 960, and 646 (located in the area connecting the Vancouver UGB and the City of Camas) and the city limits only of Camas, Washougal, Battle Ground, Ridgefield, La Center, and the Town of Yacolt; and

WHEREAS, on May 5, 2005, the PTIC established the governing body for the Clark County Public Transportation Benefit Area as defined on March 29, 2005, which board will be constituted as follows: the elected officials of the Board of Clark County Commissioners; three elected officials of the Vancouver City Council; one elected official representing from either Battle

Ground or Yacolt, who will represent both entities; one elected official from either Ridgefield or La Center, who will represent both entities; and one elected official from either Camas or Washougal, who will represent both entities, for a total of nine governing Board Members; and

NOW, THEREFORE, BE IT RESOLVED that the Clark County Public Transportation Benefit Area Authority (C-TRAN) as defined on March 29, 2005, shall become effective at 12:01 a.m. on June 1, 2005.

RESOLVED AND ADOPTED THIS 10th day of May 2005.

Ayes: Marc Boldt, Jeanne Harris, James Weldon Alternate for Bill Ganley, Gladys Doriot Alternate for Jim Irish, Tim Leavitt, Stacey Sellers, Jeanne Stewart, Steve Stuart, Vice Chair Betty Sue Morris Signed Betty Sue Morris, Vice Chair
ATTEST: June 1. Berry, Clerk of the Board
Seal

C-TRAN BOARD RESOLUTION BR-05-021

A RESOLUTION REQUESTING the Clark County Auditor to place on the September 20, 2005 primary ballot, a proposition which authorizes the imposition of up to an additional 0.2 percent of the sales and use tax available to the Clark County Public Transportation Benefit Area (C-TRAN) for

the purpose of funding a Service Preservation Plan.

WHEREAS, at the November 1980 election, the voters of the Clark County Public Transportation Benefit Area Authority (PTBA) district approved a 0.3 percent sales and use tax which was matched by the state of Washington's motor vehicle excise tax (MVET) to fund public transit; and

WHEREAS, C-TRAN acquired assets and implemented service, including local fixed route bus, express commuter bus, demand response service for persons with disabilities (C-VAN), vanpool, and general purpose dial-a-ride (Connector); and

WHEREAS, such services were well received by the citizens of Clark County as shown by a steadily increasing number of trips per capita throughout the 1990s; and

WHEREAS, at the November 1999 General Election, the voters of Washington State passed Initiative 695 which resulted in the state of Washington eliminating MVET matching funds to all state transit systems, which resulted in the elimination of 40 percent of C-TRAN's revenue and 50 percent of its tax support; and

WHEREAS, to respond to this revenue loss, C-TRAN eliminated some service, reduced costs, raised fares three times since 2000, diverted capital reserve funds to subsidize operations, pursued additional revenue sources, and reduced the service and taxing boundary of the Public Transportation Benefit Area through the convening of a Public

Transportation Improvement Conference; and
WHEREAS, the new transit district, comprised of the city of Vancouver and its urban growth boundary and the city limits only of the cities of Camas, Washougal, La Center, Ridgefield, and Battle Ground, and the Town of Yacolt, requires adequate funding to provide service; and

WHEREAS, the C-TRAN Board of Directors has approved a Service Preservation Plan that preserves current service levels and restores innovative services to areas that lost service in 2000 including the cities of La Center and Ridgefield, the Town of Yacolt, and the Washington State University Vancouver campus.

NOW, THEREFORE, BE IT RESOLVED by the C-TRAN Board of Directors that a proposition be placed on the September 20, 2005 primary ballot, authorizing the imposition of up to an additional 0.2 percent sales and use tax for the purpose of funding C-TRAN's Service Preservation Plan, which preserves current service levels and restores innovative services to areas that lost service in 2000, including the cities of La Center and Ridgefield, Town of Yacolt, and the Washington State University Vancouver campus.

BE IT FURTHER RESOLVED by the C-TRAN Board of Directors that the Clark County Auditor consider the following ballot language, subject to the County Auditor's own approval process:

C-TRAN, Clark County Public Transportation Benefit Area Authority, in adopting Resolution #BR-05-021, authorizes a proposition to increase the sales and use tax by 0.2 percent, or two cents on a \$10.00 purchase, to preserve C-TRAN local fixed route, commuter, and demand response service (C-VAN and the Camas Connector) in the City of Vancouver and its urban growth boundary, and the city limits only of Camas, Washougal, and Battle Ground; and to restore service to the cities of La Center and Ridgefield, the Town of Yacolt, and the WSU - Vancouver campus.

Should this proposition be:
APPROVED [] REJECTED []

BE IT FURTHER RESOLVED that the C-TRAN Board of Directors hereby direct staff to provide to the citizens of Clark County a document that describes the services included in the Service Preservation Plan, which preserves current transit service and restores services lost to areas in 2000, and information about the Service Reduction Plan that has been approved by the Board for implementation on September 25, 2005, should voters reject the proposition.

RESOLVED AND ADOPTED THIS 14th day of June, 2005.

Ayes: Jeanne Harris, Jim Irish, Betty Sue Morris, Stacey Sellers, Jeanne Stewart, Chair Bill Ganley.

Nays: Tim Leavitt, Steve Stuart
Absents: Marc Boldt

Signed William J. Ganley, Chair

ATTEST: June I. Berry, Clerk of the Board
Seal

BATTLE GROUND SCHOOL DISTRICT
NO. 119
RESOLUTION NO. M-05

A RESOLUTION of the Board of Directors of Battle Ground School District No. 119, Clark County, Washington, providing for the submission to the voters of the District at a special election to be held therein on September 20, 2005, in conjunction with the State primary election to be held on the same date, of a proposition authorizing the District to issue general obligation bonds in the principal amount of no more than \$20,390,000 (or such lesser maximum amount as may be legally issued under the laws governing the limitation of indebtedness), for the purpose of paying costs of constructing and equipping a new North County High School, the principal of and interest on such bonds to be payable from annual property tax levies to be made in excess of regular property tax levies; designating the Secretary of the Board to receive notice of the ballot title from the Auditor of Clark County, Washington; authorizing a request for a Certificate of Eligibility from the State Treasurer pursuant to chapter 39.98 RCW; and designating the Secretary to the Board as the District official authorized to file with the State Treasurer, on behalf of the District, the request for a Certificate of Eligibility.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF BATTLE SCHOOL DISTRICT NO. 119, CLARK COUNTY, WASHINGTON, as follows:

Section 1. The Board of Directors (the "Board") of Battle Ground School District No. 119, Clark County, Washington (the "District"), hereby makes the following findings and determinations:

(a) Overcrowding (which is due to increasing enrollment demands, the existing condition of school facilities and the institution of new educational programs) requires that the District construct and equip a new North County High School, all as more particularly defined and described in Section 3 herein (the "Project").

(b) The District lacks sufficient money with which to pay costs of the Project, which is urgently required to correct the existing conditions.

(c) To pay costs of the Project, the Board hereby deems it necessary and advisable that the District issue and sell unlimited tax general obligation bonds in the principal amount of no more than \$20,390,000 (the "Bonds") (or such lesser maximum amount as may be legally issued under the laws governing the limitation of indebtedness).

(d) The District is authorized pursuant to Article VII, Section 2(b) of the Washington Constitution and laws of the State of Washington (including RCW 28A.530.010, RCW 28A.530.020 and RCW 84.52.056) to submit to the District's voters at a special election, for their approval or rejection, the proposition of whether or not the District shall issue the Bonds to pay costs of the Project and levy annual excess property taxes to pay and retire the Bonds.

Section 2. The Board hereby finds and declares that the best interests of the District's students and other inhabitants require the District to carry out and accomplish the Project as hereinafter provided.

Section 3. The Board hereby finds and declares that the Project to be paid for with proceeds of the Bonds is more particularly defined and described as follows:

(a) Construct and equip a new North County High School that will include, but not be limited to, classrooms, science and technology labs, library, performing arts center, gym, track and practice fields, and other capital improvements deemed necessary and advisable by the Board.

(b) Acquire and install all necessary equipment, fixtures and appurtenances in the foregoing, all as deemed necessary and advisable by the Board.

(c) Pay incidental costs incurred in connection with carrying out and accomplishing the foregoing pursuant to RCW 39.46.070. Such costs include, but are not limited to, costs related to the sale, issuance and delivery of the Bonds; payments for fiscal and legal expenses; obtaining ratings and bond insurance; printing, advertising, establishing and funding accounts; necessary and related engineering, architectural, planning, consulting, inspection and testing costs; administrative and relocation expenses; site improvement; demolition; on and off-site utilities; and other similar activities or purposes, all as deemed necessary and advisable by the Board.

The Project, or any portion or portions thereof, shall be acquired or made insofar as is practicable with available money and in such order of time as shall be deemed necessary and advisable by the Board. The Board shall determine the application of available money between the various parts of the Project so as to accomplish, as near as may be, all of the Project. The Board shall determine the exact order, extent and specifications for the Project. The Project is to be more fully described in the plans and specifications to be prepared by the District's architects and engineers and to be filed with the District.

Section 4. It is found and declared by the Board that an emergency exists requiring the calling of a special election and the Auditor of Clark County, Washington, as *ex officio* Supervisor of Elections (the "Auditor"), is requested to find and declare the existence of an emergency. The Auditor further is requested to call and conduct a special election in the District, in the manner provided by law, to be held therein on September 20, 2005, in conjunction with the State primary election to be held on the same date, for the purpose of submitting to the District's voters, for their approval or rejection, the proposition of whether or not the District shall issue the Bonds to pay costs of the Project and levy annual excess property taxes to pay and retire the Bonds.

If such proposition is approved by the requisite number of voters, the District will be authorized to issue and sell the Bonds in the manner described in this resolution, spend the proceeds thereof to pay costs of the Project, and levy annual excess property taxes to pay and retire the Bonds. The money derived from the sale of the Bonds shall be used, either with or without additional money now available or hereafter available to the District, for capital purposes only, as permitted by law, which shall not include the replacement of equipment.

