



Minutes of the Four Hundred and Twenty-Second Meeting  
Of the Utah Transit Authority Board of Trustees

The Four Hundred and Twenty-second meeting of the Board of Trustees of the Utah Transit Authority was held on May 27, 2009, in the Golden Spike Room at the FrontLine Headquarters of UTA located at 669 West 200 South, Salt Lake City, Utah.

Members of the Board of Trustees in attendance:

Larry Ellertson, Chair  
Gregory Simonsen, Vice Chair  
Justin Y. Allen  
Michelle Baguley  
Dama Barbour  
Keith Bartholomew  
Christopher R. Bleak  
Burtis Bills  
Necia Christensen  
Orrin Colby, Jr.  
J. Stephen Curtis

Terry C. Diehl  
Charles Henderson  
Gregory Hughes  
Robert A. Hunter  
Michael Romero

Absent:  
P. Bret Millburn  
J. Kent Millington  
Frederick W. Oates

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

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**Welcome** – Chair Ellertson called the meeting to order at 2:35 p.m. He welcomed those in attendance.

**Public Comment**

- Tammi Diaz. Ms. Diaz stated that she currently rides UTA's fix route buses and qualifies for Paratransit. She stated that UTA has great service downtown Salt Lake, in the avenues and at the University of Utah but that she is dissatisfied with the service everywhere else. She stated that she has felt that in talking with UTA her concerns were not addressed. She stated that UTA focuses too much on the FrontRunner and TRAX service and not enough on bus service.

**Honor Roll Presentation for Steven K. Randall**

Trustee Baguley stated that as a Board it has decided to honor people in the community who have left their mark on transit. Steven K. Randall was chosen by the Board to receive this award. She read a tribute outlining Mr. Randall's accomplishments and contributions to transit. Chair Ellertson and Trustee Baguley presented the award to Mr. Randall. Kathy Randall was also present.

Mr. Randall stated that he has felt uncomfortable about receiving such an award. He stated that his name did not belong with those that have received the award in the past. He explained however that he would accept the award on behalf of the 65 Board

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members with whom he served and the current Board of Trustees. He stated that he was proud of what UTA and the Board has done and will continue to do. He thanked the Board for the award. Board members and staff took thanked Mr. Randall for his service.

**Annual External Audit Report by Deloitte and Touche**

- Trustee Colby stated that the Finance and Operations Committee, acting in its role as the Audit Committee, had received and reviewed the Audit Report completed by Deloitte and Touche and have agreed to forward it to the full Board. He directed the Trustees to page 43 where a summary of the audit results were placed. He stated that UTA received a clean opinion with no material weakness in internal control or finance, no instances of non-compliance, no findings requiring reporting and indicating UTA is a low risk auditee. He stated that on page 26 the pension requirements are discussed and that next month the Pension Committee would be making a recommendation to the Board, regarding the 2009 contribution by UTA to the pension plan. He stated that the Pension Committee has received and reviewed the report of the audit of the pension plan by Deloitte and Touche, it was found to be a clean opinion as well. Trustee Colby stated that representatives from Deloitte and Touche were present to answer any questions.

Trustee Bills stated that some of the items of internal control weakness discussed in the audit were items that were found last year as well. Trustee Colby stated that there are some items that will automatically appear for sometime as UTA corrects or makes changes to the system. He stated that management has taken steps to limit liabilities while going through changes that are being made. He stated that these are not high risk items but that the auditor needed to include them.

Trustee Colby stated that the Finance and Operations Committee submits the audit to the Board with no action required.

Chair Ellertson thanked the Finance and Operations Committee for reviewing the report and bringing it to the Board. He thanked Deloitte and Touche for their work. He stated that this work was extremely important to make sure that UTA is doing everything that they need to be doing.

**Resolution of the Board of Trustees of the Utah Transit Authority Adopting Ordinances of the Utah Transit Authority.**

Trustee Baguley stated that this Resolution is adopting changes to the Ordinances for UTA. She explained the updates are timely to update and revise the Ordinances based on current services.

Jennifer Kohler stated that it had been several years since the Ordinances had been revised. She stated that the changes had been discussed in the Internal/External Committee and that revisions have been made during those discussions. She stated that the highlighted portions in the handout were the changes being proposed. She stated that changes needed to be made because

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service for UTA has changed. New services, such as TRAX, FrontRunner, Electronic Fare Collection, and Internet use on selected services, had not been included in the Ordinances. She stated that the Legal Department tried to make the changes as narrow as possible. Changes to the enabling legislation and the creation of the UTA Police Force also required changes to the language in the Ordinances. She discussed the specific changes. Trustee Christensen stated that in Chapter 2, Section 3, Item b there was not a complete sentence and wondered if that needed to be changed. Mrs. Kohler stated that the end of the sentence should state "without fair payment" and that she would make that correction.

Trustee Bartholomew stated that in the future UTA may have security cameras on the platforms. He stated that surveillance such as this might require changes to the Ordinances. Mrs. Kohler stated that it would be wise to make changes to the Ordinances when those security measures are made. John English stated that he believed UTA would be receiving a grant to install those cameras. Ken Montague stated that before UTA would receive the funds a study would need to be conducted to determine the overall effectiveness and how to implement those changes. Discussion took place regarding the changes to the Ordinances that need to be made when installation of the cameras take place. Mr. Montague stated that temporary cameras might be installed in the interim.

Trustee Bartholomew asked if the Legal Counsel would give a legal opinion on having the proper language for the change to the Ordinance before the agency installed any type of security device. Bruce Jones stated that his department would have the language to back up the actions taken by UTA. Mr. Jones discussed the hierarchy of governance for the Board and the agency.

