



Utah Transit Authority

Board of Trustees

MEETING MINUTES - Draft

669 West 200 South
Salt Lake City, UT 84101

Wednesday, March 9, 2022

9:00 AM

FrontLines Headquarters

Present: Chair Carlton Christensen
Trustee Beth Holbrook
Trustee Jeff Acerson

Also attending were UTA staff and interested community members.

1. Call to Order and Opening Remarks

Chair Carlton Christensen welcomed attendees and called the meeting to order at 9:00 a.m.

2. Pledge of Allegiance

Attendees recited the Pledge of Allegiance.

3. Safety First Minute

Jay Fox, UTA Executive Director, delivered a brief safety message.

4. Public Comment

Public comment was given by Claudia Johnson. Ms. Johnson said improvements made to the bus stop near 1100 East Kensington Avenue in Salt Lake City are appreciated, but there is a car that consistently parks in front of the bus stop at that location. Ms. Johnson suggested a yellow strip be painted on the curb at bus stops so vehicles do not park in front of them. She recommended the addition of yellow strips become part of UTA's bus stop enhancement program. Ms. Johnson also requested UTA look at planning in smaller cities to better serve frequently accessed locations (e.g., grocery stores). (Note: no online public comment was received for the meeting.)

5. Consent

a. Approval of February 23, 2022 Board Meeting Minutes

A motion to approve the consent agenda was made by Trustee Acerson and seconded by Trustee Holbrook. The motion carried by a unanimous vote.

6. Reports**a. Executive Director's Report**

- **Free Fare February**
- **Employee Commendation - Officer Preston Fenwick**

Free Fare February

Mr. Fox reviewed the preliminary ridership data from Free Fare February, including average daily ridership by mode. Overall, the data for February 2022 reflected an increase in ridership across all modes when compared to January 2022.

Trustee Acerson recommended tracking ridership trends associated with rising gas prices.

Employee Commendation - Officer Preston Fenwick

Mr. Fox recognized Preston Fenwick, UTA Transit Police Officer IV, and Alton Johnson, UTA Transit Police Officer IV, for an act of kindness shown to a family in need. The officers responded to a domestic altercation at one of UTA's stations. The cause of the altercation was a child custody dispute between a man and woman. The man was subsequently detained, and the officers took the woman home. While at the home, the officers discovered there was no food or other necessities on hand for the mother and her child. They purchased groceries and other essential items at their own expense for the family.

The board commended the officers for their generosity.

Attendance at FrontRunner Hiring Event

Mr. Fox reported a recent FrontRunner hiring event sponsored by the agency was well attended.

b. Government Relations and Legislative Update

Shule Bishop, UTA Government Relations Director, noted the following bills with UTA-related impacts were passed on the last day of the 2022 legislative session:

- HB 82 State Debt Review Commission
- HB 388 Local District(s) Amendments
- HB 399 Government Record Amendments
- HB 462 Utah Housing Affordability Amendments
- SB 140 Housing and Transit Reinvestment Zone Amendments
- HB 404 Large Public Transit District Amendments (procurements segment)

In addition, Mr. Bishop mentioned the agency received state appropriations for:

- Depot District Clean Fuels Technology Center
- Strategic double tracking (\$75 million)
- Point of the Mountain (\$75 million)

- Environmental work on a FrontRunner extension to Payson (\$5 million)

c. Financial Report - January 2022

Brad Armstrong, UTA Senior Manager - Budget & Financial Analysis was joined by David Hancock, UTA Director of Capital Construction. Mr. Armstrong reviewed the financial dashboard, sales tax revenue, sales tax collections by county, passenger revenues, stimulus funding, and operating financial results. Mr. Hancock discussed capital spending, including spending by project type.

Discussion ensued. Questions on the status of stimulus grant awards, consideration given to economic forecasts, supply chain impacts on inflation, impact of recently passed legislation on procurement timelines, and status of requests for proposals on upgraded bus stops were posed by the board and answered by staff.

d. 457 Deferred Compensation Plan Committee Report

Ann Green-Barton, UTA Manager - Total Rewards, was joined by Troy Bingham, UTA Comptroller. Ms. Green-Barton provided background on the 457 Committee, which reviews the status of the 457 plan portfolios. Mr. Bingham spoke about the two different plans with MissionSquare and Mutual of America and said both plans are in good standing.

Discussion ensued. Questions on the competitiveness of UTA's plans, benefit for employees staying with the UTA plan, efforts to communicate options with employees, and 457 plan participation rates were posed by the board and answered by staff.

7. Resolutions

a. R2022-03-01 - Resolution Appointing a Plan Coordinator for the UTA Employee 457 Deferred Compensation Plan

Ms. Green-Barton summarized the resolution, which updates the 457 deferred compensation plan to reflect the UTA Chief People Officer as the plan coordinator.

A motion was made by Trustee Holbrook, and seconded by Trustee Acerson, that this resolution be approved. The motion carried by the following vote:

Aye: Chair Christensen, Trustee Holbrook, and Trustee Acerson

b. R2022-03-02 - Resolution Adding Managed Account Services to the Utah Transit Authority Employee 457 Deferred Compensation Plan

Ms. Green-Barton described the resolution, which adds a managed accounts feature to the MissionSquare 457 deferred compensation package. The feature provides employees with more personalized professional investment advice and ongoing

investment management support. There are no additional fees to UTA to add the service; employees who enroll in the service pay the fees directly from their own MissionSquare accounts.

