



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In RE COMPLIANCE WITH
RCW 42.17 and RCW 42.17A

Twin Transit Officials (Derrick
Wojcik-Damers and Bobby
Jackson)

Respondents.

PDC Case 43055

Report of Investigation

I. BACKGROUND

- 1.1 Lewis County Public Transportation Benefit Area (Twin Transit or PTBA) is a public transit system serving the cities of Centralia and Chehalis in Lewis County, Washington. In September 2017, Twin Transit entered into an amended contract with Nelson Nygaard Consulting Associates (Nelson Nygaard) to conduct a Feasibility Study to evaluate the potential for expanding Twin Transit's boundary within Lewis County. Nelson Nygaard is a transportation consulting firm with expertise in evaluating potential service options for transit systems. Twin Transit is a small agency without the staffing or expertise to conduct its own feasibility study, which is why Nelson Nygaard was hired for this purpose.
- 1.2 In April 2018, a Public Transportation Improvement Conference (a statutorily created entity separate from the PTBA) was convened, and passed a resolution to expand the PTBA. In July 2018, the Lewis County Commissioners passed a resolution placing the matter of funding for the expanded area before voters on November 6, 2018. During the period July to November 2018, Twin Transit officials, with advice from, and the assistance of Nelson Nygaard, prepared informational materials about the ballot proposition.

II. ALLEGATIONS IN COMPLAINT

- 2.1 On October 24, 2018, a complaint was filed with the Public Disclosure Commission alleging that Twin Transit officials (Derrick Wojcik-Damers and Bobby Jackson) may have violated RCW 42.17A.555 by using public facilities to promote Proposition 1, a ballot measure on the November 6, 2018 general election ballot, that would have increased the sales and use tax by two tenths of one percent (0.2 percent) for most residents in east Lewis County to fund transportation services outside the cities of Centralia and Chehalis. (**Exhibit 1**)

III. FINDINGS

- 3.1 On November 28, 2018, Janean Parker, Attorney, representing Twin Transit, responded to the complaint. **(Exhibit 2)**
- 3.2 On June 17, 2019, staff interviewed Doug Hayden, Executive Director, White Pass Community Services Coalition, which operates LEWIS Mountain Highway Transit, a non-profit organization that operates a bus service in rural Lewis County. **(Exhibits 3 & 4)**
- 3.3 On July 2, 2019, staff interviewed Derrick Wojcek-Damers, then-General Manager, Twin Transit. **(Exhibits 5 & 6)**
- 3.4 On July 11, 2019, staff interviewed Bobby Jackson, then-Twin Transit board member and current Lewis County Commissioner. **(Exhibits 7 & 8)**
- 3.5 On July 12, 2019, staff interviewed Tim Payne, Principal, Nelson Nygaard Consulting Services. **(Exhibits 9 & 10)**

Twin Transit Website (Exhibits 11 & 12)

- 3.6 During the fall of 2017, Nelson Nygaard entered into a contract with Twin Transit to conduct a feasibility study about expanding the Twin Transit service area. Nelson Nygaard studied the cost of expanding the service area outside the cities of Centralia and Chehalis, and concluded there would be insufficient revenue from passenger fares to pay for increased service to the rural parts of Lewis County. Starting in March 2018, Nelson Nygaard created a website for Twin Transit to publicize the ongoing results of its study.
- 3.7 In April 2018, a Public Transportation Improvement Conference, a separate entity, passed a resolution to expand the Twin Transit boundaries. In July 2018, the Board of Lewis County Commissioners passed a resolution placing the matter of expansion and funding before the voters of the expanded area. Twin Transit officials then directed Nelson Nygaard to produce materials to explain the ballot proposition, which included a postcard sent to all registered voters in the affected area and a brochure used as a handout when Twin Transit officials spoke to groups about the ballot measure. The information from the brochure and postcard were taken from content posted on the existing website.
- 3.8 Nelson Nygaard and Twin Transit officials said the website was initially created to keep the public informed about the feasibility study. It initially included an executive summary of the feasibility study as well as the study itself. Nelson Nygaard and Twin Transit officials said Twin Transit used the website to post information about Proposition 1 because the website was already being used to provide information about the feasibility study, and it naturally evolved into an informational website about the ballot proposition.
- 3.9 The website included information about the facts and the anticipated impacts of the ballot measure. Information from the website was consolidated into a brochure that was made available at various local legislative body meetings and public forums to answer questions about Twin Transit's service, and the impact of the ballot measure on that service. The information on the website was also consolidated into a postcard for a mailing. Staff found

that it is the regular practice of Twin Transit to place information about its operations and major policy decisions on its website. However, in this case, Twin Transit, on the advice of Nelson Nygaard, decided to place the information about the 2018 ballot measure on a separate website that was already in existence for a related purpose, and that would be easy to find. Nelson Nygaard and Twin Transit officials acknowledged that they should have identified the website as being a Twin Transit website, and apologized for this oversight.

Objectivity of Twin Transit Ballot Proposition Materials (Exhibits 11 & 12)

- 3.10 The Twin Transit postcard explained what Proposition 1 would do, why it was being proposed, what would happen if it passed, what would happen if it failed, its cost, and that more information could be found at www.LewisCountyTransitMeasure.com, the website being used by Twin Transit to post information about the ballot measure.
- 3.11 Tim Payne of Nelson Nygaard and Doug Hayden of White Pass Community Services Coalition (WPCSC), operator of LEWIS Mountain Highway Transit (LMHT), confirmed that during the Spring of 2017, the WPCSC board informed Twin Transit that it intended to cease operations as of June 30, 2019 because of expected increases to its match requirement for receiving grants from the Washington State Department of Transportation. However, on May 16, 2017, the legislature capped the match requirement for non-profit entities at 10 percent, a level which LMHT said they could handle.
- 3.12 The Twin Transit postcard, produced by Nelson Nygaard for Twin Transit, stated that if the ballot issue passed, there would be a continuation of service similar to LEWIS Mountain Highway Transit, and if the ballot issue failed to pass, the future of LEWIS Mountain Highway Transit would be uncertain. The Twin Transit brochure included the statement:
- “In addition, White Pass Community Services Coalition has indicated they intend to cease operation of LEWIS Mountain Highway Transit service in mid-2019. The service operates to Onalaska, Mossyrock, Salkum, Randle, Glenoma, Silver Creek, Morton, and Packwood. Service has been in place for roughly 20 years and has transported thousands of White Pass Highway residents to medical services, education, shopping, and employment. Currently, the three round-trip per day service provides about 9,000 passenger trips per year.”
- 3.13 The postcard failed to state that the match requirement had been capped at 10 percent. PDC staff asked why this fact was not included in the postcard, brochure, or website. Nelson Nygaard and Twin Transit officials stated that after the legislature capped the match requirement at 10 percent, LMHT did not inform Twin Transit that its plans to cease operations in mid-2019 had changed. Twin Transit said it continued to plan with the understanding that LMHT was going out of business in mid-2019.
- 3.14 Tim Payne stated he did not become aware that the match requirement had been capped at 10 percent until after the November 2018 election. He said if he had been aware of the change when he prepared the ballot measure materials, he would have included information about the change in the materials.

Sending Postcard to Registered Voters

- 3.15 Twin Transit officials, on the advice of Nelson Nygaard, decided to mail its postcard to residents within Lewis County who were eligible to vote on the ballot measure. Tim Payne said the decision was made as an efficiency measure. He said the idea was to send the postcard to people who would actually have a chance to vote on the measure. He said Twin Transit officials decided to send only one postcard to each household, even if multiple voters resided at the same household.
- 3.16 Mr. Payne said Twin Transit mailed the postcard to ensure recipients knew what the ballot measure was about, and to give voters a variety of information that would be similar to what they might see in a voter information pamphlet.
- 3.17 Current Twin Transit officials will be reminded of the Commission's Interpretation 04-02, Guidelines for Local Government Agencies in Election Campaigns, which lists on Page 21 that "agencies shall not distribute election-related information in a manner that targets specific subgroups."

