



Minutes of the Four Hundred and Eleventh Meeting
Of the Utah Transit Authority Board of Trustees

The Four Hundred and Twelfth meeting of the Board of Trustees of the Utah Transit Authority was held on May 28, 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
Burtis Bills	Steven K. Randall
Necia Christensen	Michael Romero
Terry C. Diehl	Gregory Simonsen
Larry Ellertson	
Charles Henderson	Absent:
Gregory Hughes	Keith Bartholomew

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 2:32 p.m. He excused Trustee Bartholomew from the meeting.

Public Comment – President Colby reminded the public that comments will be limited to 2 minutes each.

- Cindy Cromer distributed a handout. She stated that since she addressed the Board in April, UTA and Salt Lake City staff has been very helpful in answering questions. She stated that both parties had agreed to a reprieve and are looking at other alternatives for the building located at the Salt Lake City Transit Hub. She stated that the plan for the Hub should include all the property around it and she discussed some of the issues and ideas that could be used in developing the plan for the Hub.
- Tammi Diaz stated that there should be more encouragement for people to ride public transportation. She stated that the public transit needs to be convenient, frequent and affordable. She stated that UTA receives public funds making UTA a public service. She asked the Board Members for their contact information.
- Linda Parsons stated that she had read the Legislative Audit Report and found that UTA is to examine the subsidies given for discount passes. She stated that with all the subsidies given, those given for people with Horizon Cards are not getting the same consideration. She stated that she was

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opposed to the fuel surcharge or raising fares because it hurts those that need the public transit system.

- Jean Arnold stated that she was opposed to the fuel surcharge. She stated that this will negatively impact ridership. She stated that she works with Post-Carbon Salt Lake group in trying to find alternative energy solutions and ways to eliminate negative impacts on the environment. She stated that she gives presentations on the ideas that this group has been working on and she went over some of the details for those presentations. She stated that public transit needs to be affordable for everyone.
- Bill Tibbitts, the director of the Anti-Hunger Action Committee, made the Board aware of a conference being hosted by his group on Medical debt. He stated that he was opposed to the fuel surcharge because those that are low income but do not qualify for a discount or subsidies would be effected the most with the increase. He encouraged the Board to look at alternatives to the fuel surcharge.
- Jerry Costley with the Disabled Rights Action Committee stated his opposition to the fuel surcharge. He stated that transportation is necessary for those with low income to be able to get the services they need, however, it is not a service that is provided for. He stated that the increase in costs could leave those with low incomes without the transportation. He stated that the use of the Horizon Card as proof of low income is inadequate and the discounts for those that do have the cards is not enough to be helpful. He discussed the qualifications for those applying for the Horizon Card, the statistics for those that don't qualify and other programs that are being used that would not be considered by UTA as proof of low income.

Presentation of Honor Roll Award to Stuart Adams

Trustee Mitchell presented the Honor Roll Award to Stuart Adams. He discussed Mr. Adams history and the reasons why the Board selected him for this award.

President Colby stated that this award is to recognize the many years of work supporting transportation issues through out the state of Utah. He thanked Mr. Adams for his hard work.

John English stated that Mr. Adams was someone that became a leader and gave guidance to bring the state where it is in regards to transportation. He thanked Mr. Adams for his hard work.

Mr. Adams thanked the Board for the honor of receiving this award. He stated that he was grateful to all those that worked hard to get the increase in sales tax so that projects such as the FrontRunner could be completed. He described some of the work that was done to make the projects possible. He thanked the Board and UTA staff for the work they have done.

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Report on Audited Financial Statements for 2007. Trustee Ellertson stated that the Audit Committee had a financial report from Mark Stevens from Deloitte and Touche. He stated that in the report there were no material items of negative report that were found.

Mr. Stevens stated that the compliance reports for both federal and state grants had been completed. He stated that there were just a few management process suggestions but that there were no findings on the compliance side. He stated that this was a clean opinion.

Trustee Ellertson made a motion to accept the Audit Report for the year ending December 2007. Trustee Romero seconded the motion.

The motion passed unanimously with 14 voting member present.

