



Minutes of the Four Hundred and Eighth Meeting
Of the Utah Transit Authority Board of Trustees and Public Hearing for
Proposed 2008 UTA Budget

The Four Hundred and Eighth meeting of the Board of Trustees of the Utah Transit Authority was held on January 23, 2008, in the Board Room of the Meadowbrook Facility located at 3600 South 700 West, Salt Lake City, Utah.

Members of the Board of Trustees in attendance:

Orrin T. Colby, Jr., President	J. Kent Millington
Robert A. Hunter, Vice President	A. DeMar Mitchell
Michelle Baguley	Frederick W. Oates
Keith Bartholomew	Steven K. Randall
Burtis Bills	Gregory Simonsen
Necia Christensen	
Terry C. Diehl	Absent:
Larry Ellertson	Gregory Hughes
Charles Henderson	Michael Romero

Also in attendance were John English, General Manager and CEO; Bruce Jones, General Counsel; Celeste Burningham, Corporate Office Specialist, as well as interested citizens, UTA staff and media representatives.

Welcome- President Colby welcomed those in attendance and called the meeting to order at 2:33 p.m. He excused Trustee Hughes who was fulfilling his duties as a Legislator.

Swearing in of New Board Member(s) – Charles G. Henderson was sworn in by Irene Huntsman, Board Administrator. Trustee Henderson introduced himself to the Board and expressed his excitement to be a member of the Board.

Public Comment -

Trustee Bartholomew arrived at 2:38 p.m.

- Randy Nelson stated that he commutes from Orem to Ogden. Due to the length of the commute he finds different ways to cut down

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on time. He stated that one of the ways he found was using an electric scooter. He stated that he had been using the scooter for sometime but on January 16 a bus driver on one of the routes he rides regularly prohibited him from getting on the bus with the scooter. He stated the process he went through to identify what rule had been broken with his scooter. He stated that his scooter was operated by a battery pack and would fall under the same regulations as the battery powered wheel chairs. He read from a memo he obtained stating that UTA would not allow scooters on the bus.

President Colby thanked Mr. Nelson for his time and stated that the Board does take these concerns seriously and discusses them with the General Manager.

John English stated that he was aware of this situation and that staff was researching the regulations and laws regarding scooters. He stated that he would not be opposed to allowing these devices on the bus but that he needed to be aware of what federal regulations might be involved.

- Michael Packard distributed a report he created on TRAX ridership. He stated that UTA had been using faulty data during the entire planning process for TRAX and the other construction projects currently being done by UTA. He stated that the ridership numbers he has been looking at have been flat and not increasing as past UTA reports have stated. He stated his concerns with the new light rail lines that are being constructed.

Resolutions

- Resolution of the Board of Trustees of the Utah Transit Authority Accepting the Restated Ridership Numbers.

Trustee Ellertson stated that the Board had been working for some time to resolve the issue of the TRAX ridership numbers. He stated that prior to the APC machines, UTA had been using federally approved methods of counting and the discrepancies appeared when UTA initiated a more accurate method of counting passengers. He stated that both inside auditors and outside consultants have investigated both procedures and feel the revised numbers are very accurate. He stated that the November financial report and the end of year report will use these revised numbers in the reports.

Vice President Hunter arrived at 2:49 p.m.

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Trustee Ellertson made a motion to accept the Resolution restating the ridership numbers. Trustee Simonsen seconded the motion.

Trustee Bartholomew thanked the committee for their hard work during this process and for developing the correct response. He stated his appreciation for UTA being an agency that makes the necessary corrections even if it might have a negative effect.

Trustee Ellertson stated that the restated numbers only go back to the beginning of 2007 so the decreasing from 2006 to 2007 could be inaccurately stated.

The motion passed unanimously with 13 voting members present.

- Resolution of the Board of Trustees of the Utah Transit Authority Adopting the Weighting of Goals for 2008.