Section 5. The Bonds authorized may be issued as a single issue, as a part of a combined issue with other authorized bonds, or in more than one series, as deemed necessary and advisable by the Board and as permitted by law. The Bonds shall be

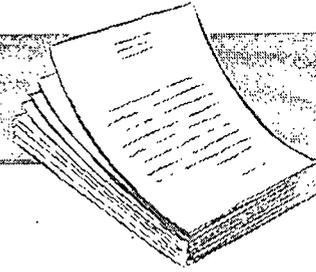
APPENDIX B

2001 Voter's Pamphlet and Resolution

(Pages 4, 10, 12, 17, 22, 27, 28, 30)

(CP 454-55; 458)

Ballot measure



C-TRAN

PROPOSITION NO. 1

CLARK COUNTY PUBLIC TRANSPORTATION BENEFIT AREA AUTHORITY (C-TRAN)

C-TRAN, Clark County Public Transportation Benefit Area Authority, in adopting Resolution BR-11-004, authorizes a proposition to increase the sales and use tax by 0.2 percent, or two pennies on a ten dollar purchase, to preserve C-TRAN local fixed route, limited, commuter and Connector service in the City of Vancouver and its 2005 Urban Growth Boundary, and the city limits only of Camas, Washougal, Battle Ground, La Center, Ridgefield, and the town of Yacolt; and to meet the current and projected growth for Paratransit service, C-VAN.

Should this proposition be:

APPROVED..... -

REJECTED.....

Statement for:

Protect Bus and ParaTransit Service We All Rely On!

Without your vote, C-TRAN will cut 35% of bus and C-VAN (Paratransit) service. These cuts are real: loss of fourteen routes; elimination of *all* Sunday, holiday, and special event service such as 4th of July and Clark Co Fair; and elimination of the Camas Connector. Remaining routes' hours and frequency will be reduced, leaving commuters, senior citizens, the disabled, and students without a way to get to work, church, doctor, school, and shopping. *All* revenue from Prop 1 will fund bus service *only*, not light rail.

Cutting Costs Have Helped – But Aren't Enough

The recession and elimination of State matching funds resulted in a \$96 million loss over ten years. Meanwhile, an aging population has increased transit demand. C-TRAN is spending reserves, has cut spending and increased efficiencies – eliminating 35 positions and increasing fares five times since 2005 – but more need for services means an increase in demand for funding.

Even If You Don't Ride the Bus – C-TRAN Serves You

C-TRAN moves thousands of commuters and students every day, taking cars off our roads and highways. A 35% cut in service means worse congestion for all of us, wasting time and expensive fuel. Proposition 1 is a smart way to save money and time.

Widely Endorsed!

Legacy Salmon Creek Medical Center, ARC of Southwest Washington, National Federation for the Blind, Greater Vancouver Chamber of Commerce, and hundreds of organizations, businesses, and individuals have endorsed Proposition 1.

Visit www.preserveourbuses.com to see more.

Written by:

Marc Boldt E-mail: MarcBoldtApproveProp1@gmail.com

Craig Pridemore E-mail: Craig@CraigPridemore.com

Mike Ciraulo E-Mail: MikeCiraulo@comcast.net

Rebuttal of statement against:

This measure saves needed bus service and nothing more. C-TRAN spends \$6 - \$7 million in reserves each year despite cuts and efficiencies – Prop 1 simply protects against 35% cuts once reserves are gone. Opponents know this measure has nothing to do with light rail – they are deliberately misleading voters. Read the measure and decide for yourself.

Republicans and Democrats, business and labor, education and health care leaders and neighbors agree: yes on Prop 1!

Explanatory statement

C-TRAN currently levies a voter approved 0.5% sales tax. Passage of this measure would increase the sales tax by an additional amount not to exceed 0.2% (two pennies on every ten dollar taxable purchase) in order to preserve existing local fixed route, limited, commuter and connector bus levels and meet the projected growth of C-VAN, the federally mandated Paratransit service for individuals who, due to their disability, cannot use local service. Should the measure not pass, C-TRAN would need to reduce service by approximately 35% by early 2013 in order to balance its budget.

Statement against:

C-Tran has the means to provide to public transportation without raising taxes during this period of economic hardship.

According to C-Tran's year-end 2010 Comprehensive Financial Report, C-Tran had nearly \$50 million unrestricted assets that could be used for public transit services. C-Tran's assets exceed their liabilities by almost \$115 million. This is more than enough to provide transportation services to Clark County residents. Also, they have successfully remained free of long-term debt in both 2009, 2010. *Therefore, there is no justification for raising taxes or reducing service levels for C-Van, fixed routes, or other core bus services.*

Although the C-Tran board passed a non-binding resolution stating this proposed tax increase would not be used to bring Portland's light rail into Vancouver, the C-Tran board can change their mind. (Remember: C-Tran board member Tim Leavitt, promised to oppose bridge tolls, then changed his mind after being elected.)

C-Tran was directed to provide a light rail vote on this November 2011 ballot and failed to do so. We cannot afford to raise taxes now, and we cannot afford for C-Tran to change their mind again with an unfunded, expensive light rail project looming.

Before threatening more service cuts, staff reductions, wage freezes, or fare increases, C-Tran needs to take a hard look at cost savings from core procedures. C-Tran needs to do what so many of us are doing: set priorities, tighten up spending, and become more efficient so existing services will be preserved, *without raising taxes.*

Reject Proposition 1. See: C-Trantaxes.com

Written by

Larry Patella

Debbie Peterson E-mail: Debbie@debbiepeterson.org

Thomas Hann

Rebuttal of statement for:

Instead of threatening to cut services to senior citizens, commuters, the disabled, and students, C-Tran should cut empty buses, as Chairman Boldt stated. Congestion won't increase.

C-Tran is asking to take \$8.8 million dollars out of our pockets with this proposed tax increase to maintain ridership averaging 7 per bus.

Supporters are bus manufacturers, transit unions, developers, and others who profit from bus and light rail projects.

Reject threats, light rail profiteers, and Prop. 1.

Complete text of measures

C-TRAN

PROPOSITION NO. 1 CLARK COUNTY PUBLIC TRANSPORTATION BENEFIT AREA AUTHORITY (C-TRAN)

BOARD RESOLUTION #BR-11-004

A RESOLUTION REQUESTING the Clark County Auditor to place on the November 8, 2011 general election ballot, a proposition which authorizes the imposition of up to an additional 0.2 percent of the sales and use tax available to the Clark County Public Transportation Benefit Area (C-TRAN) for the purpose of funding a Core Bus and C-VAN Preservation Ballot Measure.

WHEREAS, at the November 1980 election, the voters of the Clark County Public Transportation Benefit Area Authority (PTBA) district approved a 0.3 percent sales and use tax which was matched by the state of Washington's motor vehicle excise tax (MVET) to fund public transit; and

WHEREAS, C-TRAN acquired assets and implemented service, including local fixed route bus, express commuter bus, demand response service for persons with disabilities (C-VAN), vanpool and general purpose dial-a-ride (Connector); and

WHEREAS, following the passage of Initiative 695 in November 1999, the state legislature voted to eliminate MVET matching funds to all state transit systems, which resulted in the elimination of 40 percent of C-TRAN's revenue and 50 percent of its tax support; and

WHEREAS, between 2000 and 2010 the loss of MVET revenue from the state match resulted in a net loss of more than \$96 million dollars to C-TRAN; and

WHEREAS, C-TRAN responded to the revenue loss by reducing some service, reducing costs, increasing fares, and ultimately submitting a ballot measure to voters in 2004 for a 0.3% sales and use tax increase which was rejected; and

WHEREAS, C-TRAN subsequently submitted a revised ballot measure for a 0.2% sales and use tax that was approved by nearly 68% of voters within a new and reduced transit district in September 2005 that helped narrow the gap created by the loss of the state match; and

WHEREAS, C-TRAN restored service to La Center, Ridgefield and the town of Yacolt, and maintained service levels as promised to voters in 2006; and

WHEREAS, the C-TRAN Board of Directors adopted a 50 Year Vision for C-TRAN in 2009; and

WHEREAS, C-TRAN in subsequent years continued to use capital reserve funds to maintain existing service levels as part of the plan approved by voters and has in recent years experienced a substantial reduction in sales tax revenue from the historic economic recession; and

WHEREAS, the C-TRAN Board of Directors in June 2010, adopted the agency's first 20-Year Transit Development Plan, C-TRAN 2030; and

WHEREAS, the C-TRAN Board of Directors determined that a 0.2 percent sales and use tax increase will preserve C-TRAN's existing local fixed route, limited, commuter and connector service and be able to meet the anticipated growth of the federally mandated C-VAN, the agency's Paratransit service for medically qualified individuals who are unable to ride C-TRAN's fixed route system.

BE IT RESOLVED by the C-TRAN Board of Directors that the Clark County Auditor consider the following ballot language, subject to the County Auditors' own approval process:

C-TRAN, Clark County Public Transportation Benefit Area Authority, in adopting Resolution BR-11-004, authorizes a proposition to increase the sales and use tax by 0.2 percent, or two pennies on a ten dollar purchase, to preserve C-TRAN local fixed route, limited, commuter and Connector service in the City of Vancouver and its 2005 Urban Growth Boundary, and the city limits only of Camas, Washougal, Battle Ground, La Center, Ridgefield, and the town of Yacolt; and to meet the current and projected growth for Paratransit service, C-VAN.

BE IT FURTHER RESOLVED that the C-TRAN Board of Directors hereby directs staff to provide to the citizens of its transit district a document that describes the services

included in the Core Bus and C-VAN Preservation Plan as described above and what happens should the ballot measure be approved or rejected.

RESOLVED AND ADOPTED THIS 12th day of April 2011.

Ayes:

Marc Boldt, Linda Dietzman, Bill Ganley, Bart Hansen, Jim Irish, Roy Jennings, Tim Leavitt, Larry Smith, Steve Stuart

Nays:

Tom Mielke

Absent:

None

s/Marc Boldt

Marc Boldt, Chair

Attest:

s/D. Jermann

Debbie Jermann, Clerk of the Board

City of Woodland

PROPOSITION NO. 1 SALES AND USE TAX INCREASE OF 0.1% FOR A NEW POLICE FACILITY

ORDINANCE NO. 1216

AN ORDINANCE OF THE CITY OF WOODLAND, WASHINGTON, PROVIDING FOR THE SUBMISSION TO THE VOTERS OF THE CITY AT A GENERAL ELECTION TO BE HELD THEREIN ON NOVEMBER 8, 2011, OF A PROPOSITION AUTHORIZING AN ADDITIONAL SALES AND USE TAX AT THE RATE OF ONE-TENTH OF ONE PERCENT PURSUANT TO RCW 82.14.450 TO BE USED FOR CRIMINAL JUSTICE AND FIRE PROTECTION PURPOSES, INCLUDING FINANCING, CONSTRUCTING, AND EQUIPPING A NEW POLICE FACILITY; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION INDEBTEDNESS FOR THE PURPOSE OF FINANCING SUCH FACILITY; DECLARING AN INTENT TO REIMBURSE CERTAIN EXPENDITURES FOR SUCH FACILITY; AND RATIFYING, CONFIRMING AND APPROVING CERTAIN ACTIONS.