Resolution

- Resolution of the Board of Trustees of the Utah Transit Authority Authorizing the General Manager to Implement a Fuel Cost Response.

President Colby stated that the Board and staff have worked hard to gather public comments. He discussed the forms used and public meetings that have been held in an attempt to gather as many public comments as possible. He expressed his gratitude for the comments that had been received.

Trustee Diehl stated that this is a Resolution authorizing the General Manager to implement a fuel surcharge to help in overcoming the high price in fuel. He stated that it is temporary and on a sliding scale making it possible to eliminate the surcharge when the fuel costs go back down. He stated that staff has been working to come up with alternatives to this proposal and that they have made internal budget cuts to make up for the short fall but there would still be a million dollar short fall annually without the surcharge. He stated that this Resolution allows for this to be reviewed quarterly. He reported that the Planning and Development Committee forwarded this with a favorable recommendation.

Trustee Diehl made a motion to accept this Resolution as presented. Trustee Oates seconded the motion.

Trustee Millington stated that UTA had made efforts to cut costs in management but questioned whether more could have been done in other areas to create more cost saving measures. He discussed his concerns with some of the funds that have been spent. He stated that he supported the surcharge because it is necessary but he stated that staff and the Board should be looking at more cost saving measures.

Trustee Hughes stated his support for the fuel surcharge. He stated that UTA does need to be efficient and use the funds it receives wisely.

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Trustee Simonsen stated his support for the Resolution. He stated that the concern for riders with low income should be dealt with at the Legislative level. He stated that UTA should find ways to continually cut costs and reduce the tax subsidies.

Trustee Oates stated that the Planning and Development Committee had long and informative discussions about this Resolution. He stated that he supported this Resolution but it did not come easy. He stated that those on the Board can take personal responsibility to cut costs.

Trustee Ellertson stated his support for the Resolution. He stated that making this a temporary raise in fares was the best way to do this. He stated that everyone needs to work together to find more efficient and effective ways to cut costs.

Trustee Christensen stated that this was a difficult decision but that she supports this. She stated that the Board has to be responsible to the appointing authorities, the tax payers and the riders, making decisions like this very difficult.

Vice President Hunter stated his support for this Resolution. He stated that the Board has been looking at ways to reduce costs but still keep things efficient.

Discussion took place on when to address issues for what the Board can do to reduce costs. It was clarified that all members of the Board can attend any of the Committee Meetings where many questions can be answered in more detail

President Colby clarified that one of the alternatives to the fuel surcharge that was discussed was reduction in service. He stated that the Board did not want to cut service for anyone.

Trustee Baguley stated that this was a difficult decision but one that she would support. She stated that the Board and staff looked at many different alternatives to increasing the cost for the riders but that this was the best way to make up the loss from the increase in fuel costs without cutting service.

Trustee Simonsen stated that the Board tries to be accessible to hearing from the public. He stated that members of the Board were present at each of the public hearings and that they were eager to hear from those attending, however, he did not receive one comment from anyone in attendance. He encouraged the public to speak with the Board Members.

The motion passed unanimously with 14 voting members present.

- Resolution of the Board of Trustees of the Utah Transit Authority Authorizing the Execution and Delivery of a Cooperative Construction and Funding Agreement.

Trustee Diehl stated that this Resolution is a funding agreement between UTA and UDOT.

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Bruce Jones stated that this Resolution is an agreement with UDOT to create the BRT lane along with UDOT's construction along 3500 South. He discussed some of the terms of the agreement. He reported that UTA would be given the use of the center lanes in exchange for help in funding the purchase of property to create lanes on the outside.

Trustee Diehl stated that this Resolution is part of the approved budget.

Trustee Diehl made the motion to approve this Resolution. Trustee Christensen seconded the motion.

The motion passed unanimously with 14 voting members present.

- Resolution of the Board of Trustees of the Utah Transit Authority Authorizing Execution of an Interlocal Agreement with the Department of Transportation Regarding I-80.

Trustee Diehl stated that this Resolution is an Interlocal Agreement between UTA and UDOT to advance to UDOT \$30 million in two installments. He stated that this amount would be repaid over 37 years through a portion of tax that is being signed over to UTA. He stated that by receiving the tax it helps UTA's bond rating and shows that UTA is willing to assist in all areas of transportation.