III. SCOPE

- 4.1 PDC staff reviewed the complaint and the response provided on behalf of Twin Transit officials by Janean Parker, an attorney representing Twin Transit in this matter. In addition, staff interviewed Derrick Wojcik-Damers, Bobby Jackson, Doug Hayden (Lewis Mountain Highway Transit), and Tim Payne (Principal, Nelson Nygaard Consulting Associates), and reviewed the work performed by Nelson Nygaard on behalf of Twin Transit.

IV. LAW

RCW 42.17A.555, states in part, "No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. However, this does not apply to the following activities: ... (3) Activities which are part of the normal and regular conduct of the office or agency."

WAC 390-05-273 defines the "normal and regular conduct" of a public office or agency as "conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner."

Respectfully submitted this 4th day of October 2019.


Philip E. Stutzman
Compliance Officer

EXHIBIT LIST

- | | |
|-------------------|---|
| Exhibit 1 | Complaint filed October 24, 2018 by Mark Obtinario |
| Exhibit 2 | Response filed by Janean Parker, Attorney, on behalf of Twin Transit |
| Exhibit 3 | Interview Summary of Doug Hayden, Lewis Mountain Highway Transit |
| Exhibit 4 | Doug Hayden Interview Audio Recording |
| Exhibit 5 | Interview Summary of Derrick Wojcek-Damers, then-General Manager, Twin Transit |
| Exhibit 6 | Derrick Wojcek-Damers Interview Audio Recording |
| Exhibit 7 | Interview Summary of Bobby Jackson, then-Twin Transit Board Member, Lewis County Commissioner |
| Exhibit 8 | Bobby Jackson Interview Audio Recording |
| Exhibit 9 | Interview Summary of Tim Payne, Principal, Nelson Nygaard Consulting Services |
| Exhibit 10 | Tim Payne Interview Audio Recording |
| Exhibit 11 | Twin Transit Postcard and Website |
| Exhibit 12 | Twin Transit Brochure |

Complaint Description
<p>File a Formal Complaint - Mark Obtinario</p> <p><u>Mobtinario</u> (Wed, 24 Oct 2018 at 10:23 AM)</p> <p>I don't know that I know what is supposed to go in this box.</p>
What impact does the alleged violation(s) have on the public?
<p>I received a mailing in support of the Lewis Country Transit Measure.</p> <p>No where on the mailing or the website LewisCountyTransitMeasure.com does it indicate who the group is, who paid for the mailing, or where the funds for the organization originated.</p> <p>On the website LewisCountyTransitMeasure.com there is no phone number, no address, no individual, and no group as to who is operating the website or sent out the mailing.</p>
List of attached evidence or contact information where evidence may be found.
List of potential witnesses with contact information to reach them.
Complaint Certification:
<p>I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.</p>

LEWIS COUNTY

Public Transit Expansion Proposition

Vote on October 4, 2022

Proposition 1 would **expand public transit** service throughout **Lewis County** excluding Napavine



0.2% SALES
AND USE TAX



WITHIN LEWIS COUNTY
EXCLUDING NAPAVALINE



TO FUND PUBLIC TRANSIT
EXPANSION

Why now?

Many Lewis County destinations are centralized in Chehalis and Centralia, both as medical services, major shopping destinations, major employers, and Centralia Community College. For people who cannot drive, these opportunities are not accessible.

What does a 0.2% sales and use tax mean?

A 0.2% sales and use tax means two cents of tax on a ten-dollar purchase.



What happens if the ballot issue passes?

- 0.2% sales and use tax for public transportation extended to all of Lewis County excluding Napavine
- Continuation of service similar to L.E.W.I.S. Mountain Highway Transit
- Potential new service for Winlock, Vader, and Toke; potential new service connecting to Tumwater
- Potential new Dial-A-Ride service for Pe Ell and other parts of Lewis County
- Continued Twin Transit in line with current Transit Development Plan

What happens if the ballot issue fails?

- Twin Transit continues present operations in Chehalis and Centralia
- Tax sales for transit remain unchanged throughout Lewis County
- Future of L.E.W.I.S. Mountain Highway Transit would be uncertain

Where can I find more information?

More information is available at LewisCountyTransitWashwa.com



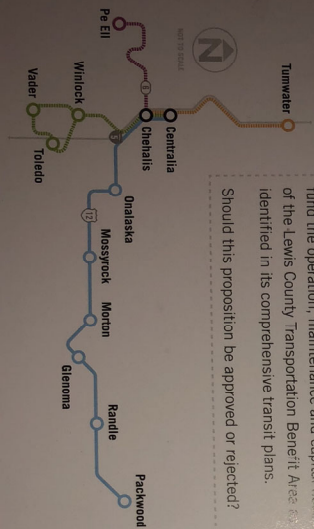
**PROPOSITION 1
OFFICIAL TEXT**

Ballot text shown
for information
purposes only
This postcard
is not a ballot

**COUNTY WIDE EXPANSION
OF PUBLIC TRANSPORTATION SERVICES
Sales and use tax levy**

The Board of Lewis County Commissioners adopted Resolution No. 18-230 concerning a sales and use tax to finance public transportation within boundaries of the Lewis County Transportation Benefit Area.

Concept map
showing potential
new routes for
information
purposes only



If approved, this proposition would authorize a sale and use tax of two-tenths of one percent (0.2%) to be collected, in addition to any other taxes authorized by law, within the boundaries of the Lewis County Transportation Benefit Area, of all taxable retail sales in accordance with RCW 82.14.045 to fund the operation, maintenance and capital needs of the Lewis County Transportation Benefit Area. Should this proposition be approved or rejected?

DENISE ROBERTA OBTINARIO
OR CURRENT VOTER
905A N MILITARY RD
WINLOCK, WA 98596-9625

PRSR1 STD
US POSTAGE
PAID
SEATTLE, WA
PERMIT #316



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November 28, 2018

SENT VIA EMAIL to pdcc@pdcc.wa.gov

Public Disclosure Commission
Mx. Fox Blackhorn
Compliance Coordinator 2

Re: Response to Complaint in PDC Case No. 43055

Dear Mx. Blackhorn:

On behalf of Twin Transit, I am responding to the complaint filed in PDC case No. 43055 by Mark Obtinario. The complaint alleges that the complainant received a mailing in support of the Lewis County Transit Measure, and that the mailing and referenced website did not indicate who was responsible for the mailing or website or contain appropriate contact information. The complaint also attaches a copy of a postcard mailed to the complainant. On November 15, 2018 you requested a copy of the materials prepared for Twin Transit and you were provided a copy of the related brochure also pertaining to the Lewis County Public Transit Expansion Proposal. Based on that information the PDC has categorized the complaint as an alleged violation of RCW 42.17A.555 for the misuse of public funds to produce and distribute political advertising in support of the Transit Expansion ballot proposition.

The materials that are the subject of this complaint were produced by and for Twin Transit and contain an objective and fair presentation of the facts concerning the impact of the ballot measure. The development and dissemination of this information was a part Twin Transit's normal and regular conduct and not in any way advocacy for the ballot measure. Twin Transit's position is that the complaint is without merit and should be closed with no further action.

Factual Background.