WHEREAS, in order to provide residents with the level of services needed to build and maintain a safe and strong community, the City of Woodland, Washington (the "City") is in urgent need of a new police facility with a multi-purpose community meeting room;

WHEREAS, the City does not have sufficient funds available to construct or equip a new police facility; and

WHEREAS, the Washington Legislature has recently amended RCW 82.14.450 to authorize cities to submit a proposition to local voters approving a sales and use tax increase so long as at least one-third of the money received under the new taxing authority is used for criminal justice purposes as defined under RCW 82.14.340, fire protection purposes, or both, and 15 percent is distributed to Cowlitz and Clark Counties.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1 Findings and Determinations. The above recitals are hereby adopted as legislative findings and determinations made by the City Council of the City (the "Council"). The Council also makes the following findings and determinations.

- The best interests and general welfare of the City will be served by imposing a one-tenth of one percent sales and use tax pursuant to RCW 82.14.450 for criminal justice and fire protection purposes that include financing, constructing, and equipping a new police facility with a multi-purpose community meeting room (the "Project").
- The Project serves criminal justice and fire protection purposes. The costs of the Project, including the costs of issuing and selling bonds to pay for the Project, are not anticipated to exceed \$2,000,000.

Section 2 Authorization of Additional Sales and Use Tax. In order to pay the costs of the Project, the Council directs the submission of a proposition to the voters of the City substantially as set forth in section 7 of this ordinance to authorize the

APPENDIX C

Service Preservation Plan

(Pages 9, 29, 31)

(CP 1285-97)

C-TRAN
STAFF REPORT
#05-024

TO : Chair and Board of Directors
FROM : Lynne Griffith, Executive Director/CEO
DATE : June 14, 2005
SUBJECT : Proposed Service Preservation Plan

OBJECTIVE:

To approve the proposed Service Preservation Plan developed for C-TRAN's new transit district requiring a 0.2 percent increase in C-TRAN's sales and use tax.

PRESENT SITUATION:

The C-TRAN Board of Directors has provided decisive leadership to the organization since Washington State matching funds ended in 2000. Clear actions have been taken in the past five years to close the funding gap that was created when 40 percent of C-TRAN's revenue was lost. The actions taken are worth mentioning as the Board considers a new service and funding plan that preserves transit service levels and balances C-TRAN's budget. C-TRAN has successfully:

Lowered Costs:

- Reduced service 13 percent;
- Eliminated 78 staff positions; and
- Introduced innovative service such as the Camas Connector

Improved System Efficiencies:

- Increased the share riders pay towards the cost of service by increasing farebox recovery from 12.3 percent to 19.1 percent, a 55 percent increase;
- Maintained a \$0.47 cost per passenger mile, which is substantially lower than the national average of \$1.20 per passenger mile; and
- Compared favorably to other Washington State urban systems with C-TRAN experiencing a cost of \$72.12 per service hour compared to the state urban system average of \$77.44.

Improved Service Effectiveness:

- Increased the number of passengers riding the system from 24.9 passengers per service hour to 27.8 passengers, a 12 percent improvement; and
- Increased ridership from 5.9 million passenger trips in 2001 to 6.9 million in 2004, a 17 percent increase.

Continued . . .

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The Board also authorized staff to engage the public in the development of a 20-Year Transit Development Plan that examined transit service alternatives that ranged from a service plan requiring no increased revenue and significant service reductions to a service plan that fully funded the demand for transit over the next 20 years. The service plan approved by the Board required a 0.3 percent increase in C-TRAN's sales and use tax, and was presented to voters in the November 2004 general election. Proposition 1 did not receive voter approval, which required the Board to approve a service reduction plan that will reduce transit service by 46 percent and eliminate up to 164 staff positions effective September 25, 2005.

At the December 2004 Board meeting, staff was also directed to complete the following:, which have been completed:

- Realign the organization from five to three departments;
- Eliminate 16 management positions, saving the agency \$270,000;
- Implement a third passenger fare increase that significantly increases the amount riders pay towards the cost of service; and
- Reduce C-TRAN's service and taxing boundary from countywide to an area that includes the city of Vancouver and its Urban Growth Boundary (UGB), and the city limits only of the cities of Battle Ground, La Center, Ridgefield, Camas, Washougal, and the Town of Yacolt, which took effect June 1, 2005.

Staff has prepared a service plan for the new transit district and has carefully assessed the November 2004 election results, reviewed public comments, conducted the 2005 Community Report Card Survey, and factored the broad public interest in a new ballot measure being presented to voters prior to the major service and staff reductions scheduled for September 25, 2005. The proposed plan focuses on two major principles:

1. **PRESERVING** current transit service levels; and
2. **RESTORING** service lost in 2000 to the cities and areas located in the new district, but with a more innovative and cost-effective delivery system than in the past.

PROPOSED SERVICE PRESERVATION PLAN:

C-TRAN's proposed Service Preservation Plan (see attached Service Preservation Plan Map) requires a 0.2 percent increase in C-TRAN's sales and use tax. The proposed Plan requires C-TRAN to achieve high service performance standards, increase passenger fares every other year to keep pace with inflation, and allocates service hours equitably across the following service delivery systems:

- Local Urban Service and required ADA Paratransit Service (C-VAN);
- Premium Commuter Service to downtown Portland; and
- Innovative Service to Clark County's smaller cities.

Continued . . .

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Service Plan Assumptions

The proposed Service Preservation Plan is based on the following assumptions:

- Six-year plan for years 2006 through 2011;
- Service hours and staff levels identified in the 2004 budget adjusted for inflation and wage, benefit, fuel, and insurance increases;
- Recent organizational changes reducing the number of departments from five to three and elimination of 16 management positions;
- Service efficiencies and ridership improvements each year beginning 2007 with specific service performance standards identified for each service type;
- Americans with Disabilities Act (ADA) Paratransit Service platform hours increasing 3 percent annually beginning 2007;
- Continuing special events shuttle service and restoring special events promotional service;
- Adding 2,100 hours for I-5/99th Street Park & Ride local urban shuttle service and premium commuter service beginning Fall 2006; and
- No vanpool or rideshare services being included.

Local Urban Service

C-TRAN's local urban service (see attached Service Preservation Plan Map) is comprised of two delivery systems: 1) fixed route bus service, and 2) required ADA paratransit service (C-VAN).

Fixed Route Service Description:

Local fixed route service is consistent with service currently provided in the city of Vancouver and its UGB, and the cities of Camas and Washougal. Fixed route service hours represent approximately 60 percent of all service hours included in the Service Preservation Plan. C-TRAN's Route 165 shuttle service from Fisher's Landing Transit Center to TriMet's Parkrose Light Rail Station in the I-205 corridor and shuttle service planned from the 99th Street Park & Ride to TriMet's (PIR) Vanport Light Rail Station in the I-5 corridor are included in the fixed route platform hours.

Local fixed route service standards will be consistent with the goals set by the Board of Directors. The target for farebox recovery will be consistent with national standards identified for similarly sized urban systems, which is 21.3 percent. The national average for passengers per revenue hour is 25.4. A summary of the local urban bus routes is listed in the table on the next page.

Continued . . .

Local Urban Service - Fixed Route

Route No.	Route Name	Description
#1	Fruit Valley	NO CHANGE
#2	Lincoln/Felida	NO CHANGE
#3	City Center	NO CHANGE
#4	Fourth Plain	NO CHANGE
#6	Hazel Dell	NO CHANGE
#7	Battle Ground	REASSIGN TO INNOVATIVE
#25	St. Johns	RESTORE WSU-V SERVICE
#30	Burton	NO CHANGE
#32	Evergreen Blvd.	NO CHANGE
#37	Mill Plain	NO CHANGE
#39	Clark College/Medical Center	NO CHANGE
#71	Highway 99	NO CHANGE
#72	Orchards	NO CHANGE
#76	NE 63rd/Eastridge	NO CHANGE
#78	78th Street	NO CHANGE
#80	Van Mall/Fisher's Landing	NO CHANGE
#92	Camas/Washougal	NO CHANGE
#165	Fisher's Landing/Parkrose	NO CHANGE
	99th Street/Vanport	BEGIN FALL 2006

ADA Paratransit Service (C-VAN):

C-TRAN's ADA paratransit service (C-VAN) will operate throughout the city of Vancouver and its UGB and ¼ mile either side of the Route 92 Camas/Washougal. ADA paratransit service hours represent approximately 20 percent of all service hours included in the Service Preservation Plan. A performance standard target of 3.0 passengers per revenue hour will continue to be a priority. A summary of the ADA paratransit service follows.

Continued . . .

Local Urban Service - ADA Paratransit (C-VAN)

Service Area	Description
Vancouver and its UGB	NO CHANGE
¼ mile either side Route 92 Camas/Washougal	NO CHANGE

Premium Commuter Service

C-TRAN's Premium Commuter Service (see attached Service Preservation Plan Map) includes all commuter bus routes traveling between park & rides and stop locations in Clark County directly to downtown Portland or other specified locations in the downtown Portland area. Premium Commuter Service hours represent approximately 12 percent of all service hours included in the Service Preservation Plan.

Premium Commuter Service standards apply to the morning peak bus trips from Clark County to downtown Portland and the afternoon peak bus trips from downtown Portland to Clark County. Recent decisions by the C-TRAN Board of Directors require peak commuter bus trips to operate with a minimum of 40 passengers per trip and collect a passenger fare that recovers approximately 90 percent of the operating costs. A summary of the Premium Commuter Service routes follows.

