



Utah Transit Authority Board Policies Proposed Revisions - September 2023

- 1.1 Process for Establishing Board Policies (revised)
- 1.3 Executive Relationships and Meetings (new policy)
- 2.3 Budget (new policy)
- 3.1 Advertising and Naming (revised)
- 4.2 Records (revised)

*Additional UTA Board Policies that remain unchanged may be viewed at
rideuta.com/Board-of-Trustees*



Process For Establishing Board Policies

Board of Trustees Policy No. 1.1

Application: Board of Trustees and Local Advisory Council

- I. Purpose: The purpose of this policy is to establish the process for the adoption of Board policies and for the approval of UTA policies that fall under the responsibility of the Executive Director.

- II. Policy:
 - A. The Board will adopt Board policies pursuant to the following process.
 1. At the Board's request, the Executive Director or designee will draft a proposed policy.
 2. The Executive Director or designee will present the proposed policy to the Board for discussion and direction.
 3. The Executive Director or Board of Trustees will consult with the Local Advisory Council regarding the proposed policy.
 4. The Executive Director or designee will present the proposed policy to the Board for final adoption by resolution.

 - B. The Board will review UTA policies pursuant to the following process.
 1. The Executive Director will submit the proposed UTA policy to the Board for review.
 2. The Board will approve the proposed UTA policy in a meeting of the Board of Trustees or direct the Executive Director to make further revisions to the proposed policy.

 - C. Exceptions to UTA Policies.
 1. Effective upon the approval of this policy, exceptions to UTA Policies will be approved by the Board of Trustees at a Board of Trustees meeting.
 2. The Board of Trustees may delegate authority to approve exceptions to UTA policies.
 3. Any UTA policy exception relating to the Executive Director or a chief officer will be approved by the Board.

D. Policy Review.

1. All policies and procedures including Board policies, UTA Policies, and Standard Operating Procedures will be reviewed for revision or confirmation as required by statute or at least every three years.

IV. Cross References: Utah Code §17B-2a-808.1(2)(b) and (t); UTA Policy 1.1.29 Exceptions to UTA Policies.

Approved this ___ day of _____ 2023

Carlton Christensen - Chair, Board of Trustees

Secretary of the Authority

Approved as to form and content:

Counsel for the Authority

Revision/Review History:

Date of Local Advisory Council Consultation	Board of Trustees Approval (Resolution Number)	Action
06-12-2019	R2019-06-01 (06-19-2019)	Revised and renumbered from Board Policy No. 4.1.3 – Process for Establishing Board Policies to Board Policy 1.1 – Process for Establishing Board Policies.
09-07-2022	R2022-12-07 (12-21-2022)	Clarified process for UTA Policy review at a Board of Trustees meeting.
<u>Day-Mo-20xx</u>	<u>R20XX-XX-XX</u> <u>(Day-Mo-20xx)</u>	<u>Added policy review requirements.</u>



Executive Relationships and Meeting Protocols

Board of Trustees Policy No. 1.3

Application: Board of Trustees and Local Advisory Council

I. Purpose: The Board of Trustees, Local Advisory Council and Executive Director commit to comply with Utah’s Open and Public Meetings Act (OPMA) and perform their duties as defined in Utah’s Public Transit District Act and according to the requirements of this policy.

II. Definitions:

- A. *“Executive Team”* means the administrative staff appointed by and reporting directly to the Executive Director as chief level officers.
- B. *“Officer of the Authority”* means an officer of the public transit district as prescribed in the Utah Public Transit District Act and appointed by the Board of Trustees.

III. Policy:

- A. Open and Public Meetings – Meetings of the Board of Trustees, its committees, and the Local Advisory Council will be open to the public and comply with the State of Utah’s Open and Public Meetings Act (OPMA) and as outlined in the Authority’s Bylaws.
- B. Administrative Meetings – In alignment with OPMA, an open and public meeting with members of the Board of Trustees will not include:
 - 1. Administrative meetings where neither a tentative or final vote on the matter that is the subject of the conversation is made; or
 - 2. Administrative meetings that pertain only to day-to-day management and operation of Authority.
- C. Executive Relationships – The relationship of the Board of Trustees, Local Advisory Council and Executive Director will reflect the requirements of Utah’s Public Transit District Act.
 - 1. The Board of Trustees (the “Board”) is the governing body of the Authority. The Board will manage and conduct the business and affairs of the Authority and will determine all questions of policy. The Board will:
 - a. Appoint all Officers of the Authority required in Utah’s Public Transit District Act by resolution including the Executive Director, Secretary, Treasurer, Comptroller, and Internal Auditor.
 - b. Appoint and hire other officers, assistants, or deputies the Board considers necessary, including the offices of Board Governance, Internal Audit and