Trustee Diehl reported that the Planning and Development Committee was charged with the task of weighting the goals for 2008. He stated that much discussion went into this and it was decided to put significant weight on the projects for the 2015 plan. He stated that the projects needed to be monitored closely because of the amount of funding involved, along with the size of the projects. He discussed the weighting priorities in the past and weighting that the Committee had assigned for 2008.

Trustee Ellertson stated that last year he was involved with the weighting of goals and that there were many things to consider. He stated that the Board does need to recognize the significance of the projects occurring but that he was concerned that lowering the weight for ridership might lose the focus of what UTA really is trying to accomplish. He stated that UTA needed to stay focused on getting more people to ride the system.

Trustee Diehl stated the investment per rider and the accuracy in counting goals are also focused on ridership. He stated that adding them together shows that the Board is still focused heavily on ridership.

Trustee Bartholomew stated that all of the goals focus on ridership. He stated that the developments taking place in the 2015 plan will increase ridership but that it will take years and funding before we see the increases. He reported that ridership numbers fluctuate and have many different factors influencing it that can not be controlled. He stated that one factor UTA can control is the services it provides making the 2015 projects a high priority.

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Trustee Simonsen stated his support of the higher weighting of the 2015 projects. He stated that nothing compares with the complexity of the projects with both the construction and contracts and the Board should be looking at ways to come in under time and under budget.

Trustee Diehl made a motion to adopt the Resolution stating the weighting of the goals. Trustee Christensen seconded the motion.

Discussion took place to clarify the completion dates of the FrontRunner and hub extension.

President Colby stated his support for the higher weighting for the 2015 projects. He stated that this is the future of UTA and should be monitored closely.

The motion passed unanimously with 13 voting members present.

Executive Limitations

- Resolution of the Board of Trustees of the Utah Transit Authority Adopting an Executive Limitations Policy Regarding Communication with District Governing Councils.

Trustee Baguley stated that this Resolution is an attempt to be proactive and more responsive to the appointing authorities and other elected officials. She stated that the Internal/External Committee felt it was important to keep the elected officials updated on issues affecting UTA.

Trustee Baguley made a motion to approve the Resolution as presented. Trustee Randall seconded the motion.

Trustee Ellertson stated his concern that this might be limiting the Board and staff to when they can meet with the officials. He stated that the meeting might need to take place before the legislative session, instead of after.

Trustee Simonsen stated that he did not disagree with the intent but felt this was too broad of language. He stated that the Resolution could be stating that UTA is taking the responsibility of being an authority on all information for all transit issues and being the agency that keeps everyone informed.

President Colby stated that the wording states that it pertains to issues only affecting UTA.

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Trustee Bartholomew stated that this is broad enough to give the Board and staff a place to start but he reminded the Board that not everyone will be able to receive the one-on-one conversations.

Trustee Diehl stated he felt that this Resolution came about because of the Davis and Weber Counties issue. He stated that UTA needs to get the General Manager and the General Council in communication with these officials so that they can understand the issues that are affecting UTA service.

Bruce Jones stated that this is a limitations policy stating that staff will not fail to do at least what is stated here.

Trustee Simonsen stated that changing the wording to state “perceived effects” or “effects that UTA is aware of,” would make the Resolution sound less like UTA is taking the responsibility of being the authority and legal counsel for the entities with which UTA is communicating.

Trustee Bartholomew stated that this Resolution protects the agency. He reported that the breakdown in communication with Davis and Weber Counties happened because UTA was not in direct communication with the elected officials. He stated that this Resolution would help in making sure a similar breakdown did not occur.

Trustee Simonsen stated that he supported improving communication with the elected officials but that he did not want to take away the responsibility of those officials to be informing themselves of those things that are occurring. He stated this could lead to the elected officials being dependant on UTA to get them all information.

John English stated that he felt it was UTA’s duty to do this and that he felt confident that it could be done.