Premium Commuter Service

Route No.	Route Name	Description
#105	I-5 Express	NO CHANGE
#114	Camas/Washougal Limited	NO CHANGE
#134	Salmon Creek Express	NO CHANGE
#157	Lloyd Center/BPA Limited	NO CHANGE
#164	Fisher's Landing Express	NO CHANGE
#173	Battle Ground Limited	NO CHANGE
#177	Evergreen Express	NO CHANGE
#190	Marquam Hill	NO CHANGE
Future	99th Street Express	BEGIN FALL 2006

Innovative Service

C-TRAN's Innovative Service (see attached Service Preservation Plan Map) is designed to be flexible in meeting the needs of Clark County's smaller cities. Smaller vehicles will be used to provide demand response, dial-a-ride service in each city with feeder service connecting each community to the Vancouver UGB. Innovative Service will be sized in relation to the population of each city and operate in the most efficient and cost-effective manner possible. Service performance standards depend on the type of service and the size of the vehicle. In most cases, service will be offered using a 25-foot

Continued . . .

van and operate with a minimum of 6.0 passengers per revenue hour. Innovative services include the following service delivery concepts:

Connector Service. Each smaller city included in C-TRAN's service area will be provided Connector service, which is flexible demand response, dial-a-ride service similar to the service provided by the Camas Connector. Service hours will vary for each city depending on the need and demand. The Connector will provide trips on a first-come, first-serve basis to both fixed route and ADA paratransit (C-VAN) certified customers through an advance or same-day reservation. The Connector will stop at designated time points and depart at scheduled times as a "feeder route" and will provide scheduled express or limited stop service to the nearest C-TRAN Park & Ride/Transit Center where connections to other C-TRAN services occur.

Feeder Route. At specific time points in each smaller city, the Connector described above will become a "feeder route" and will provide scheduled express service or limited stop service to the nearest C-TRAN Park & Ride/Transit Center where connections to other C-TRAN services occur.

Special Events Service. Special events service includes the popular shuttle service C-TRAN has provided seasonally to community events, including the Fourth of July Celebration and the Clark County Fair. Shuttle service is open to the general public, has a published schedule, and a published fare is collected.

In addition to shuttle service to major community events, C-TRAN will restore special events promotional service for the purpose of promoting public transportation, educating the public on the benefits of transit, or in support of a special community need. Promotional services will be offered at no charge to groups, organizations, businesses, associations, and government agencies, consistent with federal regulations, and provided the event meets specific criteria set by the agency and adequate funds from bus advertising revenue are available. Special events promotional service is typically not open to the general public and has no published schedule or fare. The Public Affairs Division will manage the Special Events Shuttle and Promotional Service Program and develop a special events program budget as a part of the division's marketing budget.

A summary of C-TRAN's Innovative Service options follows.

Continued . . .

Innovative Services

Service Area	Description
Battle Ground Connector	<p>MODIFY Route 7 to operate as a flexible feeder route between Vancouver and Battle Ground.</p> <p>MODIFY ADA paratransit service to flexible Connector service operating within Battle Ground and connecting to feeder service to Vancouver, Premium Commuter Service Route 173, and Yacolt.</p>
Yacolt Connector	<p>RESTORE service to Yacolt from Battle Ground with flexible Connector service operating one morning trip and one afternoon trip, Monday through Friday. Initially, there will be no Saturday or Sunday service. Service will operate in a demand response, dial-a-ride mode while in the Town of Yacolt and then depart as a feeder route from a designated time point at a scheduled time from Yacolt to Battle Ground.</p>
Camas Connector	NO CHANGE
La Center Connector	<p>RESTORE service to La Center with flexible Connector service operating one morning and one afternoon trip, Monday through Friday. Initially, there will be no Saturday or Sunday service. Service will operate in a demand response, dial-a-ride mode while in the city of La Center and then depart as a feeder route from a designated time point at a scheduled time from downtown La Center to the Salmon Creek Park & Ride.</p>
Ridgefield Connector	<p>RESTORE service to Ridgefield with flexible Connector service operating two morning trips and two afternoon trips, Monday through Friday. Initially, there will be no Saturday or Sunday service. Service will operate in a demand response, dial-a-ride mode while in the city of Ridgefield and then depart as a feeder route from designated time points at scheduled times in downtown Ridgefield and the I-5/Ridgefield Junction Park & Ride to the Salmon Creek Park & Ride.</p>
Special Events Shuttle Service	NO CHANGE
Special Events Promotional Service	<p>RESTORE special events promotional service utilizing bus advertising revenues to fund the program. Authorized promotional events shall be based on the following criteria:</p> <ul style="list-style-type: none"> ▪ <u>Marketing</u> - Transportation provided to market the benefits or services offered by C-TRAN. ▪ <u>Educational</u> - Transportation provided to educate the public on how to use public transit. ▪ <u>Intergovernmental Cooperation</u> - Transportation provided to support a government activity. ▪ <u>Public Safety</u> - Transportation provided in response to a public safety or emergency condition. ▪ <u>Elderly or Disabled Support</u> - Transportation provided to meet a particular hardship affecting the elderly or disabled. ▪ <u>C-TRAN Event</u> - Transportation provided to support the organization or its personnel.

Continued . . .

Financial Plan

The proposed Service Preservation Plan is based on the following operating expense and revenue assumptions:

Operating Expense:

Baseline service hours, staffing, and costs are consistent with the service and staff levels identified in the 2004 budget. Expenses have been adjusted 5 percent annually, consistent with C-TRAN's historical expense performance.

Operating Revenue:

- 2004 sales tax revenue, by jurisdiction, less an estimated \$1.0 million in revenue collected in areas eliminated from C-TRAN's service boundary;
- An annual increase in sales tax revenue of 3 percent;
- A 0.2 percent increase in C-TRAN's sales and use tax effective January 2006;
- May 1, 2005 fare increase and a \$0.10 fare increase every other year, beginning May 2008;
- Ridership decline resulting from the May 1, 2005 fare increase, and then a gradual 1 to 2 percent increase in ridership and passenger revenue annually, beginning 2007;
- An annual special needs grant of approximately \$450,000 from the Washington State Department of Transportation;
- Bus advertising revenues being dedicated to the special events program, factoring a 1 percent increase in revenue annually; and
- Minimal interest income revenue, factoring 2 percent of the previous year's reserves balance with that revenue declining each year as reserves are consumed.

Capital Program

The proposed Service Preservation Plan capital requirements are addressed in the Prioritized Capital Projects List approved by the Board in March 2004.

Operating and capital expense and revenue projections are summarized in the financial table attached.

PROPOSAL:

1. To approve the proposed Service Preservation Plan as presented, which will preserve current transit service levels and restore innovative service to areas that lost service in 2000; and
2. To place on the September 20, 2005 primary ballot, a proposition which authorizes the imposition of up to an additional 0.2 percent of the sales tax and use tax available to the Clark County Public Transportation Benefit Area (C-TRAN) for the purpose of funding the Service Preservation Plan and to balance C-TRAN's budget by January 1, 2006.

Continued . . .

ACTION:

That the C-TRAN Board of Directors:

1. Authorize staff to develop a final service and implementation plan that preserves current transit service levels and restores innovative service to areas that lost service in 2000; and
2. Approve Board Resolution #BR-05-021, attached, requesting the Clark County Auditor to place on the September 20, 2005 primary ballot, a proposition which authorizes the imposition of up to an additional 0.2 percent of the sales and use tax available to the Clark County Public Transportation Benefit Area (C-TRAN) for the purpose of funding a Service Preservation Plan.

Attachments: C-TRAN Service Preservation Map
Financial Table
Board Resolution #BR-05-021

6/8/05/LG/jeb
SR:service preservation plan.doc

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C-TRAN Service Preservation Plan

Local Urban Routes

- 111 Fruit Valley
- 121 Lincoln/Felida
- 131 City Center
- 141 Fourth Plain
- 151 Hazel Dell
- 161 MLK Jr (TriMet)
- 171 Battle Ground
- 181 St. Johns
- 191 Burton
- 201 Evergreen/Andresen
- 211 Mill Plain
- 221 Clark College/Medical Center
- 231 Highway 99
- 241 Orchards
- 251 NE 63rd/Eastridge
- 261 78th Street
- 271 Van Mall/Fisher's
- 281 Camas/Washougal
- 291 Parkrose Express