President Colby stepped out of the Board Room, leaving Vice President Hunter to officiate at 3:48 p.m.

Trustee Diehl made a motion to approve this Resolution. Trustee Simonsen seconded the motion.

The motion passed unanimously with 13 voting members present. President Colby was absent during the vote.

- Resolution of the Board of Trustees of the Utah Transit Authority Authorizing Execution of an Interlocal Agreement Between Utah Transit Authority and the Cities of Taylorsville and Murray.

Trustee Diehl stated that this Resolution is an Interlocal agreement with Taylorsville and Murray. He discussed the history behind this Resolution.

Trustee Diehl made the motion to approve this Resolution. Trustee Baguley seconded the motion.

Motion passed unanimously with 13 voting members present. President Colby was absent during the vote.

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

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Trustee Diehl stated that this Resolution amends the 2008 Goals. He stated the first change is to the first goal that states the FrontRunner will be completed from Salt Lake City to Pleasant View will be changed to Salt Lake City to Ogden. He stated that the second change is to allow more flexibility in determining what goals were met by allowing a sliding scale which will allow for how much of the goal was met.

Trustee Diehl made the motion to approve this Resolution. Trustee Oates seconded the motion.

Trustee Ellertson stated his concern with allowing both these changes. He stated that changing to the sliding scale would take care of the problem being addressed in changing the wording of Pleasant View to Ogden.

Discussion took place on when the Pleasant View portion of FrontRunner would be running.

The motion passed with 12 "ayes," one "nay" from Trustee Ellertson, and President Colby absent during the vote.

Ends

- Resolution of the Board of Trustees of the Utah Transit Authority Adopting the Revised Executive Limitations Policy 2.1.3 - Advertising.

Trustee Baguley stated that the Internal/External Committee worked with staff to revise the advertising policy. She reported that the current advertising policy is limiting in that it does not allow certain organizations, such as UDOT, to advertise on the UTA system because it is not a commercial product. She stated that this Resolution will allow these organizations to advertise on the UTA system and continue to restrict the political or questionable ads.

President Colby resumed his position in officiating the meeting at 3:57 p.m.

Trustee Baguley made a motion to accept the Ends Policy Resolution. Trustee Bills seconded the motion.

The motion passed unanimously with 14 voting members present.

President's Report

- President Colby reported that a copy of a letter sent to Mayor Cullimore was distributed to the Board.
- President Colby stated that on the day of the Grand Opening of FrontRunner, his wife purchased a book about the history of transportation along the Wasatch Front. He discussed some of the details found in the book.

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- President Colby presented Mr. English with a tie stating that Mr. English will now have a tie with a train on it instead of horses.

General Manager's Report

- Mr. English reported that he, along with other staff from UTA, joined with students in the Westminster MBE program to tour the transportation system in Curitiba, Brazil. He reported on the trip and stated that on June 9, UTA will be hosting a Transit Development Conference and that the keynote speaker will be Eduardo Guimaraes, the Secretary for International Relations from Curitiba.
- Mr. English reported on the meeting of the Transportation Modal Administrators. He stated that Michael Allegra developed the idea for this meeting, to communicate the vision for transportation. He stated that the meeting was successful and that all the parties were present including those from the airline industries, FTA, highway systems, etc.
- Mr. English reported that UTA sponsored a meeting, this month that brought all the light rail professionals together from across the country. He reported that the meeting was successful and allowed the sharing of technical information for the maintenance and operations of the LRT.
- Mr. English reported that he will be participating in an APTA Webinar on sustainability on June 10.

Discussion took place on how Board Members might be able to participate with the Webinar and how they can access the information presented.

- Mr. English reported that UTA staff made presentations to the Davis COG and the Legislative Transportation Interim Committee.
- Mr. English reported that ridership and fare box revenues were strong in April and that FrontRunner is doing better than predicted. Jerry Benson reported on some of the ridership numbers that have been seen.