Twin Transit (or the Lewis County Public Transportation Benefit Area or "LCPTBA") is a Public Transportation Benefit Area that currently serves the cities of Chehalis and Centralia within Lewis County. In September, 2017, Twin Transit entered into an amended contract with Nelson Nygaard Consulting Associates for the LCPTBA Expansion Feasibility Study to evaluate the potential for expansion of Twin Transit's boundary within Lewis County. Nelson Nygaard is a transportation consulting firm that has expertise in evaluating potential service options for transit systems. Because Twin Transit is a small agency, with 30 employees and only seven

administrative staff, it did not have the resources and expertise within its own staff to study, evaluate, and communicate the results related to the impacts of expansion. All but the core functions at Twin Transit are conducted by contract with outside consultants in the normal and regular conduct of business.

In April 2018, a Public Transportation Improvement Conference, a separate entity authorized under RCW 36.57A, consisting of representatives from each of the Lewis County jurisdictions, passed a resolution to expand the Lewis County Public Transportation Benefit Area. In July, the Lewis County Commissioners passed a resolution placing the matter of funding for the expanded area before the voters.

Under its agreement with Nelson Nygaard, Twin Transit directed that materials be produced for an unbiased presentation of the facts to educate voters about the impacts of the expansion, in accordance with the PDC's established guidelines. Because Twin Transit does not have in house analysts, graphics designer or even website expertise, it contracted with Nelson Nygaard to provide that expertise and relied on that expertise to produce and help disseminate the information concerning the impacts of an expansion. Nelson Nygaard is not a campaign committee or political action committee but was acting as an agent of Twin Transit to assist in the development and dissemination of requested factual information.

The material was produced at the direction of Twin Transit, but the direction and intention of both Twin Transit and Nelson Nygaard was to produce objective and fair factual information concerning the impacts of the expansion. The materials were carefully reviewed to avoid even the appearance of supporting or opposing the ballot proposal. The material developed was posted on a website "LewisCountyTransitMeasure.com" for the public to find in one place for all jurisdictions, this objective and fair presentation of the facts and the anticipated impacts of the ballot measure. The 2017 expansion feasibility report as well as the County resolutions were also on the website. Information from the website was consolidated into a brochure, using portions of exactly the same language contained on the website. This brochure was made available by the Twin Transit staff at various local legislative body meetings and public forum meetings that Twin Transit regularly attends, in order to answer questions concerning Twin Transit's service and what the impact of the ballot measure would be on that service. Information from the website was also consolidated even further into a postcard, again using portions of exactly the same language contained on the website, that was mailed to residents within the County who were eligible to vote on the ballot measure. Therefore, the same presentation of facts was used with different media typical of Twin Transit's normal and regular course of business.

With this background, it is clear that Twin Transit did not use public funds to produce and distribute political advertising to support a ballot measure. Contrary to Mr. Obtinario's allegations, the content of the postcard mailer, as well as the other materials produced by Nelson Nygaard for Twin Transit, were not advocating for the approval of the ballot proposition, but instead were informing the residents of Lewis County about the facts surrounding the measure and its impacts on Twin Transit's service. Such information is not political advertising and is authorized under the law.

As an initial matter, the information provided does not meet the definition of political advertising. Under RCW 42.17A.005(39) *“Political Advertising includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, digital communication, or other means of mass communication, **used for the purpose of appealing, directly or indirectly, for votes or for financial or other support or opposition in any election campaign.**”* In this case the materials were produced and used only to provide objective and fair representation of the facts and not used to appeal for votes or financial support. The information of the materials described the ballot measure, set forth the text of the ballot measure, and answered questions about why the measure was on the ballot and what the impacts of passage or failure would likely be. The information did not appeal, even indirectly, for votes or promote the ballot proposition in any way.

In addition, the actions of Twin Transit (and its agent Nelson Nygaard) did not violate RCW 42.17A.555. This statute prohibits a public agency from using public resources for the promotion or opposition to any ballot proposition. Here, the information developed and distributed to county residents did not promote or oppose any ballot proposition, but objectively and fairly described the process, facts, and impacts of the proposed measure on Twin Transit operations.

PDC guidance provides generally, with respect to election related publications of public agencies, that the agencies may develop *an objective and fair presentation of the facts* regarding agency needs and the anticipated impact of a ballot measure and *may distribute it in the agency’s customary manner*. One jurisdiction-wide presentation has been determined appropriate but if also customarily distributed through other means, that conduct has also been permitted so long as normal and regular for the agency. The mailer at issue in this complaint was just such an objective and fair presentation of the facts and was distributed throughout the County to those voting on the measure. As such the mailer that is the subject of this complaint is not a violation of RCW 42.17A.555.

RCW 42.17A.555 also exempts activities which are part of the normal and regular conduct of the agency. The PDC guidance provides that if the agency has also customarily distributed this information through means other than a jurisdiction-wide mailing, that conduct is also permitted so long as the activity has been normal and regular for the agency. In this case, both the website and the brochure are normal and regular for the agency.

It has been the regular practice of Twin Transit board and staff to attend city council meetings and other community meetings to describe key policy changes such upcoming projects, new initiatives, or operational changes, and to answer questions and concerns from the community concerning Twin Transit’s service and to make available brochures or other informational written materials related to the policy decisions at these meetings. As such the distribution of the brochure at these meetings is normal and regular for Twin Transit and is not a violation of RCW 42.17A.555.

Furthermore, it is the regular practice of Twin Transit to place information about its operations and major policy decisions on its website. In this case, upon the advice of Nelson Nygaard, Twin Transit chose to have Nelson Nygaard put the information in a separate website address. The key reason for this was simply to assure it was objective and easy to find. Twin Transit had not initiated the ballot

measure. Instead, each of the jurisdictions within Lewis County had voted to expand the boundary and Lewis County had voted to place the measure on the ballot. Twin Transit wished to have a dedicated address where the public could go to access the objective factual presentation quickly and efficiently. To the extent that Twin Transit did not communicate that it was the agency providing the information on the website, we apologize for this error and any confusion it caused. However, this omission was not a violation of law because the information, the same as that provided in the mailer and the brochure, was an objective and fair presentation of facts. As such, the posting of the information on the website was not a violation of RCW 42.17.555.

In conclusion, Twin Transit respectfully requests that the complaint be dismissed with no further action for the foregoing reasons. Twin Transit would like to thank the PDC for the opportunity to provide additional information public concerning this complaint. If there is any further information that would assist you in your evaluation, please do not hesitate to contact me.

Janean Parker



Law Office of Janean Z. Parker.
Twin Transit Attorney

Cc: Derrick Wojcik-Damers, Twin Transit General Manager

Interview Summary - Doug Hayden
Twin Transit, PDC Case 43055
6/17/19 – 47 Minutes

On June 17, 2019, Phil Stutzman interviewed Doug Hayden, Executive Director, White Pass Community Services Coalition, concerning a complaint filed by Mark Obtinario against officials of Lewis County Public Transportation Benefit Area (Twin Transit), PDC Case 43055. The complaint alleged that Twin Transit officials used public facilities to promote Proposition 1, a ballot measure on the November 6, 2018 general election ballot, that would have increased the sales and use tax by 0.2 % for most residents in east Lewis County to fund transportation services that would have included east Lewis County, except for the city of Napavine. The ballot proposition did not pass.

PDC staff is reviewing documents and interviewing witnesses to determine whether Derrick Wojcik-Damers, then-General Manager of Twin Transit, and Bobby Jackson, then-Twin Transit Board Member and Lewis County Commissioner, may have violated RCW 42.17A.555 by using the public facilities of Twin Transit to promote Proposition 1. The interview was recorded, and an audio file of the interview is being retained in the case file.