Premium Commuter Routes

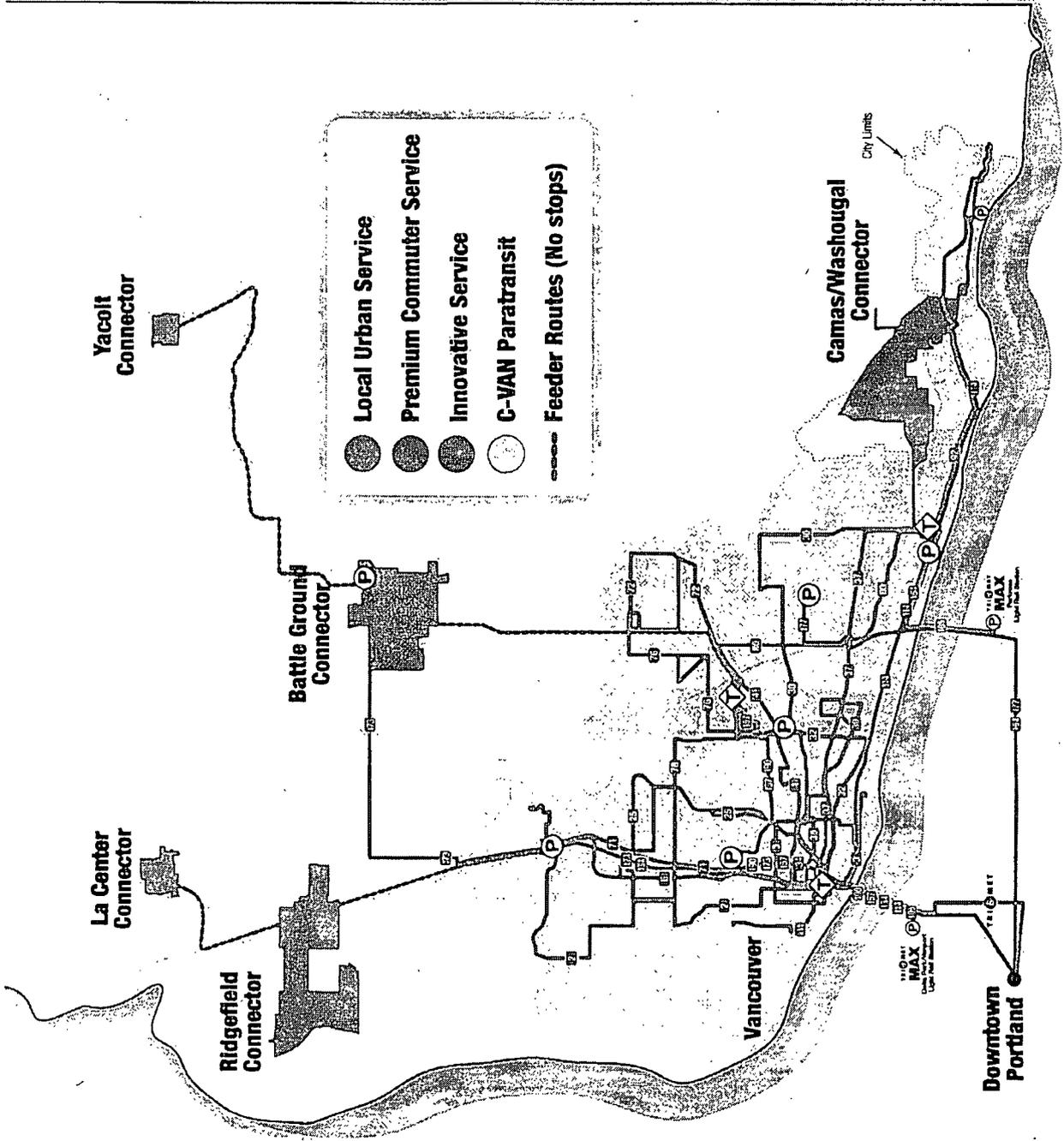
- 105 I-5 Express
- 112 Camas/Washougal Limited
- 134 Salmon Creek Express
- 157 Lloyd Center/BPA Limited
- 164 Fisher's Landing Express
- 173 Battle Ground Limited
- 177 Evergreen Express
- 190 Marquam Hill Express

Innovative Service Zones

- Camas/Washougal Connector
- La Center Connector
- Ridgefield Connector
- Yacolt Connector
- Battle Ground Connector

Facilities

- Park & Rides
- Transit Centers



CTRAN_BRT_0032838

SERVICE PRESERVATION PLAN

Sales Tax .5% beginning 2006	Baseline	Projected 2005	Projected 2006	Projected 2007	Projected 2008	Projected 2009	Projected 2010	Projected 2011
Service Hours								
Local Urban	220,166	220,166	221,000	221,000	221,000	221,000	221,000	221,000
ADA	78,478	78,478	78,478	80,832	83,257	85,755	88,328	90,978
Premium Commuter	46,059	46,059	46,433	54,210	54,210	54,210	54,210	54,210
Innovative	9,105	7,250	23,560	23,560	23,560	23,560	23,560	23,560
Total	353,808	351,953	369,470	379,602	382,027	384,524	387,097	389,747

Estimated Revenue	Local Urban	ADA	Premium Commuter	Innovative	Other Operating	Grants	Sales Tax	Total
Fares								
Local Urban	\$2,859,808	\$3,193,091	\$3,684,578	\$3,758,270	\$4,181,929	\$4,265,568	\$4,713,453	\$4,807,722
ADA	74,693	79,166	91,666	109,037	125,396	129,158	146,918	151,325
Premium Commuter	598,281	2,136,210	3,315,300	3,870,577	4,024,262	4,064,505	4,222,440	4,264,664
Innovative	47,194	11,087	56,205	56,205	61,315	61,315	66,424	66,424
Other Operating	1,430,051	764,477	512,353	424,284	409,288	398,892	397,640	400,134
Grants	3,636,977	4,184,130	461,086	1,310,532	1,859,930	2,982,734	3,688,259	4,968,758
Sales Tax	14,583,396	14,249,820	24,017,708	24,738,239	25,480,386	26,244,798	27,032,142	27,843,106
Total	\$23,230,400	\$24,617,981	\$32,138,896	\$34,267,145	\$36,142,507	\$38,146,970	\$40,267,275	\$42,502,134

Estimated Expenses (excludes depreciation)	Local Urban	ADA	Premium Commuter	Innovative	Total
Local Urban	\$18,695,919	\$19,630,715	\$20,690,316	\$21,724,832	\$22,811,073
ADA	4,668,639	4,902,071	5,147,174	5,566,669	6,020,352
Premium Commuter	3,911,250	4,106,812	4,347,105	5,328,959	5,595,407
Innovative	743,550	497,269	1,545,241	1,622,503	1,703,628
Total	\$28,019,358	\$29,136,867	\$31,729,836	\$34,242,963	\$36,130,461

Net Income (Loss)	Beginning Net Cash	Net Income (Loss)	Capital Local Share	Ending Net Cash	Less: Board designated Reserves	Cash Flow	Self-Insurance	Vehicle Replacement
Local Urban	(\$4,788,958)	\$4,518,886)	\$409,060	\$24,183	\$12,046	\$20,345	\$29,222	\$30,366
ADA	\$61,181,254	\$54,028,268	\$40,632,608	\$32,028,643	\$31,290,773	\$30,056,405	\$29,043,950	\$28,015,934
Premium Commuter	(4,788,958)	(4,518,886)	409,060	24,183	12,046	20,345	29,222	30,366
Innovative	(2,364,028)	(8,876,774)	(9,013,025)	(762,052)	(1,246,414)	(1,032,800)	(1,057,238)	(13,565,990)
Total	\$54,028,268	\$40,632,608	\$32,028,643	\$31,290,773	\$30,056,405	\$29,043,950	\$28,015,934	\$14,480,310

Net Reserves Available	\$37,028,268	\$23,632,608	\$15,028,643	\$14,290,773	\$13,056,405	\$12,043,950	\$11,015,934	(\$2,519,690)
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CFRAN | BRT | 0032839

BOARD RESOLUTION BR-05-021

A RESOLUTION REQUESTING the Clark County Auditor to place on the September 20, 2005 primary ballot, a proposition which authorizes the imposition of up to an additional 0.2 percent of the sales and use tax available to the Clark County Public Transportation Benefit Area (C-TRAN) for the purpose of funding a Service Preservation Plan.

WHEREAS, at the November 1980 election, the voters of the Clark County Public Transportation Benefit Area Authority (PTBA) district approved a 0.3 percent sales and use tax which was matched by the state of Washington's motor vehicle excise tax (MVET) to fund public transit; and

WHEREAS, C-TRAN acquired assets and implemented service, including local fixed route bus, express commuter bus, demand response service for persons with disabilities (C-VAN), vanpool, and general purpose dial-a-ride (Connector); and

WHEREAS, such services were well received by the citizens of Clark County as shown by a steadily increasing number of trips per capita throughout the 1990s; and

WHEREAS, at the November 1999 General Election, the voters of Washington State passed Initiative 695 which resulted in the state of Washington eliminating MVET matching funds to all state transit systems, which resulted in the elimination of 40 percent of C-TRAN's revenue and 50 percent of its tax support; and

WHEREAS, to respond to this revenue loss, C-TRAN eliminated some service, reduced costs, raised fares three times since 2000, diverted capital reserve funds to subsidize operations, pursued additional revenue sources, and reduced the service and taxing boundary of the Public Transportation Benefit Area through the convening of a Public Transportation Improvement Conference; and

WHEREAS, the new transit district, comprised of the city of Vancouver and its urban growth boundary and the city limits only of the cities of Camas, Washougal, La Center, Ridgefield, and Battle Ground, and the Town of Yacolt, requires adequate funding to provide service; and

WHEREAS, the C-TRAN Board of Directors has approved a Service Preservation Plan that preserves current service levels and restores innovative services to areas that lost service in 2000 including the cities of La Center and Ridgefield, the Town of Yacolt, and the Washington State University Vancouver campus.

NOW, THEREFORE, BE IT RESOLVED by the C-TRAN Board of Directors that a proposition be placed on the September 20, 2005 primary ballot, authorizing the imposition of up to an additional 0.2 percent sales and use tax for the purpose of funding C-TRAN's Service Preservation Plan, which preserves current service levels and restores innovative services to areas that lost service in 2000, including the cities of La Center and Ridgefield, the Town of Yacolt, and the Washington State University Vancouver campus.



STAFF REPORT

#11-019

TO : Chair and Board of Directors

FROM : Scott Patterson, Director of Development & Public Affairs

VIA : Jeff Hamm, Executive Director/CEO

DATE : April 12, 2011

SUBJECT : Core Bus and C-VAN Preservation Ballot Measure

*Indultone
for Scott Patterson*

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OBJECTIVE:

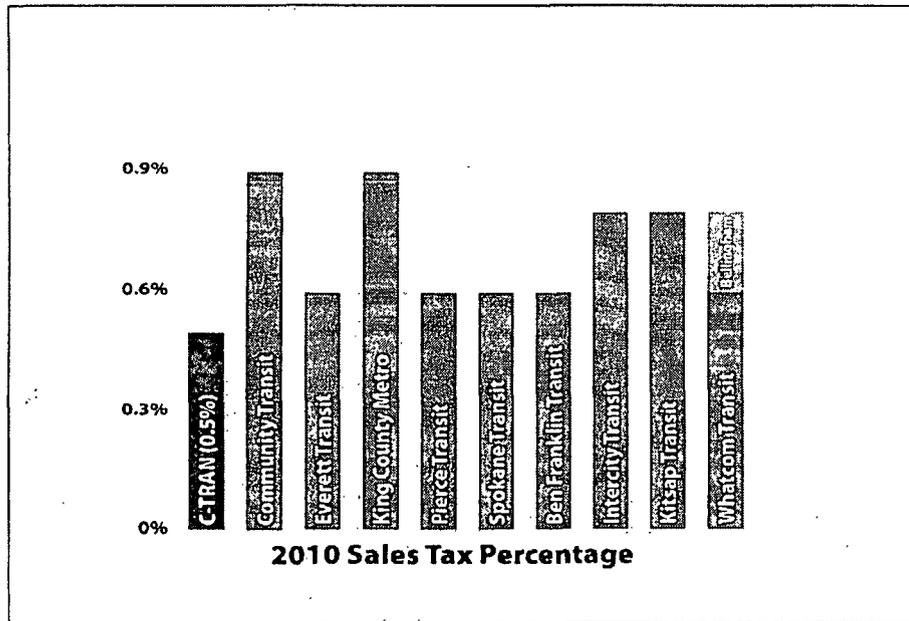
For the C-TRAN Board of Directors to approve a ballot measure for the November 8, 2011 general election ballot asking voters to approve a 0.2 percent (two tenths) sales tax increase (2 pennies on a 10 dollar purchase) in order to preserve existing Fixed Route bus service levels and to meet the anticipated growth of C-VAN, C-TRAN's Paratransit service for medically qualified individuals who are unable to ride C-TRAN's Fixed Route system.