Mr. Jones reminded the Board that UTA meets frequently with elected officials in meetings such as the Utah League of Cities and Towns. He stated this was in addition to that to make sure that each body understands what does affect UTA. He suggested adding the word “perceived” in front of “impact and/or effect.”

Trustee Simonsen made a substitute motion to change the wording in Lines 5 and 9 to reflect the suggestions Bruce Jones made, adding the word “perceived” in front of “impact and/or effect.”

The motion passed unanimously with 13 voting members present.

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Trustee Oates made the motion to accept the Substitute Resolution. Trustee Baguley seconded the motion.

The motion passed unanimously with 13 voting members present.

President's Report

- President Colby stated that he received a letter from the Wasatch Front Regional Council informing him of John English's appointment to the Council. He read the letter he received. He stated that last year he received a letter from the Council asking for input on whether they should accept additional members from both UTA and UDOT to serve on their Council as non-voting members. He stated that the Board was in support of this.
- President Colby reminded the Board Members to fill out and return the Annual Certificate of the Board Member Code of Conduct as quickly as possible.

Vice President Hunter stated his appreciation for the balance and diversity the Board has which makes the organization strong and informed. He discussed the experience of each Board Member.

General Manager's Report

- Corporate Service Standards. John English stated that it was very important that these service standards were in writing and that staff is doing everything that it can to monitor all the projects that are underway.
- Emergency Response and Preparedness Program. Mr. English stated that after the New Orleans disaster APTA decided to create an emergency response plan. He stated that they have asked for a list of what each agency could donate to a disaster situation. He handed out the items that UTA has stated they could donate. He reported that this is a regional commitment and it is with the idea in mind that the items donated would not affect the service of the donating area.
- Evaluation of Bus Redesign – Mr. English stated that the initial impact of the Bus Redesign was below the predictions. He stated that UTA has seen a positive impact. He distributed a report showing the difference in ridership before and after the Bus Redesign. He stated that staff responded promptly to concerns and that calls to customer service regarding the Redesign have waned.
- Mr. English reported that the Environmental Impact Study for the FrontRunner South was completed and signed.

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- Personnel Policies, Retention of Employees, etc. – Mr. English stated that this a required report to be given to the Internal/External Committee and that the Committee felt it needed to be shared with the entire Board. He stated that six months ago it was difficult to hire new bus operators and to keep those new hires with UTA. He reported that since that time, changes have been made to the negotiations and labor contracts which have solved most of the attracting and retaining problems. He stated some of the changes and the impact that those changes have had.
- Association of General Contractors Awards – Mr. English reported that Commuter Rail North Project received the “Transportation Project of the Year” award from the Association of General Contractors of Utah. He reported that Tony Foster received “Superintendent of the Year” award for his work on the TRAX extension to the Intermodal Hub.
- Medical Renewal Rates for Group Health Plans – Mr. English stated that both IHC and Altius, the two health plan carriers, are recognizing and rewarding UTA for the programs in place that create incentives to promote healthier life styles. He discussed the plan increases and decreases for both Administration and the Bargaining Unit.

General Counsel’s Report

- Bruce Jones reported that there were a few Notices of Claim/Complaints against UTA. He discussed the claims and the details with the complaint.
- Mr. Jones reported that the Horne v. UTA was settled. He discussed the details of the Horne case.
- Mr. Jones stated that he and his office are working hard to keep the Board aware of the legislation and other issues that effect UTA. His office works closely with the Association of Special Districts in tracking these issues. He discussed the list of bills that his office is currently tracking during this legislative session. Discussion took place on some of the bills that are being tracked. Mr. Jones reported that the Legislative Audit report would be out on Friday, January 25. UTA staff and President Colby had prepared written responses to the audit that will be included in the report. He stated that the audit contained many good and constructive things and that staff is working to address the issues.

Trustee Diehl made a motion for the Board Members to move into closed session. Trustee Ellertson seconded the motion.

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The motion passed unanimously with 13 voting members present. The Board moved to closed session at 3:57 p.m. Trustee Oates left the meeting at 4:07 p.m.