General Counsel's Report

- Mr. Jones reported on the Notice of Claims/Complaints. He discussed the cut of a fiber optical cable in the claim of FirstDigital Telecom, the LLC versus Salt Lake Commuter Rail Constructors and Brinkerhoff Excavating and Construction. He reported on the issues involved in that case and clarified the status of the claim. He reported on the other claims and complaints.
- Mr. Jones reported on two matters in litigation following mediation. He stated that mediations have helped to lower the demands of the plaintiffs resulting in savings of trial costs.
- Mr. Jones reported on the status of the Pollack versus UTA trial. He stated that the jury found that the UTA operator was not negligent in the accident.
- Mr. Jones reported that the oral arguments for the Draper Alignment at the Utah Supreme Court took place on May 6. He reported that the report would be made when the opinion is released.

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- Mr. Jones reported that the Legislative Transportation Interim Committee requested that UTA report to them regarding the proposed Public Transit Study on the red burn days. He discussed some of the ideas and issues that were studied. He discussed what was reported to the Interim Committee. He reported that UTA has been asked to join with stakeholders to discuss this issue further.
- Mr. Jones reported that Phase 2 Construction Services Amendment of the West Valley LRT line was executed. He reported that the Eco and ED passes have been revised to reflect the fuel surcharge. He reported the amount that the Claims Unit has recovered to-date and the expected amount at the end of the year.

Discussion took place on how UTA is insured and the risk contingency fund.

Trustee Diehl made a motion for the Board to move to Closed Session after a brief break. Trustee Henderson seconded the motion.

The motion passed unanimously. The Board moved to Closed Session at 4:32 p.m.

The Board moved back into Open Session at 4:46 p.m. on a motion by Trustee Diehl and a second by Trustee Simonsen.

Action Taken Regarding Matters Discussed in Closed Session

- Trustee Diehl made the motion to authorize UTA to enter into an agreement with Ogden City for the transfer of ownership of the Ogden Transit Center from Ogden City to UTA. Trustee Oates seconded the motion.

The motion passed unanimously with 14 voting members present.

- Trustee Diehl made the motion to authorize UTA to purchase the property used for the Mobility Center that is currently leased to UTA. Trustee Baguley seconded the motion.

The motion passed unanimously with 14 voting members present.

Other Business

- Election of Officers.
 - President Colby stated that during the June Board meeting the election for the Board President and Vice President will take place and that this meeting would be used to present the names for consideration for those offices.
 - Vice President Hunter stated that as an Executive Committee four names were nominated for the two positions. He reported that the nominations for President are: Trustee Terry Diehl and Trustee Larry Ellertson. He reported that the nominations for Vice President are:

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Trustee Michelle Baguley and Trustee Gregory Simonsen. He opened the meeting up for nominations from the floor.

Trustee Oates nominated President Colby to continue his position as President and withdrew his nomination after President Colby declined.

Trustee Christensen nominated Trustee Ellertson for the position of Vice President. Trustee Baguley seconded the motion.

Trustee Oates nominated Trustee Diehl for the position of Vice President. Trustee Randall seconded the motion.

Vice President Hunter restated all those that were nominated for the positions and stated that nominations would also be accepted during the June Board Meeting.

- Internet Access and Paperless Packets. Trustee Baguley stated that the Internal/External Committee has been working towards electronic versions of the Board Packets. She asked the Board to try and access the intranet where the documents for the packets are located so that any problems can be dealt with.

Discussion took place on how to make the size of the packets smaller, making the downloading of the documents easier and the printing cost lower.

Consent

- Approval of Financial Statements of March 31, 2008. The March Financial Statements were approved by consent.
- Approval of Minutes of Board Meeting of April 25, 2008. The minutes of the April 25, 2008 Board Meeting were approved by consent.
- Approval of Minutes of Special Board Meeting of May 7, 2008. The minutes of the Special Board Meeting on May 7, 2008 were approved by consent.

Trustee Randall expressed his appreciation for the Board Members participation in the FrontRunner Grand Opening. He stated that Davis and Weber County were glad to have the Board there for that great event. He stated that the FrontRunner has made a big difference in these two counties.

Adjournment

Trustee Randall motion to adjourn. Trustee Diehl seconded the motion.

The motion passed unanimously. The Board adjourned at 5:00 p.m.