PRESENT SITUATION:

Following last year's adoption of C-TRAN's 20 Year Transit Development Plan (C-TRAN 2030), the C-TRAN Board of Directors have been discussing various ballot measure options to fund phase one of C-TRAN 2030, which consists of three primary components:

1. Fund existing core bus service levels with focused opportunities for expansion;
2. Fund current and projected growth of federally mandated C-VAN service;
3. Fund High Capacity Transit (the operations and maintenance costs only – no capital funding – for the Vancouver portion of the light rail line associated with the CRC project; and the local capital and operations/maintenance funding for a proposed 4th Plain Bus Rapid Transit Project.

As the discussions have advanced in recent months, C-TRAN proposes to fund the first two components, core bus preservation and C-VAN, with a 0.2 percent (two tenths) sales tax increase from the state's enabling law for public transit systems, RCW 36.57A. This law allows C-TRAN and other public transit systems in the state to levy up to a 0.9 percent local sales tax which must be approved by a majority of voters within the transit district. C-TRAN currently collects a 0.5 percent sales tax, the lowest of all the urban systems in the state of Washington. A vote of 0.2 percent will bring C-TRAN tax collection to 0.7 percent. Please note how C-TRAN compares to a number of the other systems in the state.



In order to fund the third component, high capacity transit, C-TRAN proposes to use the state's High Capacity Transit Act, RCW 81.104. This avenue for funding is being pursued due to the fact it was created specifically for funding HCT projects and also in order to preserve the remaining sales tax authority under RCW 36.57A to help fund future C-TRAN core bus needs. Regarding C-TRAN's proposal for a separate HCT ballot measure, please see Staff Report #11-020 included in this meeting's board packet.

C-TRAN Core Bus Preservation Plan

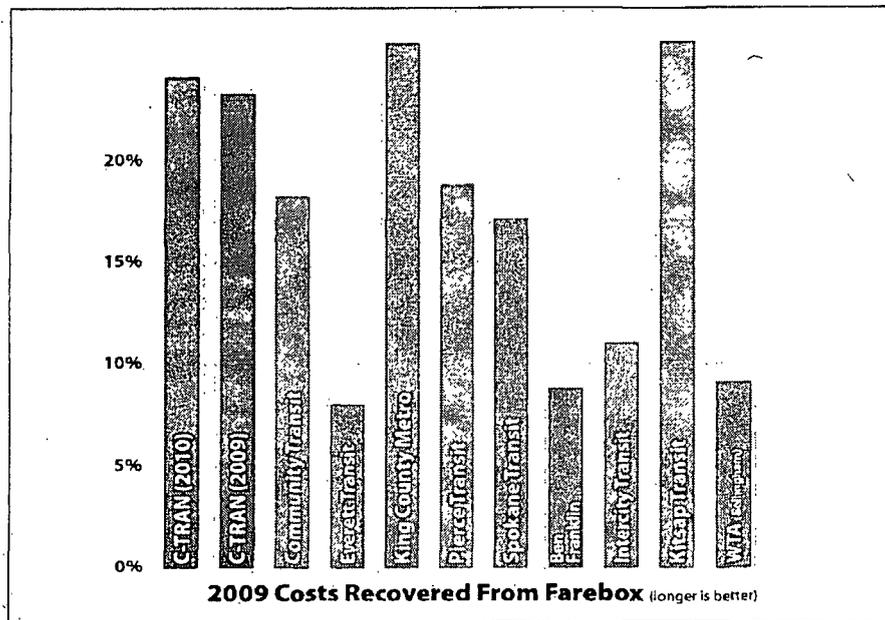
The Service Preservation Plan approved by voters in 2005 was to restore service to communities who lost it and preserve 2004 bus service levels for a period of up to five years. The plan called for additional revenue in the sixth year for C-TRAN to continue operations at those levels. The first two years of the plan had greater than expected sales tax revenue which lead to C-TRAN being able to exceed the voter approved five year Service Preservation Plan.

In late 2007 as C-TRAN implemented the largest service redesign in the agency's history, the economy started to decline. With strategic modifications to the Service Preservation Plan C-TRAN was able to stretch the plan into 2012 even with about 8 percent (or about \$11 million) less sales tax revenue than projected. Some of the many cost controlling actions the agency has taken are as follows:

- Reduced service by 5.31 percent impacting underperforming service and the related Fixed Route Operator wages and benefits.
- The 2011-2012 budget has 35 fewer positions than the 2009-2010 budget including 21 fewer Fixed Route Coach Operators, 2 fewer Paratransit Coach Operators, and 12 fewer non-service related positions.

- Budgeted wage freeze for non-represented management and represented maintenance employees for 2010 and budgeted wage freeze for all employees through 2012. Union employees continue to receive steps.
- Reduced expenses on routine consulting services, cancelled surveys and studies, and changed the approach to contract maintenance.
- Limited training and travel only to maintain compliance of programs and politically important issues.
- Minimized the capital program to include only state of good repair and investments in capital supplemented with grant funding.
- Targeted investments in technology to increase organizational efficiency.

In addition, since 2005, C-TRAN has increased passenger fares four times, with a fifth increase planned for this year. These fare increases have allowed the agency to continue to increase its farebox recovery rate, or the share rider's pay toward the cost of operations. Below is a chart that compares C-TRAN with other agencies in the state.



A final note on this subject is the fact that for many years, C-TRAN has not fully recovered from the state match funding that was eliminated back in 2000. From the agency's first year of providing service in 1981 through 1999, the State of Washington had matched dollar for dollar our local county-wide sales tax of 0.3 percent. That meant that during those years, C-TRAN received the funding equivalent of a 0.6 percent sales tax rate. The elimination of the state match has resulted in a net loss of funding to C-TRAN of about \$96,200,000 between 2000-2010. The \$96 million was calculated by using the local sales tax rate collected during those years and increasing them to 0.6 percent sales tax collection.

All of the issues stated above have required C-TRAN to spend down its cash reserves to fund existing service levels. This is best depicted by the revenue "cliff" chart that is included as Attachment No. 1 to this staff report.

C-TRAN's Core Bus Preservation Plan, if approved by voters as proposed, will simply preserve existing Fixed Route bus service levels and meet the existing and future growth for C-VAN for a period of about 10 years. It would provide for minimal capital improvements and replacement of vehicles after running them about 16 years. The following text is a proposed draft of how the ballot measure statement could read:

C-TRAN, Clark County Public Transportation Benefit Area Authority, in adopting Resolution #BR-xxxxxx, authorizes a proposition to increase the sales and use tax by 0.2 percent, or two cents on a ten dollar purchase, to preserve C-TRAN local Fixed Route, commuter and Connector service; and to meet the current and projected growth for Paratransit service (C-VAN) in the City of Vancouver and its 2005 urban growth boundary, and the city limits only of Camas, Washougal, Battle Ground, La Center, Ridgefield, and the town of Yacolt.

Should C-TRAN's Core Bus Preservation ballot measure not be approved, significant reductions in service would need to be implemented no later than late 2012/early 2013. This is also depicted in Attachment No. 1. To that end, C-TRAN staff has developed a comprehensive DRAFT Service Reduction Plan that will be communicated to the public as part of the agency's commitment to notify the public what will happen should the ballot measure pass or fail. A summary of the reductions include:

- The elimination of twelve weekday routes;
- The elimination of two Saturday routes;
- The elimination of all Sunday, Holiday and Special Event service;
- Weekday service span reduction from 4:45 a.m.-12:39 a.m. to 5:15 a.m.-10:15 p.m.;
- Saturday service span reduction from 6:00 a.m.-12:38 a.m. to 6:00 a.m.-7:45 p.m.;
- Reduction in commuter service.

For additional information on C-TRAN's DRAFT Service Reduction Plan, please see Attachment No. 2 to this staff report.

ADDITIONAL INFORMATION:

At the March meeting of the C-TRAN Board of Directors, there were a number of requests for additional information. The following is a list of each request along with a response:

Request: A complete timeline through 2012 that shows the ballot measure options and additional steps that need to be taken should this November's ballot measure pass or fail.

Response: Two distinct DRAFT timelines are included as Attachments No. 3 and 4. Both timelines include a Core Bus Preservation Plan vote in November 2011. The major difference between the two is for the High Capacity Transit ballot measure in 2012 – Attachment #3 assumes a November 2012 general election ballot while Attachment #4 assumes an August 2012 primary election ballot.

Request: A copy of the C-TRAN 2005 ballot measure results by precinct.

Response: Included as Attachment No. 5 to this staff report.

Request: Information on recent transit ballot measures in the state of Washington.

Response: Since 2010, there have been six transit ballot measures in Washington, with four of them passing. The following is a summary of each:

Agency	Sales Tax Amount	Description	Date	Result
Walla Walla	0.3 percent proposed	The agency proposed the increase to avoid service reductions.	February 9, 2010	Approved 76 percent Yes/24 percent No
Whatcom Transit	0.2 percent proposed	Proposal was to avoid service reductions.	April 27, 2010	Failed 49.1 percent Yes/50.9 percent No
City of Bellingham Transportation Benefit District	0.2 percent proposed City of Bellingham city limits	Following the defeat of the Whatcom Transit measure, the city of Bellingham created a TBD and held a city-wide only 0.2 percent sales tax measure for a 10-year period to avoid cutting transit service within city limits.	November 2, 2010	Approved 55 percent Yes/45 percent No
Intercity Transit Thurston County	0.2 percent proposed	Proposal was to preserve service and avoid service reductions.	August 17, 2010	Approved 63 percent Yes/37 percent No
Pierce Transit Pierce County	0.3 percent proposed	Proposal was to avoid service reductions.	February 8, 2011	Failed 45.7 percent Yes/54.3 No
Jefferson Transit Jefferson County	0.3 percent proposed	Proposal was to avoid service reductions.	February 8, 2011	Approved 56 percent Yes/44 percent No

Request: Provide information on any known ballot measures for 2011-12.