The Board moved to Open Session at 4:34 on a motion by Trustee Bartholomew and seconded by Trustee Bills.

Action Taken Regarding Matters Discussed in Closed Session

- Trustee Diehl made a motion to allow staff to exceed the \$50,000 discretionary spending limit by \$42,000 on property to match the appraisal price for the properties in West Bountiful. Trustee Ellertson seconded the motion.

Motion passed unanimously with 12 voting members present.

Other Business

- President Colby stated that during the retreat issues were identified that the Board Members would like to discuss during Board Meetings. He reported that one of them was the mission statement and what it contained. Discussion took place on where to find the mission statement.
- President Colby stated that in April elections will be held to determine Board officers and in May the Chairs of the Committees. He stated that if anyone had concerns about committee assignments to report that to him before the next Board Meeting. He stated that Trustee Henderson will be joining the Finance and Operations Committee. He discussed other Board assignments that are made to members outside the commitments of the regular Board Meetings.

Consent

- Approval of Financial Statements of November 30, 2007. The Financial Statements were approved by consent.
- Approval of Minutes of Board Meeting of December 19, 2007. The minutes were approved by consent.

Trustee Randall discussed the situation with Davis and Weber Counties. He stated that the situation is still fluid and that direct conversations are ongoing with those Commissioners from Davis Counties. He reported that bonding experts met with the Davis County Commissioners to discuss how the loss in the sales tax would affect the bond rating of UTA.

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Trustee Randall discussed the issues that the Commissioners were questioning and the response that UTA had given to those concerns. He reported that the Commissioners are receiving public input stating the opposition to the raising of taxes in any way. He stated that the issues of the legislative audit and sales tax growth were concerns to the Commissioners. He reported that the Commissioners are also hearing from legislators that are in opposition to this. Trustee Randall discussed the approach that staff and members of the Board have taken in discussing these matters with the Commissioners and the confusion that has arisen because of the different approaches. He stated that the Commissioners have been told that adjustments will have to be made if this sales tax adjustment does not happen not just because of the cost of operations but also the issues with the bond ratings.

Discussion took place about the wording of the service changes. The Commissioners asked that UTA use the wording "service adjustments" and not "service cuts" and in discussions UTA had agreed to do this.

Mr. English stated that UTA does have plans to make service adjustments. He stated that they will start with the April Change Day and continue to August and next year. He discussed the effects not only coming from the loss of sales tax revenue but also fare box revenue. He outlined some of the plans to overcome these effects.

Trustee Randall stated that Davis County Commissioners are gaining an understanding of the issue UTA is faced with regarding bonding rating.

Discussion took place on what the response would be if the Commissioners do not approve the sales tax adjustment.

President Colby stated that the Planning and Development Committee will be addressing this issue in the February 13 Committee Meeting.

Discussion took place on problems that could arise by UTA using the language of "service adjustments" and not "service cuts." Trustee Bartholomew stated that it could leave UTA open for criticism because we are not stating that this is a cut in the service. He stated that UTA needs to be straight forward.

Vice President Hunter stated that UTA will need to keep good relationships with public officials and this is an opportunity to show that UTA is willing to work with the public officials.

Trustee Randall stated that the word adjustment was used by UTA first when stating that the sales tax was not an increase but an adjustment. He stated that the public will be educated when they realize that service

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is being reduced and both UTA and the Commissioners have to answer to the public about why this is happening.

Discussion took place on where the legislature stands on this issue.

Discussion took place on whether Weber County Commissioners will act on this matter if Davis County Commissioners do not.

Discussion took place on whether UTA should be firm on getting a vote from the Commissioners on whether or not they will pass the sales tax adjustment or not.

Discussion took place on how to make all negative impacts known in both Counties if this sales tax adjustment is not made.

Adjournment

Trustee Bartholomew made a motion to adjourn. Trustee Bills seconded the motion. The meeting adjourned at 5:09 p.m.

DRAFT