Trustee Baguley made a motion to adopt the Resolution with Trustee Christensen's revisions and at a later date have amendments brought to the Board for approval. Trustee Bills seconded the motion.

Vice Chair Simonsen stated that the Ordinances should be placed on UTA's website for passengers to read. He stated that UTA should encourage those using the system to read through the Ordinances.

The motion passed unanimously with 16 voting members present

**President's Report**

Chair Ellertson stated that he appreciates the opportunity to work with the members of the Board. He stated that we are a team and it is working very well. He encouraged the members of the Board to find opportunities to report to their appointing authorities regularly. He stated that staff is willing to help in getting the information and presentations prepared. He stated that this would be a great way to inform the elected officials of what UTA is doing. He expressed his gratitude for the work that has been done and is being done to receive input from the community. He stated that UTA is seeing a positive reaction with having that openness.

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**General Manager's Report**

Mr. English distributed a booklet entitled "UTA Central Buses are the Cleanest of all Transit Systems." He stated that the Central Division of UTA has been making drastic adjustments to improve the service. He introduced Grantley Martelly the Regional General Manager of the Central Division. He stated that in looking at the reports coming from the Central Division the system is doing very well. He stated that those located at Central are working under some of the poorer conditions for UTA facilities but that they are working hard to make the system the best it can be. He stated that the handout was prepared by the Central Maintenance department to report on the steps being taken to keep the buses clean. He stated that this shows how much the employees of UTA care about the system.

- FrontRunner Group Pass. Mr. English reported that UTA is launching a new summer promotional pass for FrontRunner. He stated that it will allow up to four people to ride round-trip on FrontRunner for \$10. He stated that staff is focused on FrontRunner right now to make it easier to use and make it something people can use.
- HAFB "Air Force Week." Mr. English reported that next week is Air Force Week. He stated that on June 6 and 7 UTA will be providing bus service to Hill Air Force Base in support of the events taking place.
- TIC Conference and NTI Transit Academy. Mr. English stated that UTA is becoming the center for transit training. He stated that the NTI Transit Academy was hosted by UTA last week, for the third time in six years. He stated that groups come to UTA because they find that we have so much to offer. He stated that the TIC Conference starts this Sunday. He stated that this conference will focus on transportation ballot initiatives. He stated that UTA will also be hosting the National Sustainability Conference and in 2015 the National Rail Conference.
- Report on Bonds for FrontLines 2015. Mr. English reported that UTA has secured \$306 million with a 3.99% interest rate that was approved by the Board during the Special Board Meeting on May 13.
- Mid-Jordan Public Open House. Mr. English reported that on May 9<sup>th</sup> UTA hosted a community open house on the Mid-Jordan line to update the public on the progress of the project. He stated that it was a successful event and well attended.

Mr. English reported that he, along with Trustee Colby, reported on the progress of UTA to the Transportation Commission.

**General Counsel's Report**

- Notice of Claims and Complaints. Mr. Jones reported that UTA has received five claims. He briefly described each case.
- The Office of General Counsel Staff Other Matters. Mr. Jones reported:
  - UTA has settled several litigation matters.
  - UTA renewed the Horn Waiver on the North-South Line and is working to have a Quiet Zone in place prior to the expiration of the renewed Horn Waiver.

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- UTA has been preparing waiver requests from various FRA requirements for the Mid-Jordan line. Mr. Jones reported that UTA intends to begin testing new vehicles on that line this summer.
- UTA challenged the award of unemployment compensation to a former employee and UTA prevailed and unemployment benefits were denied.
- UTA's Central Maintenance Department performed a reorganization.
- Staff has been in discussions with the Disability Law Center regarding the implementation of the ¾ mile rule.
- Staff has been in the process of revising the Ed Pass agreements.
- Staff performed an internal investigation brought to them by the Manager of Civil Rights.
- Staff has been working on revisions to the UTA's Ordinances, Criminal Convictions Policy, Employment of Relatives Policy and other policies.
- Staff has been working on rendering legal opinions on tax issues.
- Staff has responded to over 50 GRAMA requests to date this calendar year.
- Staff provided a presentation at the National Training Academy.
- Staff participated in the closing of the sale of the Dalton Spur to Kennecott Land Development.
- Staff participated in the recently completed bonding process.

Vice Chair Simonsen asked if 50 GRAMA requests was typical for the agency. Mr. Jones reported that UTA has been steadily increasing in these requests and that this is a lot. He stated that these requests have been varied and most are appropriate inquiries that staff provides the information as requested.

Trustee Diehl left the meeting at 3:30 p.m.

**Closed Session**

Trustee Baguley made a motion to move the Closed Session item to the end of the agenda. Trustee Curtis seconded the motion.

The motion passed unanimously with 15 voting members present.

**Board Training**

Trustee Bartholomew stated that it would be helpful at some point to have a presentation on how federal dollars are planned and presented to the Authority and what processes are involved with receiving the funding. Mr. Jones stated that staff has charts and expertise in this area. He suggested Michael Allegra could prepare this report. Chair Ellertson instructed staff to include that report on the next Board meeting agenda.

**Consent**

- Approval of Financial Statements of February 28, 2009. The Financial Statements were approved by consent.
- Approval of Financial Statements of March 31, 2009. The Financial Statements were approved by consent.

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- Approval of Minutes of Board Meeting of March 25, 2009. The minutes were approved by consent.

Trustee Christensen made the motion to move to closed session with staff not being present during the meeting. Trustee Henderson seconded the motion.

The motion passed unanimously with 15 voting members present.

The Board moved to Closed Session at 3:46 p.m.

**Adjournment**

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