- Doug Hayden became the Executive Director of White Pass Community Services Coalition (WPCSC) in 1991, when the organization was founded, and continues to serve in that capacity. WPCSC is a non-profit corporation dedicated to identifying and responding to the needs of rural Lewis County residents.
- WPCSC identified a transportation need for rural residents in east Lewis County because Twin Transit is limited to the twin cities of Centralia and Chehalis. WPCSC formed L.E.W.I.S. Mountain Highway Transit (LHMT) to provide bus service to residents in east Lewis County who need to travel to Centralia or Chehalis for various personal needs. (L.E.W.I.S. stands for Lewis County East West Information Shuttle.) WPCSC did not intend to provide a permanent solution to the transportation needs of east Lewis County residents. They were filling a gap, and had a long term goal of having the transportation needs of Lewis County addressed on a county-wide basis through Twin Transit.
- WPCSC is a non-profit organization and does not have a tax base. It derived its funding from Washington State Department of Transportation (WSDOT) grants. WSDOT requires grant recipients to provide matching funds, and in early 2017, implemented rules that required non-profits to increase the amount of their matching funds by 5 percent each biennium, up to a maximum of 50 percent.
- In 2017, LHMT was paying 10 percent in matching funds, and felt they could possibly absorb 15 percent in matching funds, but certainly not 20 percent. In early 2017, Doug Hayden talked with then-Twin Transit General Manager Rob Lafontaine, and explained the matching funds problem, stating that if the matching funds requirement was increased, as expected, LMHT would likely not be able to obtain the WSDOT grant that provided the majority of the revenue necessary to continue operating LHMT.

- However, during the 2017 legislative session, an amendment was added to the WSDOT transportation budget, stating that non-profit organizations were exempt from the increased matching funds requirement, and that matching funds for non-profits were capped at 10 percent. Governor Jay Inslee signed the WSDOT budget bill on May 16, 2017.
- Mr. Hayden said it was common knowledge with non-profits and Public Transportation Benefit Area (PTBA) agencies, such as Twin Transit, that the legislature had acted to limit the matching funds for non-profits. He said Derrick Wojcik-Damers and Bobby Jackson were at meetings where the new legislation was discussed.
- In April 2018, at a transportation conference convened by the Lewis County Board of Commissioners, the future of LMHT was discussed. Mr. Hayden said Bobby Jackson spoke first and said LMHT transit was going to be shut down because they could no longer meet the matching funds requirement. Mr. Hayden said Mr. Jackson's narrative was not accurate. Mr. Hayden said he asked Bobby Jackson at the April 2018 conference how he was going to address the issue of LMHT's required matching funds being capped at 10 percent, and was told, "they would take care of it and handle it."
- In July 2018, the Lewis County Commissioners placed Proposition 1 on the November 6, 2018 ballot. The materials and talking points produced by or on behalf of Twin Transit about Proposition 1, emphasized that LMHT had an uncertain future, and would be going out of business in mid-2019 if Proposition 1 did not pass. He said the narrative and materials about Proposition 1 did not describe LMHT's ability to continue operating with the matching funds requirement capped at 10 percent.
- Mr. Hayden said he had a conversation with Tim Payne of Nelsen/Nygaard Consulting Associates at a transportation conference near the tri-cities in August 2018. Tim Payne and Nelsen/Nygaard provided consulting services to Twin Transit concerning expanding the boundaries of its Public Transit Benefit Area. Nelsen/Nygaard developed Twin Transit's public facing website, identified as LewisCountyTransitMeasure.com, a brochure that was distributed at meetings with community groups in the affected area, and a postcard that was mailed to registered voters in the affected area. Mr. Hayden said he has known Tim Payne for years, and said when they spoke in August 2018, Mr. Payne indicated he was aware of the legislative change to cap the matching funds for non-profits at 10 percent. Mr. Hayden said Mr. Payne told him at the conference that a website about Twin Transit's Public Transportation Benefit Area expansion was already up and running. Mr. Hayden noted that the material produced by Tim Payne and Nelsen/Nygaard on behalf of Twin Transit did not include information about the required matching funds for non-profits being capped at 10 percent.
- Mr. Hayden said it was frustrating to see Bobby Jackson and Derrick Wojcik-Damers talk about Proposition 1 by stating or implying that if Proposition 1 failed, LMHT would go out of business. He said both men knew he had grant funding and would be able to

Interview Summary – Doug Hayden
Twin Transit, PDC Case 43055
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continue obtaining grant funding since the matching funds had been capped at 10 percent.
He said Twin Transit should have told the whole story.

A recording of the interview of Doug Hayden, conducted June 17, 2019

Interview Summary – Derrick Wojcik-Damers
Twin Transit, PDC Case 43055
7/2/19 – 30 Minutes

On July 2, 2019, Phil Stutzman and Alice Fiman interviewed Derrick Wojcik-Damers, then-General Manager, Lewis County Public Transportation Benefit Area (Twin Transit), concerning a complaint filed by Mark Obtinario against officials of Twin Transit, PDC Case 43055. The complaint alleged that Twin Transit officials used public facilities to promote Proposition 1, a ballot measure on the November 6, 2018 general election ballot, that would have increased the sales and use tax by 0.2 % for most residents in east Lewis County to fund transportation services that would have included east Lewis County, except for the city of Napavine. The ballot proposition did not pass.

PDC staff is reviewing documents and interviewing witnesses to determine whether Derrick Wojcik-Damers, then-General Manager of Twin Transit, and Bobby Jackson, then-Twin Transit Board Member and current Lewis County Commissioner, may have violated RCW 42.17A.555 by using the public facilities of Twin Transit to promote Proposition 1. The interview was recorded, and an audio file of the interview is being retained in the case file.

- In February 2017, Doug Hayden met with Twin Transit Board Members concerning financial issues of L.E.W.I.S. Mountain Highway Transit (LMHT) around the WSDOT's increased match requirements. Derrick Wojcik-Damers said he did not start work with Twin Transit until January 2018. He said he was told that Mr. Hayden attended a public board meeting of Twin Transit around February or March 2017. He said there is an audio file of that meeting.
- Mr. Wojcik-Damers said he has listened to the recording and read the notes of the February 2017 meeting. He said based on his recollection of listening to the recording and reading the notes concerning the meeting, Doug Hayden came to Twin Transit and asked for intervention, that he was no longer going to be able to run his services, without some sort of drastic sacrifice such as going without an entire salary or subsidizing part of the service himself, to some extent. Mr. Hayden told the Twin Transit board it was becoming cost prohibitive for him to continue the operation, and he was concerned about the services of East Lewis County going away entirely.
- Derrick Wojcik-Damers became aware in early 2018 that legislation was signed into law on 5/16/17 capping the WSDOT grant match requirement at 10%. He said he learned about the 10% cap as he was going through the process of learning about grant requirements for non-profits with Nelson/Nygaard, Commissioner Bobby Jackson, and officials from WSDOT. According to Mr. Wojcik-Damers, during the February 2017 meeting with Twin Transit officials, Mr. Hayden said even if the match did go to 10%, he would still struggle. He said Doug never came back to him, to Bobby Jackson, or to Twin Transit to say he had changed his mind about needing help. He said Twin Transit officials, including himself and Commissioner Jackson, and their liaison at WSDOT, were still operating under the impression in 2018 that LMHT was going to cease operations during the summer of 2019. He said Mr. Hayden did not come back to Twin Transit or WSDOT and say he had a change in plans and had a money source. Mr.

Wojcik-Damers said Shamus Misek is the Community liaison for groups in Lewis County. Her email is MisekS@wsdot.wa.gov.

