



December 5, 2017

Fox Blackhorn, Compliance Coordinator  
PUBLIC DISCLOSURE COMMISSION  
711 Capitol Way, Room 206  
Post Office Box 40908  
Olympia, WA 98504-0908

Dear Mr. Blackhorn,

I am writing on behalf of Sound Transit to respond to PDC Case Number 27890, sent to Executive Somers and filed by Joe Kunzler, alleging violations of RCW 42.17A.555 for allowing Mr. Alex Tsimerman to use Sound Transit's public comment period to support his campaign for elected office.

Sound Transit has not violated RCW 42.17A.555 in implementing its public comment procedures, including providing time to Mr. Tsimerman, either intentionally or, as Mr. Kunzler suggests, unintentionally. Mr. Kunzler and others take offense to many of the controversial comments that Mr. Tsimerman makes, and the remarks he makes can walk the line between appropriate and inappropriate behavior with regards to offensive speech. However, they do not amount to a violation of any campaign regulations, including RCW 42.17A.555, and Mr. Kunzler's complaint should be dismissed.

In order to provide public feedback, Sound Transit allows public comments at all Board and Committee meetings, regardless of viewpoint. In order to make educated decisions, Sound Transit board members and staff need to hear all viewpoints and understands that citizens will have differing perspectives. Sound Transit also has to be cognizant of the First Amendment rights of the commenters. There are rules that all commenters must follow. See attachment A, Sound Transit Rules for Public Comment. Generally, public comment is only permitted on items on an agenda for final action. The microphone is turned off after two minutes, or if the speaker uses personal attacks or makes comments unrelated to the final action items. See attachment B, Providing Comments to the Board from the Sound Transit website. Speakers are informed of these guidelines before they begin speaking. Sound Transit regularly enforces these provisions, and, as Mr. Kunzler points out, has done so with Mr. Tsimerman, to the point of ejection.

Sound Transit is not using the provided public comment period to assist in the campaign for any election or ballot measure as prohibited by RCW 42.17A.555. In fact, restricting comments to certain agenda items, and enforcing that provision, prevents citizens, such as Mr. Tsimerman, from making broad campaign speeches. The purpose of the public

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comment period is for the Board to hear directly from the citizens, to allow citizen participation in government, to balance varying opinions and to allow Sound Transit and its Board Members to make the best decisions for the Region. Furthermore, Sound Transit's public comment period is a part of the normal and regular conduct of the agency. See RCW 42.17A.555

Please let me know if you would like additional information or have any additional questions.

Very truly yours,



Robin Murphy  
Senior Legal Counsel



## Sound Transit

### Rules for Public Comment

Citizen comments are an important part of the public process. The Sound Transit Board takes comments seriously and considers them in its deliberations. All Sound Transit Board and Committee meetings are open to the public.

The Board welcomes public comment on items that are on that day's agenda for final action. If you wish to address the Board, you must print your name, the agenda item, and the comment topic on the sign-up sheet located in the Boardroom prior to the start of the meeting.

As time permits, the public will have an opportunity to comment on a final action as long as the comments are germane. Speakers will limit their comments to issues that the speaker has identified on the sign-up sheet.

Before calling up the first speaker, the Chair will announce the amount of time each person will have to speak. Generally, comments will be limited to two minutes. The microphone will be turned off at the end of the speaker's allotted time or if the speaker uses personal attacks, or makes remarks unrelated to the comments summarized by the speaker on the sign-up sheet.

Because public comment is permitted only on certain agenda items, please ask Board Administration staff for a general comment sheet for comments about issues not directly related to today's agenda items. All comments received will be provided to the Sound Transit Board. You may also mail or email your comments to the following address:

Board Administrator  
Sound Transit  
401 South Jackson Street  
Seattle, WA 98104

Or e-mail to: [boardadministration@soundtransit.org](mailto:boardadministration@soundtransit.org)