A motion was made by Trustee Acerson, and seconded by Trustee Holbrook, that this resolution be approved. The motion carried by the following vote:

Aye: Chair Christensen, Trustee Holbrook, and Trustee Acerson

c. R2022-03-03 - Resolution Ratifying and Approving the Third and Fourth Amendments to the UTA Retirement Plan and Trust Agreement

Ms. Shanklin was joined by Ms. Green-Barton. Ms. Green-Barton reviewed the resolution, which ratifies and approves the third and fourth amendments to the UTA Retirement Plan and Trust Agreement (Agreement). The third amendment updates language clarifying employees who participate in UTA's 401(a) retirement program are not eligible for the pension retirement benefit and updates the "applicable interest rate" to 6.75% effective January 1, 2021. (Note: incorporating the latter provision allows the updated Agreement documents to be executed properly.) The fourth amendment removes Exhibit 1 from the Agreement, which included a benefit specific to an employee no longer employed at UTA.

Discussion ensued. A question on the requirement for employees returning to UTA to re-vest in the pension program was posed by the board and answered by staff. Chair Christensen and Trustee Holbrook recommended the vesting requirement be reviewed as the total rewards program is evaluated.

A motion was made by Trustee Holbrook, and seconded by Trustee Acerson, that this resolution be approved. The motion carried by the following vote:

Aye: Chair Christensen, Trustee Holbrook, and Trustee Acerson

8. Contracts, Disbursements and Grants

a. Contract: UTA Facilities Structural and Seismic Analyses (Reaveley Engineers)

Hal Johnson, UTA Manager - Project Research & Development, requested the board approve a \$278,463 contract with Reaveley Engineers for structural and seismic analyses on UTA facilities. The initial contract is for work at Warm Springs, with options for additional work at Jordan River Rail Service Center, Midvale Rail Service Center, Meadowbrook, Riverside, Mt. Ogden, and Timpanogos facilities, which would be approved by future action of the board.

Discussion ensued. Questions on safety thresholds during retrofitting and recommendations for rebuilding rather than retrofitting were posed by the board and answered by Mr. Johnson.

A motion was made by Trustee Acerson, and seconded by Trustee Holbrook, that this contract be approved. The motion carried by a unanimous vote.

b. Change Order: On-Call Systems Maintenance - Task Order #003B - 2022 General Engineering and Maintenance Support (Rocky Mountain System Services)

Mr. Hancock was joined by Jared Scarbrough, UTA Manager - Systems Engineering. Mr. Scarbrough asked the board to approve a \$300,000 change order to the contract with Rocky Mountain Systems Services for a variety of systems engineering and/or maintenance support activities. The total contract value, including the change order, is \$4,436,931.

A motion was made by Trustee Holbrook, and seconded by Trustee Acerson, that this change order be approved. The motion carried by a unanimous vote.

c. Change Order: On-Call Systems Maintenance - Task Order #001B - Contractor Full-Time Key Personnel Support - 2022 (Rocky Mountain System Services)

Mr. Hancock was joined by Mr. Scarbrough. Mr. Scarbrough requested the board approve a \$912,521 change order to the contract with Rocky Mountain System Services for three full time contract employees to assist planning and management, project engineering, and field engineering. The total contract value, including the change order, is \$5,609,972.

A motion was made by Trustee Acerson, and seconded by Trustee Holbrook, that this change order be approved. The motion carried by a unanimous vote.

d. Pre-Procurements

- **JD Edwards 9.2 Upgrade**
- **Vendor Managed Inventory - Light Rail Tire Kits**

Todd Mills, UTA Director of Supply Chain, was joined by Kyle Brimley, UTA IT Director. Mr. Mills indicated the agency intends to procure the goods and/or services listed on the meeting agenda.

Discussion ensued. Questions on the potential vendor pools for the JD Edwards upgrade and light rail tire kits were posed by the board and answered by staff.

9. Discussion and Potential Action Items

a. UTA Policy - UTA.05.04 Administrative Employee Compensation Program

This agenda item was deferred to a future meeting.

10. Other Business

- a. Next Meeting: Wednesday, March 23rd, 2022 at 9:00 a.m.

11. Closed Session

a. Strategy Session to Discuss Pending or Reasonably Imminent Litigation

Chair Christensen indicated there were matters to be discussed in closed session relative to pending or reasonably imminent litigation. A motion was made by Trustee Holbrook, and seconded by Trustee Acerson, for a closed session. The motion carried by a unanimous vote.

Chair Christensen called for a short break at 10:35 a.m.

The meeting reconvened in closed session at 10:42 a.m.

12. Open Session

A motion to return to open session was made by Trustee Acerson, and seconded by Trustee Holbrook. The motion carried by a unanimous vote and the board returned to open session at 10:52 a.m.

13. Potential Action Item**a. Arbitration Award for Ortega v. UTA**

David Wilkins, Assistant Attorney General, was joined by David Pitcher, UTA Claims & Insurance Manager, and Michael Benvegno, UTA Claims Administrator. Mr. Wilkins summarized the incident precipitating the litigation. The matter was sent to arbitration. UTA was found to be at fault and the arbiter awarded \$492,751.02 to Ms. Ortega.

Discussion ensued. A question on whether the settlement was included in the amount budgeted for losses was posed by the board and answered by Mr. Pitcher.

A motion was made by Trustee Holbrook, and seconded by Trustee Acerson, that this arbitration award be approved. The motion carried by a unanimous vote.

14. Adjourn

A motion was made by Trustee Acerson, and seconded by Trustee Holbrook, to adjourn the meeting. The motion carried by a unanimous vote and the meeting adjourned at 10:55 a.m.

Transcribed by Cathie Griffiths
Executive Assistant to the Board Chair
Utah Transit Authority

This document is not intended to serve as a full transcript as additional discussion may have taken place; please refer to the meeting materials, audio, or video located at <https://www.utah.gov/pmn/sitemap/notice/740101.html> for entire content.

This document along with the digital recording constitute the official minutes of this meeting.

Approved Date:

Carlton J. Christensen
Chair, Board of Trustees