- A feasibility study conducted by Nelson/Nygaard after entering into a contract with Twin Transit in September 2017, showed that expansion services for Twin Transit were largely feasible. The Twin Transit Board gave Mr. Wojcik-Damers permission to start working with Nelson/Nygaard to get information together to send to the public about the feasibility of expanding services.
- Mr. Wojcik-Damers speculated that Nelson/Nygaard probably did not mention the 10% matching cap for non-profit grant applications because it was not part of the scope of their contract with Twin Transit. He said Nelson/Nygaard was asked to find out if it was feasible to provide transit services to the whole county. He said the situation with LMHT was a catalyst for starting the conversation, but the conversation was bigger than that one event.
- Mr. Wojcik-Damers said the plan for LMHT, if Prop. 1 passed, was to expand the boundary of Twin Transit so that it would include the entirety of Lewis County, with the exception of the City of Napavine. It would have provided service in areas not served at all by Twin Transit. Mr. Wojcik-Damers said Mr. Hayden's comment about going out of business after 20 years started the conversation about the transportation needs in the Lewis County Public Transportation Benefit Area, but that conversation quickly grew into other areas of Lewis County that had transit needs.
- Mr. Wojcik-Damers said according to Doug Hayden, if Prop. 1 passed, he would not need to obtain WSDOT funding. Mr. Wojcik-Damers said the conversation he and Bobby Jackson had with Doug Hayden in February 2018 centered on what a turnover of operations would look like if Twin Transit were to begin operating LMHT services (i.e. Would Twin Transit be able to use LMHT equipment and buildings?)
- Mr. Wojcik-Damers said between July and October 2018, he and Bobby Jackson responded to requests to speak about what it would look like if Twin Transit were to provide service to East Lewis County. He said they had brochures to hand out to people. He said his role was to be a resource guide. He said he was asked to address each city council in the affected area, which amounted to eight city councils. He said he was also asked to speak to a group that promotes tourism. He said he received approximately 10 invitations to speak about Proposition 1 (e.g. What is this? What does it mean? What are the facts?)
- The brochure was developed as a resource guide for people who contacted Twin Transit directly about Prop. 1. It was also used as a handout when explaining a service change to affected users. Mr. Wojcik-Damers said he believed the statement in the brochure, "In addition, White Pass Community Services Coalition has indicated they intend to cease operation of L.E.W.I.S. Mountain Highway Transit service in mid-2019" was accurate in 2018 when the brochure was created because Doug Hayden never contacted Twin Transit

to change his February 2017 statement about intending to cease operations in mid-2019, after the match amount was capped at 10% on 5/16/17. He said the reason the statement was included in the brochure was because of Nelson/Nygaard. He said they were asked to develop all the material, and to make sure it was strictly factual and not biased. Mr. Wojcik-Damers said Doug Hayden had several opportunities to change his statement about whether WPCSC still intended to cease operation of LMHT in mid-2019, in light of the legislative cap at 10% on required matching funds, effective 5/16/17, and he did not change his 2017 statement of intentions. Mr. Wojcik-Damers asked why Doug Hayden would think Twin Transit would know his plans when he did not share his plans with Twin Transit?

- Mr. Wojcik-Damers said he did not ask Doug Hayden to apply for the grant for 2019-2021, as stated by Mr. Hayden, but told him it would be in his best interest to go ahead and submit his application for grant funding because if the ballot proposition did not pass, and grant funds were not applied for and received, there would be no funding for LMHT. He said it made sense to apply for the grant money because the grant applications were due in September 2018 while the election was being held in November 2018. Mr. Wojcik-Damers said Twin Transit planned to operate the LMHT service if Prop. 1 passed. He said he did not know if LMHT's grant money could be transferred to Twin Transit in the event the grant funds were approved and then the ballot proposition passed and Twin Transit took over the LMHT route.
- Mr. Wojcik-Damers said the letters of support signed 8/14/18 by Twin Transit and 8/28/18 by the Lewis County Commissioners were standard letters prepared by Doug Hayden for their signatures, in support of his grant application for LMHT.
- Concerning why a separate website was created, Mr. Wojcik-Damers said Twin Transit was cautioned by Nelson/Nygaard that if they put material about Prop. 1 on the Twin Transit website, it might appear they were supporting the ballot measure. He said Prop. 1 was not about Twin Transit. He said Twin Transit did not initiate the ballot measure. He said Lewis County initiated the ballot measure, and Twin Transit was the service provider. Mr. Wojcik-Damers said Twin Transit is a small agency without expertise in describing ballot propositions. He said Nelson/Nygaard was hired to develop material to explain the ballot measure to the public.
- Mr. Wojcik-Damers said Nelson/Nygaard developed the material to be used, and then sent the material to Mr. Wojcik-Damers for review. He said the material seemed to match the study conducted by Nelson/Nygaard, and it was approved by Mr. Wojcik-Damers and Bobby Jackson, who was Chair of the Twin Transit board at the time.
- Mr. Wojcik-Damers said Twin Transit told Nelson/Nygaard the material they developed needed to be factual and unbiased, based on their study, and show the feasibility of the services. He said Nelson/Nygaard said for informational purposes they needed a brochure to hand out with their other material when they attended meetings or events to explain the ballot proposition.

- Mr. Wojcik-Damers said as a group, they decided that a website would be the best place to hold all of the data for people who wanted more in-depth information. Mr. Wojcik-Damers said he could not recall a conversation about placing sponsorship information on the website.
- Mr. Wojcik-Damers said while the future of LMHT started the conversation about the need for additional transportation services, the conversation changed to include services for all of Lewis County. He said the larger part of the conversation was about the communities of Winlock, Toledo, and other communities that needed transportation services.
- Mr. Wojcik-Damers said Nelson/Nygaard set up a powerpoint presentation for him to use when he went out to talk about the ballot proposition.
- In summary, Mr. Wojcik-Damers said he thinks the attorney's letter sums up what occurred. He said Twin Transit thought they were doing everything in accordance with the PDC's established guidelines. He said he cannot see where Twin Transit officials violated the law. He said the material is factual with no action verbs suggesting readers take certain actions.
- Mr. Wojcik-Damers said the decision to limit the postcard mailing to registered voter households was to save money. He said it would be a wasted expense to send the postcard to someone who could not vote. He said that was the advice they received from Nelson/Nygaard. He said they sent the postcard to all registered voter households, and not to subgroups of registered voter households. He said Twin Transit was unaware of the need to send the postcard to all households, even if there were no registered voters in the household. He said Twin Transit followed the advice of Nelson/Nygaard, who they believed to be the subject matter expert in this area.

A recording of the interview of Derrick Wojcek-Damers, conducted July 2, 2019

Interview Summary – Bobby Jackson
Twin Transit, PDC Case 43055
7/11/19 – 20 Minutes

On July 11, 2019, Phil Stutzman and Alice Fiman interviewed Bobby Jackson, then-Lewis County Public Transportation Benefit Area (Twin Transit) Board Chair, and current Lewis County Commissioner. The interview concerned a complaint filed by Mark Obtinario against officials of Twin Transit, PDC Case 43055. The complaint alleged that Twin Transit officials used public facilities to promote Proposition 1, a ballot measure on the November 6, 2018 general election ballot, that would have increased the sales and use tax by 0.2 % for most residents in east Lewis County to fund transportation services that would have included east Lewis County, except for the city of Napavine. The ballot proposition did not pass.

PDC staff is reviewing documents and interviewing witnesses to determine whether Derrick Wojcik-Damers, then-General Manager of Twin Transit, and Bobby Jackson, then-Twin Transit Board Member and current Lewis County Commissioner, may have violated RCW 42.17A.555 by using the public facilities of Twin Transit to promote Proposition 1. The interview was recorded, and an audio file of the interview is being retained in the case file.