**(See reverse side for some public comment tips.)**

## **Public Comment Tips**

- ***Sign-Up Sheet:*** Print your name, the agenda item, and the comment topic on the sign-up sheet located in the Boardroom prior to the start of the meeting. Only people that sign-up will be called upon to comment.
- ***Be Ready:*** Please be in the boardroom and ready to speak when the Chair calls your name.
- ***Appropriate Topics for Public Comment:*** Comments must be on an item on today's agenda for final action and must stay on the issue you described on the public comment sign-up sheet.
- ***Time Limit:*** Public comment is limited to two minutes per individual; additional time may be granted by the Chair if a spokesperson is selected to represent several individuals that are present during the meeting. To assist you, we use a timer that will count down the amount of time you have left. When there is no time left on the clock and you hear the beep, it means your time is up. The microphone will be shut off at the end of your time.
- ***Appropriate Behavior:*** Out of respect for differing viewpoints and the public comment process, clapping or making noise in support or in opposition to public comments is not allowed. Additionally, personal attacks will not be allowed and may result in the microphone being shut off and being asked to leave the meeting.
- ***Remember Your Objective:*** Usually the objective of public comment is to persuade Board members to vote or decide in favor of your side of the issue. Due to the limited amount of time you have to speak, it is recommended that you state the most important information early in your remarks and avoid long stories. One idea to help make your comments effective is to organize your points so they're easily understood and then close by stating your recommendations.
- ***Diversity of Opinion:*** Please be aware that most issues have at least two sides. The Board must balance all views, interests, and proposals as it determines the best course for serving the overall good of the public.

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## Providing your comments to the Board

The Sound Transit Board welcomes your input! Citizen comments are an important part of the Sound Transit public process. The Board of Directors takes comments seriously and considers them in its deliberations. All Sound Transit Board and Committee meetings and public hearings are open to the public.

### How do I provide comments at a Board of Directors or Committee meeting?

Anyone from the public wishing to comment during Board and Committee meetings will have the opportunity to do so during the public comment section of the meeting. The meeting agenda is available on the Sound Transit website and outside the Ruth Fisher Boardroom at Union Station (401 S. Jackson St. in Seattle) on the day of Board and Committee meetings. Public comment is permitted only on items that are on the Board/Committee meeting agenda for final action, unless the Chair announces that comments will be taken on other items.

To provide public comment during Board meetings, members of the public should print their name, the agenda item, and the comment topic on the sign-up sheet located in the Boardroom prior to the start of the meeting. Sign-up is on a first come, first serve basis. The sign-up sheet will be available until the meeting is called to order.

During the public comment section of the meeting, the Chair will call names from the public comment sign-up sheet. When your name is called, please come forward, speak into the microphone, and state your name for the record. During each meeting, the Chair of that meeting will announce the amount of time that each person will have to speak. Generally, comments will be limited to two minutes.

Public comments during meetings need to be germane to items that are before the Board/Committee for final action, unless the Chair specifies otherwise. The microphone will be turned off at the end of the speaker's allotted time or if the speaker uses personal attacks, or makes remarks unrelated to the comments summarized by the speaker on the sign-up sheet.

[Rules and Tips for Public Comment Handout](#)  
[Calendar of upcoming Sound Transit Board and Committee meetings](#)

### How do I provide comments and questions to the Board of Directors regarding items that are not before the Board/Committee for final action?

The Sound Transit Board welcomes your input regarding topics that are not considered for final action at meetings, and you may do this at any time. Because public comment is typically permitted only on certain agenda items, there are other ways that you can provide general comments to Boardmembers.

#### Ways to provide general comments to Board Members

Fill out a [General Comment form](#). During Board and Committee meetings, you may fill out a general comment form and place it in the General Comments tray in the Boardroom.

**Email the Board.** You can email the Board of Directors by using this email address: [emailtheboard@soundtransit.org](mailto:emailtheboard@soundtransit.org)

**Send letters to the Board.** You can mail letters to the Board of Directors at this address:

Board Administrator  
 Sound Transit  
 401 S. Jackson St.  
 Seattle, WA 98104

All questions and comments that are provided to the Board of Directors through the General Comment tray, email, or mail will be provided to all members of the Sound Transit Board of Directors. The appropriate Sound Transit staff will follow up with you regarding questions or comments that you provide.

Once the meeting has been called to order, the sign-in sheet will no longer be available. At the discretion of the Chair, however, he/she may ask if anyone who did not sign up would like to comment.

See also:

- [Watch Board meeting live webcast](#)
- [Board documents and video archive](#)
- [CEO Corner](#)
- [Watch Board meeting webcast](#)

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