Response:

Future Ballot Measures

Washington State	Transportation Funding
Statewide Revenue Package	November 2012
School Districts	Maintenance/Operations Levy Anticipated
Evergreen	February 2012
Hockinson	February 2012
Battle Ground	February 2013
Camas	February 2013
La Center	February 2013
Ridgefield	February 2013
Vancouver	February 2013
Washougal	February 2014
School Districts	Capital Bond Anticipated
Ridgefield	Winter/Spring 2012
Fire Districts	
District 5	2012
District 6	2016

PROPOSAL:

For the C-TRAN Board of Directors to approve a ballot measure for the November 8, 2011 general election ballot asking voters to approve a 0.2 percent sales tax increase (2 pennies on a 10 dollar purchase) in order to preserve existing Fixed Route bus service levels and to meet the anticipated growth of C-VAN, C-TRAN's Paratransit service for medically qualified individuals who are unable to ride C-TRAN's Fixed Route system.

ACTION:

That the C-TRAN Board of Directors approve a ballot measure for the November 8, 2011 general election ballot asking voters to approve a 0.2 percent sales tax increase (2 pennies on a 10 dollar purchase) in order to preserve existing Fixed Route bus service levels and to meet the anticipated growth of C-VAN, C-TRAN's Paratransit service for medically qualified individuals who are unable to ride C-TRAN's Fixed Route system. Further, that C-TRAN's Executive Director/CEO is directed to notify the Clark County Elections Office of the agency's decision to place the ballot measure on the November 8, 2011 general election.

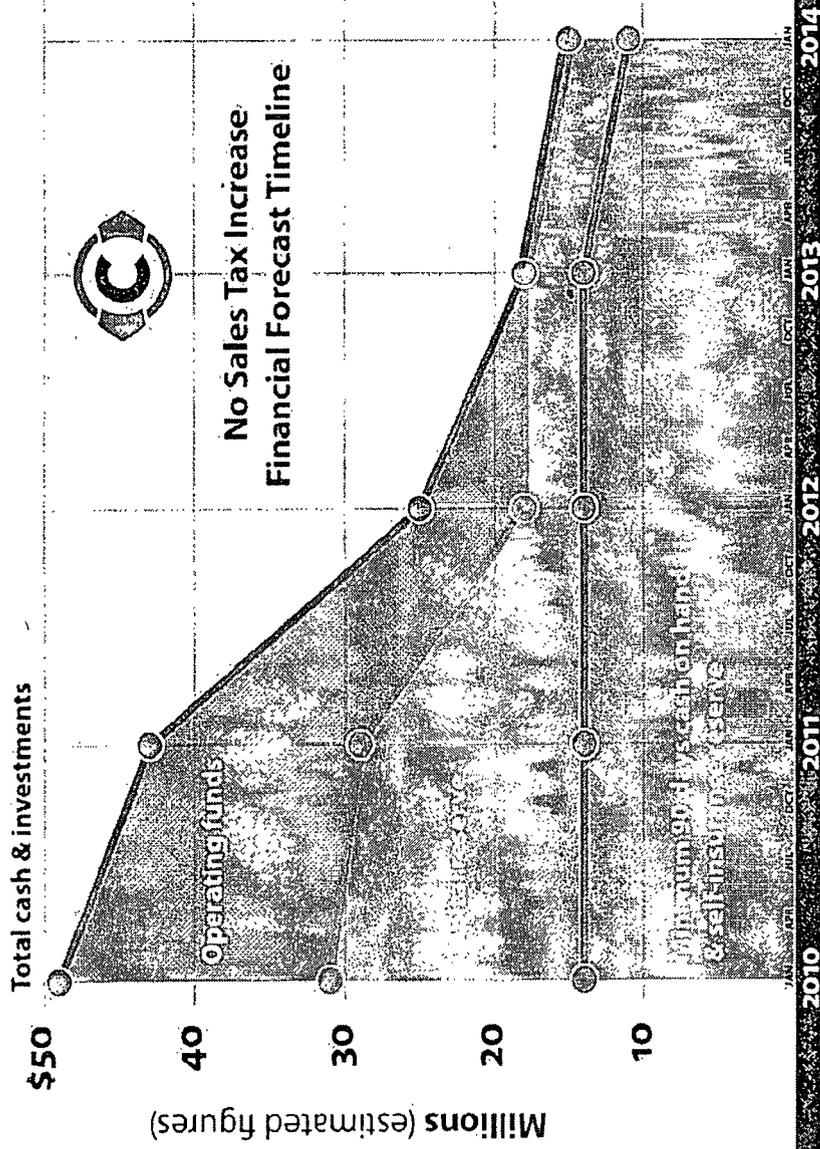
Attachments:

1. Financial Forecast Graph
2. Draft Service Reduction Plan
3. Draft Timelines
4. Timeline Indicating August 2012 Ballot Measure Option
5. 2005 Ballot Measure Results by Precinct

C-TRAN Staff Report #11-019

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CTTRAN_BRT_0032821



Source: CTRAN 09/07/10

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0-000001321

ATTACHMENT NO. 2

2012 Service Reduction Proposal Summary

Weekday Service

- 12 Routes Eliminated – 2, 3b, 9, 19, 35, 39, 41, 44, 47, 105, 157 & 177
- Span Reduced from 4:45am-12:39am to 5:15am-10:15pm
- Frequency Reduced on 5 Routes – 4, 7, 37, 80 & 92

Saturday Service

- 2 Routes Eliminated (in addition to weekday) – 3 & 65
- Span Reduced from 6:00am-12:38am to 6:00am-7:45pm (Sunday service level)

Sunday/Holiday Service

- Eliminated

Other Fixed Route Adjustments

- Route 7 Eliminate segment from Community Center to Library/BG Village
- Route 37 Split Mill Plain and Hwy 99 interline. Reduce frequency and span on Highway 99 portion to better match ridership
- Route 134/199 Eliminate last northbound trip – evening commute
- Route 164 Eliminate last two northbound trips – evening commute
- Special Events Eliminate service to July 4th Clark County Fair & Amphitheater events

Demand Response

- Mirror fixed route service days, span and implement ¼ mile boundary
- Eliminate Shopping Shuttle

Connector

- Eliminate Camas Connector

Estimated Reduction in Annual Operating Hours and Associated Ridership Loss

	Service Hour Reduction	Ridership Reduction	% Hours Reduced	% Ridership Reduced	Savings
Fixed Route	105,942	1,843,125	37.2%	30 %	\$6,890,000
Demand Response	9,598	26,075	11%	13.9%	\$ 490,000
Camas Connector	4,692	13,116	56.6%	53.6%	\$ 239,000

ATTACHMENT NO. 2

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4	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
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19	ELIMINATED	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
25	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
30	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
32	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
35	ELIMINATED	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
37	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
39	ELIMINATED	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
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44	ELIMINATED	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
47	ELIMINATED	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
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72	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
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92	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
134	ELIMINATED	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
157	ELIMINATED	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
164	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
177	ELIMINATED	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
190	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
199	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆

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ATTACHMENT NO. 2

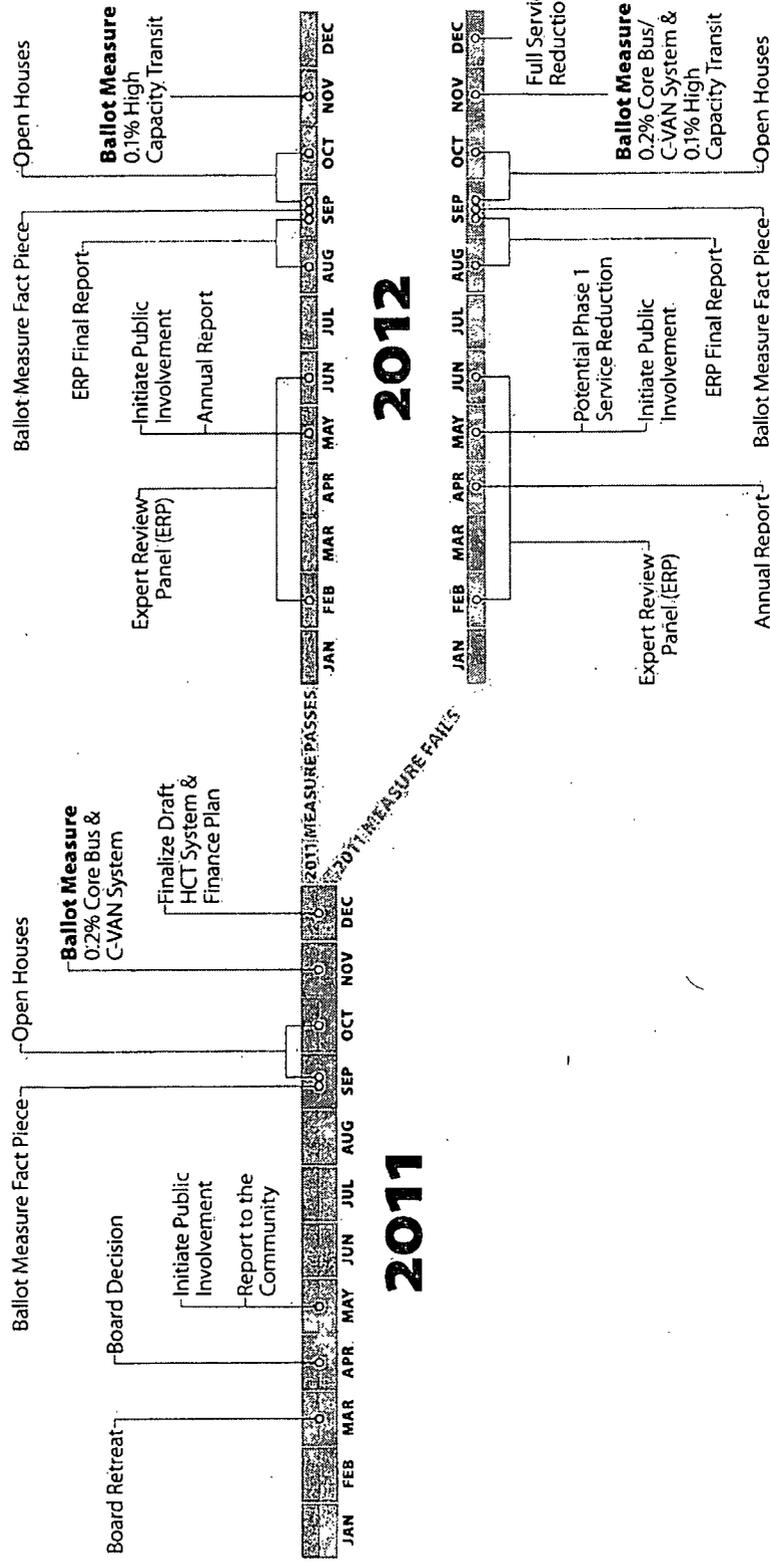
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ROUTES 39, 41, 44, & 47 DO NOT CURRENTLY OPERATE ON SATURDAY