- Bobby Jackson said the original meeting Doug Hayden had about L.E.W.I.S Mountain Highway Transit (LMHT) was with the board of Twin Transit, of which Bobby Jackson was chair. He said at the time of the meeting, Rob LaFontaine was the General Manager of Twin Transit. He said Mr. Hayden was looking for help because the amount of the match he was being required to raise was getting to high. He said Mr. Hayden told the Twin Transit it was likely he would have to shut his doors as of June 30, 2019.
- Mr. Jackson said the basic essence of Mr. Hayden's conversation was to see if Twin Transit could be of service, could help, and at that board meeting, Twin Transit determined they would like to look into what that might be.
- Mr. Jackson said he became aware of the legislative action that capped the match requirement for non-profits at 10%, but could not say exactly when he became aware of that fact. He said he learned about the change sometime between when Mr. Hayden spoke to the Twin Transit board and when the measure went out to voters in 2018.
- Mr. Jackson said he met a couple of times with Twin Transit's consultant, Tim Payne of Nelson/Nygaard, when Mr. Payne was meeting with Derrick Wojcik-Damers, General Manager of Twin Transit to discuss what the information would look like that would be used to make the community aware of what they were talking about as far as an expansion of transportation services to the entire county.
- Concerning using a website separate from Twin Transit's website to explain to the public the proposed expansion of services to the public, Mr. Jackson said he was not involved in that decision. He said it was his understanding that the website was considered, and it was decided that in order to keep the ballot measure separate from Twin Transit a separate website was needed. They wanted the website to be separate to keep it

informational. He said Nelson/Nygaard recommended the separate website. Mr. Jackson said he was not sure why the website did not include sponsor identification.

- Mr. Jackson said the brochure was handed out at different city council meetings in order to inform the public about the ballot measure that was coming. He said more times than not, he went with Derrick Wojcik-Damers to speak about the ballot measure. He said most of the groups were city councils, but he spoke to a couple of senior centers. He said they presented what was in the brochure. Mr. Jackson said a powerpoint was used at some of the presentations.
- Mr. Jackson said he was not asked to approve sending the postcard mailing to registered voter households. He said he was not involved in the day-to-day decisions or the approval of the website or the postcard.
- Mr. Jackson said Doug Hayden did not come back to Twin Transit in 2018 to say anything had changed since 2017 concerning his intention to close the services of LMHT by June 30, 2019.
- Mr. Jackson said he did not reach out to Doug Hayden because he was not given any indication that anything had changed.
- Mr. Jackson said he was not involved in the construction of the FAQ sheet that said local match requirements for rural mobility grants, currently at 10%, will be increasing in future years. However, he said that was an understanding he had, that it was capped at the moment, but it was likely to increase in subsequent years. He said that based on conversations he had with Derrick Wojcik-Damers, there was an anticipation that while the 10% cap was put in place during the 2017 legislative session, it would likely not stay that way. He said that was his basic understanding, but he had nothing to do with what ended up on FAQ sheet.
- Mr. Jackson said the letter signed by the Lewis County Commissioners was a standard letter that went out each year. He said if Prop. 1 had passed, the plan was for Twin Transit to become the sole operator in Lewis County, and Twin Transit would absorb the operation of LMHT. He said that was the discussion Twin Transit had with Doug Hayden.
- Mr. Jackson said the postcard mailer said if Prop. 1 fails, the future of L.E.W.I.S. Mountain Highway Transit would be uncertain. Mr. Jackson said he had a conversation with the President of White Pass Community Services Coalition, the operator of L.E.W.I.S. Mountain Highway Transit, in 2018, after the November 8, 2018 election, and was told it was the board's understanding that LMHT would be ceasing operations by the end of June 2019, which is what is stated in the Twin Transit brochure.
- Mr. Jackson said it was his understanding that LMHT did not close 6/30/19, and that they received their WSDOT funding for the 2019-2021 period.

A recording of the interview of Bobby Jackson, conducted July 11, 2019

Interview Summary – Tim Payne
Twin Transit, PDC Case 43055
7/12/19 – 52 Minutes

On July 12, 2019, Phil Stutzman interviewed Tim Payne, Principal, Nelson Nygaard Consulting Services concerning a complaint filed by Mark Obinario against officials of Lewis County Public Transportation Benefit Area (LCPTBA or PTBA), known as Twin Transit, PDC Case 43055. The complaint alleged that Twin Transit officials used public facilities to promote Proposition 1, a ballot measure on the November 6, 2018 general election ballot, that would have increased the sales and use tax by 0.2 % for most residents in east Lewis County to fund transportation services that would have included east Lewis County, except for the city of Napavine. The ballot proposition did not pass.

PDC staff is reviewing documents and interviewing witnesses to determine whether Derrick Wojcik-Damers, then-General Manager of Twin Transit, and Bobby Jackson, then-Twin Transit Board Member and Lewis County Commissioner, may have violated RCW 42.17A.555 by using the public facilities of Twin Transit to promote Proposition 1. The interview was recorded, and an audio file of the interview is being retained in the case file.

- During the Spring of 2017, Nelson Nygaard (NN) responded to a Request for Proposal (RFP) issued by Twin Transit. NN provided a scope of work in its response. Nothing happened initially, and then in the fall of 2017, NN entered into a contract with a slightly revised scope of work.
- The scope of work had two parts: (1) Conduct a feasibility study about expanding the Twin Transit service area. (2) Study the cost of expanding the service area outside of the current service area, which is the cities of Centralia and Chehalis. (3) Determine potential revenue sources (e.g. fares, sales tax revenue, etc.) outside of the cities of Centralia and Chehalis to pay for an expansion of transit services to rural areas in Lewis County outside of Centralia and Chehalis. NN concluded there would be insufficient revenue from fares to pay for increased service to the rural parts of Lewis County. The work was done in late 2017 and early 2018.
- In April 2018, a Public Transportation Improvement Conference was held that passed a resolution to expand the Twin Transit boundaries. In July 2018, the Lewis County Commissioners passed a resolution to place a measure on the ballot in November 2018 to increase the sales tax in rural areas of Lewis County, except in the City of Napavine, to pay for the proposed expansion. From July to November 2018, there was a buildup to the election. During the July to November timeframe, NN started helping produce material to explain the study, for the website in March or April 2018, on behalf of the Lewis County Commissioners, because the Commissioners were responsible for taking any official actions. Once the Lewis County Commissioners decided to put the measure on the ballot, NN began developing materials to explain the ballot measure. Mr. Payne said the November 2018 election was really an annexation election, because voters were being asked whether they wanted to be included within the boundaries of the LCPTBA, knowing it would cost them a 0.2% sales tax increase, as opposed to a proposed sales tax increase for an existing boundary area. This was an election to add area to the PTBA,

and because a uniform tax rate is required for all areas of a PTBA, the additional area being added by the ballot measure was required to match the existing sales tax rate of 0.2%. He said the election was really about annexation and not about a proposed the tax rate. The tax rate in the PTBA was not changing. Rather, the ballot measure was asking voters to approve increasing the area included in the PTBA, to include an area in East Lewis County, excluding the City of Napavine.

- The NN contract for services was with Twin Transit, not with the Lewis County Commissioners. NN created a website for Twin Transit to publicize the ongoing results of its study, starting in March or April 2018, well before the Lewis County Commissioners decided to pass a resolution to put a proposal before voters in November 2018. Initially, NN conferred with TT about what to put on the website.
- Mr. Payne said he advised TT to confer with the Lewis County Prosecutor on issues related to ballot propositions, including activities officials can and cannot do. He said initially, TT expressed an interest in conducting a poll to determine whether households would support a sales tax increase to pay for expanded transit services in a larger PTBA, but Mr. Payne explained to them that past PDC cases have found that such a poll would be a direct violation of RCW 42.17A.555. He said TT then asked what they could do, and he told them they had a duty and a responsibility to share unbiased information, and to make sure the information that is shared with the public is unbiased, TT should filter it through the Lewis County Prosecutor's office. Mr. Payne said he did not know how much TT officials sought the advice of the Lewis County Prosecutor's office. Mr. Payne said he has worked in the past with public agencies on staying in compliance with RCW 42.17A.555, and said he "knows the rules backwards, forward, and inside out." He said he was familiar with the PDC's Interpretation 04-02, Guidelines for Local Government Agencies in Election Campaigns.
- Mr. Payne said he discussed with TT officials their options for using a website to inform the public about the ballot proposition. He said the first option was to use an existing website. Another option was to obtain a new URL and website. He said the decision to create a new website was made by TT officials. He said he did not know why TT officials made this decision. He said it is common for agencies to set up a separate website for a particular project. He said the decision was communicated to him by Derrick Wojcik-Damers. Mr. Payne said he understood that the TT website was managed by a third party vendor, and they wanted to have more instantaneous content access for this website, which is in part why they decided to set up a separate website that could be updated by NN. He said TT wanted to be able to put documents up easily and make them available to the public as they went forward.
- When asked why the website did not clearly identify who was responsible for its content, Mr. Payne said he thought that was an oversight. He said he thought TT believed it was obvious the documents were from TT, and people would understand that the website was a TT website, and that an identifying logo was not needed. He said he recognizes that the website should have been identified as being a TT website. Mr. Payne it is common for

groups to set up a separate website for a project, and it is not common to duplicate the brand of the group or agency on the website. He said if they had decided to identify who was responsible for the website, they would have needed a discussion about whether to identify the responsible party as TT or Lewis County. He said the website started out as an informational website about the project, the possibility of expanding the boundaries of TT, before a ballot measure even existed, and later morphed into an informational website about the ballot proposition. He acknowledged that TT and NN should have been more careful to publicly identify the website with a particular public entity.

- Mr. Payne said before the Lewis County Commissioners passed a resolution to place a measure on the ballot, the website contained an executive summary of the study and the full study itself. He said after there was a ballot measure, the website included information explaining the public expansion proposal, here is what it is, here is what it does, etc. He said TT created content for the website that was also put in printed materials, including the postcard that was mailed and the brochure that was distributed at meetings and events, including the Southwest Washington Fair at a booth operated by TT.

Lewis Mountain Highway Transit

- Tim Payne said he met with Doug Hayden with Lewis Mountain Highway Transit during the feasibility study in 2018. He said the board of White Pass Community Services Coalition (WPCSC) that operated Lewis Mountain Highway Transit took an official action in 2017 stating that it was their intent to cease operations as of June 30, 2019. He said that information was relayed to TT in the Spring of 2017 which is one of the things that spurred TT to look at this whole issue of expanding the area of the PTBA. He said TT had looked at this issue in the past, and had decided not to proceed, but decided to look at the issue again, and resulted in TT issuing an RFP in the Spring of 2017.
- Doug Hayden met with TT officials in the Spring of 2017 because the Department of Transportation (DOT) had announced that the match requirement for non-profit entities, like White Pass Community Services Coalition, with respect to the 2017-2019 budget, were going to be subjected to an ever-increasing match requirement for the DOT Rural Mobility Grants, and that the match requirement would eventually reach 50 percent of the DOT grant. He said the White Pass Community Services Coalition board became aware of this information, and sometime between late 2016 and early 2017, they took some kind of action to state their intention to cease operations because they did not believe they could raise that kind of local money to meet the match requirement to continue receiving the DOT Rural Mobility Grant funding.
- Concerning the legislation signed by the Governor on May 16, 2017 to cap the match requirement for non-profit entities at 10 percent, Mr. Payne said he thought that action took place during the 2018 legislative session when the Supplemental Transportation budget was passed. He said he understood there was a growing concern among non-profit entities about the increase in the match requirement, and that in 2018, action was

taken to cap the match requirement for non-profit entities at 10 percent. He said he understood that the legislature did not take action, but that this was a policy decision on the part of DOT officials.

- Mr. Payne was asked why the NN study did not mention that the match requirement had been capped for non-profit entities like WPCSC. Mr. Payne said the future viability of WPCSC's Lewis Mountain Highway Transit services was affected by more than the match requirement. He said, for example, that other than the drivers, Lewis Mountain Highway Transit is Doug Hayden. He said Mr. Hayden maintains the buses, he is actively involved in the operation, and has been since the beginning of the service. He said Doug Hayden and the operators (drivers) are the entirety of the operation. He said in addition to the increased match requirement, Doug Hayden is getting ready to retire, and the future of Lewis Mountain Highway Transit, without Doug Hayden, is uncertain. Therefore, TT thought it was incumbent on them to evaluate whether TT should become involved in the future delivery of this service for rural residents of Lewis County. Mr. Payne stated that after the match requirement was capped at 10 percent for non-profit entities, WPCSC did not change its statement about intending to cease operations as of June 30, 2019. He said TT had an agreement with Lewis Mountain Highway Transit that Lewis Mountain Highway Transit would continue to provide its services with the understanding that if TT was able to take over the service at a later date, based on the ballot measure passing and its service area being increased, then TT would apply to have the grant transferred from WPCSC to TT.
- Mr. Payne said the postcard mailer was created around late June or early July 2018. He was asked why the postcard mailer did not mention that the match requirement had been capped at 10 percent to indicate that the operation of Lewis Mountain Highway Transit was no longer in jeopardy. He said it was not on the radar of NN that the match requirement being capped at 10 percent had changed Lewis Mountain Highway Transit's stated intent to cease operations as of June 30, 2019. He said the change in the supplemental budget was generally known by the affected non-profit entities, but this change was not announced by DOT to the general public.
- Mr. Payne said he met with Doug Hayden in February or March 2018, and he was still talking about the match requirement increasing. Mr. Payne said he believe the match was not capped at 10 percent until May 2018. Mr. Payne said if the match had been capped at 10 percent at the time NN wrote its report, and if NN knew about the cap, they would have written about it in their report.
- Tim Payne said he believed NN did its best to provide TT with an objective statement of facts about the ballot proposition, based on what NN knew at the time it produced ballot proposition information for TT.

Postcard Mailing

- Tim Payne said the decision to send the postcard to all registered voters (a subgroup) was approved by TT. He said it was done as an efficiency measure. He said the idea was to

send the postcard to people who would actually have a chance to vote on the measure. He said TT decided to send only one postcard to each household, even if multiple voters resided at the same household.

- Mr. Payne said the intent of the postcard was to tell the recipient what the ballot measure was about. He said the timing of mailing the postcard was about one month beyond what they wanted to do. He said this occurred because they had extreme difficulty with a printer that had been recommended to NN by TT. He said TT eventually had to pull the plug on that printer and find a new printer at the last minute. He said he told Derrick Wojcik-Damers it did not look good to be sending out the TT postcard at the same time ballots were being mailed to registered voters. He said NN had intended for TT to send out the agency's postcard in late August or early September to give recipients time to think about the issue, but due to the problem with the initial printer, that was not possible. Mr. Payne said this problem was not intentional, but was entirely accidental. He said the postcard was not sent to residents in Centralia or Chehalis, even though those residents live within the boundaries of the PTBA, because they were not allowed to vote on the ballot proposition.
- Mr. Payne said Derrick Wojcik-Damers and Bobby Jackson were aware that the TT postcard was sent only to households with registered voters. He said the intent of sending out the postcard was to make sure recipients knew what the ballot measure was all about, and to give voters a variety of information that would be similar to what they might see in a voter information pamphlet.
- Mr. Payne said he became aware of the 10 percent cap for non-profit entities about November 2018 after the election was held. He said the Chief Counsel of the Joint Transportation committee of the state legislature asked him in November 2018 if he was aware of the 10 percent cap for non-profit entities. Mr. Payne confirmed that when he drafted the postcard mailer for TT, he was not aware of the 10 percent cap.