ROUTES 105, 134, 157, 164, 177, 190 & 199 DO NOT CURRENTLY OPERATE ON SATURDAY

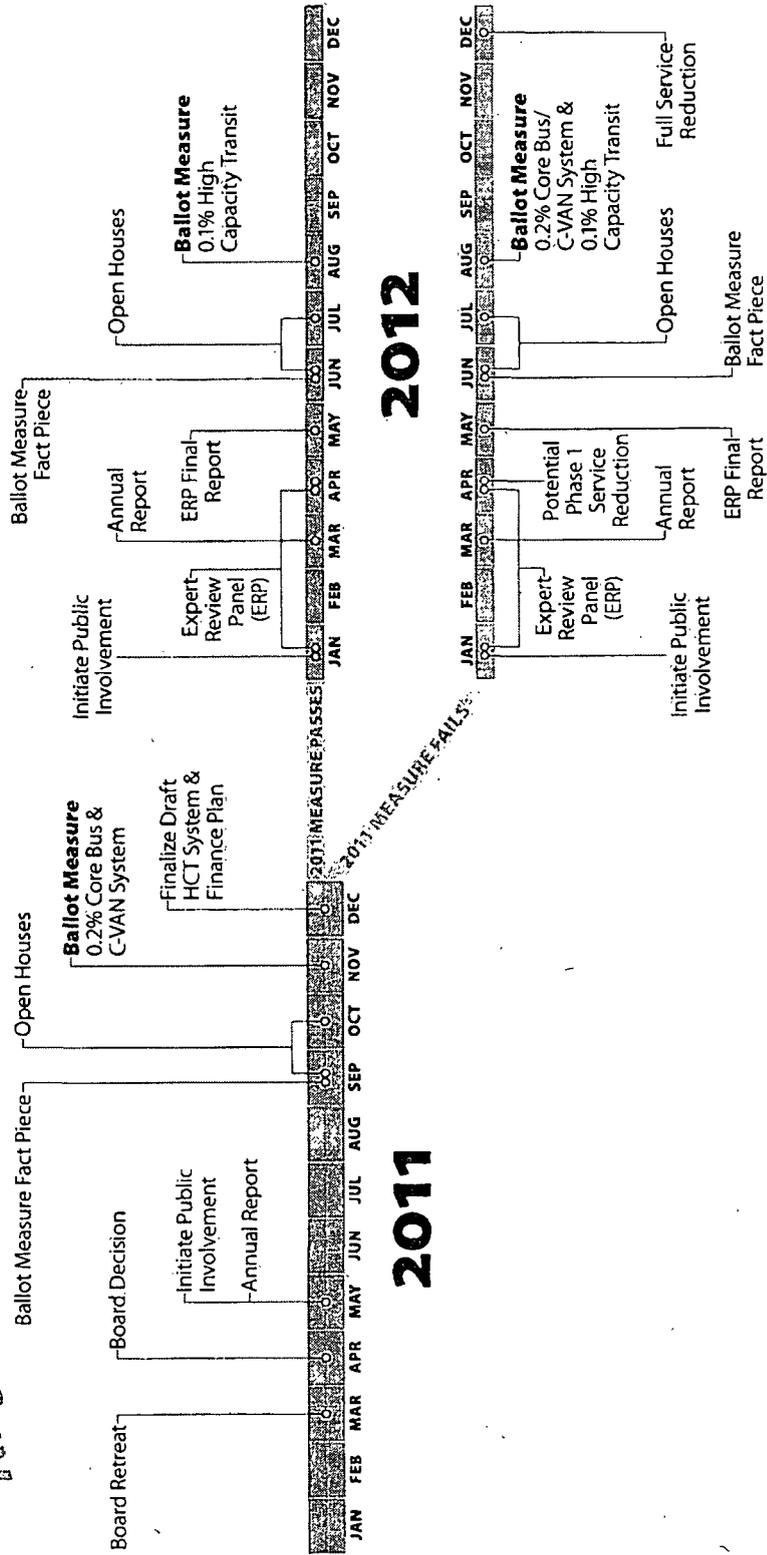
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DRAFT Ballot Measure Timeline: 2011-2012



Ballot Measure Timeline: 2011-2012

*Draft for
August Vote*

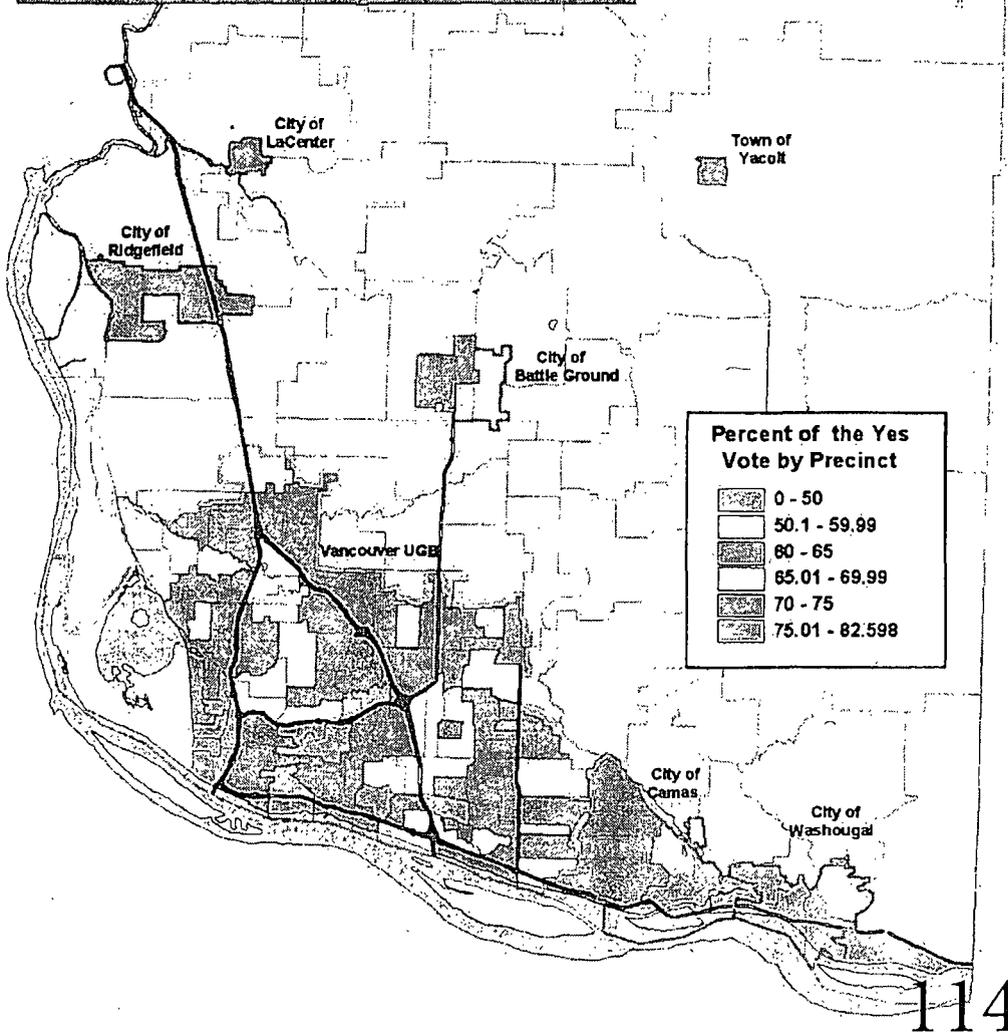


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Final Vote on the Funding of the C-TRAN Preservation Plan

-  Precinct Boundary
-  Major Highways
-  Vancouver UGB
-  City & Town Limits

	Approved	Rejected	September Vote
Vancouver UGB	67.9% (Vote 39,418)	32.1% (Vote 19,144)	84.6% (Vote 56,562)
City of Camas	67.8% (Vote 2,620)	32.2% (Vote 1,246)	65.9% (Vote 3,866)
City of Washougal	73.0% (Vote 1,762)	27.0 (Vote 652)	63.8% (Vote 2,414)
City of Battle Ground	62.7% (Vote 1,470)	37.3% (Vote 932)	64.0% (Vote 2,662)
City of Ridgefield	62.6% (Vote 400)	37.5% (Vote 240)	61.0% (Vote 640)
City of La Center	63.6% (Vote 284)	36.3% (Vote 162)	60.7% (Vote 448)
Town of Yacolt	69.6% (Vote 162)	40.4% (Vote 103)	60.4% (Vote 266)
Totals	67.8% (Vote 45,308)	32.0% (Vote 21,538)	100% (Vote 66,844)



October 5 2005

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No. 92140-7

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Subject: John Ley, et al v. Clark County public Transportation Benefit Area, Supreme Court Cause No. 92140-7

Attached for filing is Petitioners' Opening Brief. The attorney filing this document is Damien R. Hall, WSBA No. 47688, email address dhall@balljanik.com.

A copy is also being provided to the court by U.S. Mail.

Please confirm receipt of this document.

Thank you,

Karin Freestad



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