Final Comments

- Mr. Payne said he supported the prohibition against
- He said based on his input and conversations with Derrick Wojcik-Damers and Bobby Jackson there was no intent on the part of NN to sway them, and if that is what they want to do they will vote positively, and if it is not what they want to do, they will vote negatively, but let them be the decision-makers, don't try to influence them.
- Mr. Payne said he was aware that Derrick and Bobby met several times with the Transportation Choices Coalition to mount a pro-campaign, but he was not part of that effort. He said Derrick and Bobby did not try to advocate for the ballot proposition through the materials produced by NN for TT.

A recording of the interview of Tim Payne, conducted July 12, 2019

LEWIS COUNTY

Public Transit Expansion Proposal 002

VOTE ON
TUESDAY
NOV 6

Proposition 1 would **expand public transit** service throughout **Lewis County** excluding Napavine



0.2% SALES
AND USE TAX



WITHIN LEWIS COUNTY
EXCLUDING NAPA VINE



TO FUND PUBLIC TRANSIT
EXPANSION

Why now?

Many Lewis County destinations are centralized in Chehalis and Centralia, such as medical services, major shopping destinations, major employers, and Centralia Community College. For people who cannot drive, these opportunities are not accessible.

What does a 0.2% sales and use tax mean?

A 0.2% sales and use tax means two cents of tax on a ten-dollar purchase.



What happens if the ballot issue passes?

- 0.2% sales and use tax for public transportation extended to all of Lewis County excluding Napavine
- Continuation of service similar to L.E.W.I.S. Mountain Highway Transit
- Potential new service for Winlock, Vader, and Toledo; potential new service connecting to Tumwater
- Potential new Dial-A-Ride service for Pe Ell and other parts of Lewis County
- Continued Twin Transit in line with current Transit Development Plan

What happens if the ballot issue fails?

- Twin Transit continues present operations in Chehalis and Centralia
- Tax rates for transit remain unchanged throughout Lewis County
- Future of L.E.W.I.S. Mountain Highway Transit would be uncertain

Where can I find more information?

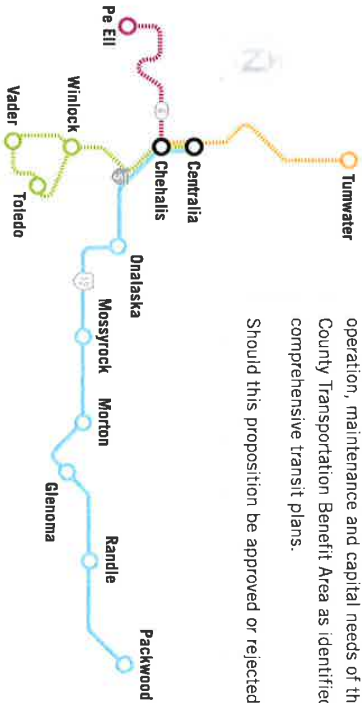
More information is available at LewisCountyTransitMeasure.com

Twin Transit
Postcard
+ website



Balot text shown for
information purposes only
This postcard is not a ballot

Concept map showing
potential new routes for
information purposes only



COUNTY WIDE EXPANSION
OF PUBLIC TRANSPORTATION SERVICES
Sales and use tax levy

The Board of Lewis County Commissioners adopted Resolution No. 18-230 concerning a sales and use tax to finance public transportation within boundaries of the Lewis County Transportation Benefit Area.

If approved, this proposition would authorize a sale and use tax of two-tenths of one percent (0.2%) to be collected, in addition to any other taxes authorized by law, within the boundaries of the Lewis County Transportation Benefit Area, of all taxable retail sales in accordance with RCW 82.14.045 to fund the operation, maintenance and capital needs of the Lewis County Transportation Benefit Area as identified in its comprehensive transit plans.

Should this proposition be approved or rejected?

LEWIS COUNTY

Public Transit Expansion Proposal

*Twin Transit
Brochure*

The Lewis County Public Transit Expansion Proposal is a ballot measure to **expand public transit** service throughout **Lewis County**. The ballot, if approved, would authorize the extension of a **0.2% sales tax** to parts of the county not presently within the boundaries of Chehalis and Centralia.



**0.2% SALES
AND USE TAX**



WITHIN LEWIS COUNTY



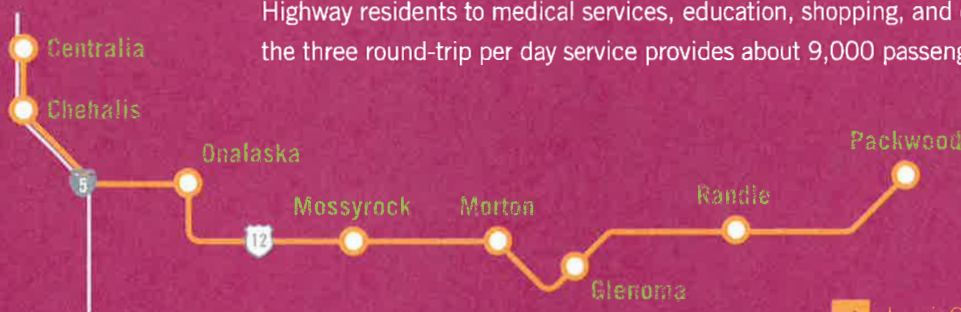
**TO FUND PUBLIC TRANSIT
EXPANSION**

WHY NOW?

Lewis County is growing and so are our needs for mobility.

Many Lewis County destinations are centralized in Chehalis and Centralia, such as medical services, major shopping destinations, major employers, and Centralia Community College. Yet, for people who cannot drive, these opportunities are not accessible.

In addition, White Pass Community Services Coalition has indicated they intend to cease operation of L.E.W.I.S. Mountain Highway Transit service in mid-2019. The service operates to Onalaska, Mossyrock, Salkum, Randle, Glenoma, Silver Creek, Morton, and Packwood. Service has been in place for roughly 20 years and has transported thousands of White Pass Highway residents to medical services, education, shopping, and employment. Currently, the three round-trip per day service provides about 9,000 passenger trips per year.



 LewisCountyTransitMeasure.com

TIMELINE

January 2018

The Lewis Pubic Transit Benefit Area completed a study on the feasibility, opportunities, and impacts of potential expansion of the PTBA.

April 2018

Lewis County Commissioners convened a Public Transit Improvement Conference to discuss and consider the potential benefits of expanding public transit in Lewis County. The conference included elected representatives from every incorporated city in Lewis County.

April 2018

Based on a recommendation from the Public Transit Improvement Conference, The Lewis County Commissioners passed a resolution that calls for expanding the present Lewis PTBA to the entire county except for Napavine.

Why not Napavine? The City Council for the City of Napavine requested to be excluded from the proposed boundary of the expanded PTBA.

Summer 2018

The Lewis County Commissioners completed the resolution to put the matter before voters for the November 2018 election.

November 2018

All voters in Lewis County except those registered in Chehalis, Centralia, and Napavine, will have a chance to vote on the potential expansion of the PTBA. The issue will be on the ballot for the general election, November 6, 2018.



COUNTY WIDE EXPANSION OF PUBLIC TRANSPORTATION SERVICES Sales and use tax levy

The Board of Lewis County Commissioners adopted Resolution No. 18-230 concerning a sales and use tax to finance public transportation within boundaries of the Lewis County Transportation Benefit Area.

If approved, this proposition would authorize a sale and use tax of two-tenths of one percent (0.2%) to be collected, in addition to any other taxes authorized by law, within the boundaries of the Lewis County Transportation Benefit Area, of all taxable retail sales in accordance with RCW 82.14.045 to fund the operation, maintenance and capital needs of the Lewis County Transportation Benefit Area as identified in its comprehensive transit plans.

Should this proposition be approved or rejected?