- Government Relations.
- c. Develop and approve a Strategic Plan for the Authority every four years, including developing and evaluating performance targets annually of the Executive Director and Executive Team.
 - d. Fix the compensation of all Officers and employees of the Authority by resolution, excluding the Board of Trustees.
 - e. Fulfill all other powers and duties defined in Utah's Public Transit District Act and Board Policies.
2. The Local Advisory Council (the "Council") is an advisory body to the Board of Trustees. The Local Advisory Council will meet at least quarterly with and consult with the Board of Trustees and advise them regarding the operation and management of the public transit district. The Local Advisory Council will:
- a. Consult with or review, approve and recommend items required in Utah's Public Transit District Act and Board Policies.
 - i. Statutorily required consultation from the Council to the Board will be done in a public meeting as defined in OPMA for the purpose of sharing information and providing comment prior to a decision or action of the Board.
 - ii. The Council's review, approval, and recommendation to the Board will be made by resolution of the Council in a public meeting as defined in OPMA. The Board will be advised of the Council's resolution prior to the Board's final decision and action.
 - b. Set the compensation packages of the Board of Trustees by resolution.
 - c. Fulfill all other powers and duties defined in Utah's Public Transit District Act and Board Policies.
3. The Executive Director is the highest-ranking administrative leader of the Authority. The Executive Director will serve at the pleasure of the Board of Trustees and be a full-time Officer of the Authority. In consultation with the Board of Trustees, the Executive Director is responsible for the day-to-day administration of the Authority's business affairs, including the appointment of the Authority's Executive Team and employees (excluding Officers and staff defined in paragraph III(C)(1) above).
- a. Consultation between the Board of Trustees and Executive Director means reports by the Executive Director at public Board meetings as described in paragraph III(A) above, administrative meetings as described in paragraph III(B) above and communicating other reasonable information necessary for the Board of Trustees to execute their powers and duties as defined under Utah's Public Transit District Act.
 - b. The Executive Director will:

- i. Provide leadership and management of the Executive Team and administrative staff in alignment with the governing and strategic direction set by the Board.
- ii. Provide timely reports required in statute and UTA Board policies.
- iii. Present to the Board for evaluation the annual goals and outcomes of the Executive Director and Executive Team.
- iv. Report quarterly and annual progress on the Authority’s Strategic Plan.
- v. Secure Board approval by resolution for the organization of chief level offices and the organization structure of the Authority, including the Executive Director and chief level offices.
- vi. Fulfill all other powers and duties defined in Utah’s Public Transit District Act and Board Policies.

Cross References: Utah Open and Public Meetings Act, Utah Code §52-4-101; Utah Public Transit District Act, Utah Code §17B-2a-808.1; Utah Special Districts Act - Board of Trustees Power, Utah Code §17B-1-301; Utah Transit Authority Bylaws.

Approved this ____ day of ____ 2023

Carlton Christensen - Chair, Board of Trustees

Secretary of the Authority

Approved as to form and content:

Counsel for the Authority

Revision/Review History:

Date of Local Advisory Council Consultation	Board of Trustees Approval (Resolution Number)	Action
Day-Mo-20xx	R2023-XX-XX (XX-XX-20XX)	<u>New Policy</u>



Budget

Board of Trustees Policy No. 2.3

Application: Board of Trustees and Local Advisory Council

- I. Purpose: The purpose of this policy is to define the requirements, duties, and responsibilities for developing, proposing, and amending annual budgets of the Authority.

- II. Definitions:
 - A. "Annual Budget" means a financial plan for the fiscal year which includes estimates of operating revenues and expenses, capital revenue and expenses, debt service, required reserves, undesignated cash balance, and the projected Fund Balance at the beginning and end of the fiscal year.
 - A. "Authority" means the Utah Transit Authority or UTA.
 - B. "Board of Trustees" or "Board" means the UTA Board of Trustees established in Utah's Public Transit District Act (17B-2a-801 *et seq.*)
 - C. "Budget Amendment" means an adjustment that increases the appropriation authority of the Annual Budget.
 - D. "Capital Budget" means the budget for capital projects including preservation of the system to keep it in a state of good repair, purchase of capital equipment (including vehicles), construction of new facilities, equipment, maintenance machinery, information technology, system expansion and improvement, and off-site improvements as approved in the Capital Plan required in Board Policy 2.1 Financial Management. The Capital Budget tracks discrete projects, Safety & Security, State of Good Repair (preservation of the transit infrastructure), expansion of and improvements to the system, and Information Technology.
 - E. "Capital Carryforward" means unexpended or encumbered capital funds that have been authorized by the Board of Trustees through a Technical Budget Adjustment to extend appropriation authority to the following fiscal year.
 - F. "Constituent Entity" means any county, city, or town that levies taxes for transit within the geographic boundaries of the Authority's transit district.
 - G. "Contingency" or "Unallocated Expense" means funds held in Operating or Capital Budgets that have not been allocated for a defined purpose or project, and that require a Technical Budget Adjustment to receive appropriation authority.

- H. “Executive or Chief Office” means the Office of the Board of Trustees, the Office of the Executive Director, or any office of a Chief Officer who is a direct report to the Executive Director.
 - I. “Fiscal Year” means January 1 through December 31 of each calendar year, as defined in the Authority’s Bylaws.
 - J. “Final Budget” means the Annual Budget approved by the Board of Trustees after completion of the public comment period and consultation by the Local Advisory Council.
 - K. “Fund Balance” means the definition given under generally accepted accounting principles as reflected in the Uniform Accounting Manual for Special Districts.
 - L. “Local Advisory Council” means the UTA Local Advisory Council established in Utah’s Public Transit District Act (17B-2a-801 *et seq.*)
 - M. “Mode” means type of transit service including bus, light rail, commuter rail, paratransit, rideshare/vanpool, on-demand, or any future type of transit service that the Authority adopts.
 - N. “Operating Budget” means the budget that tracks operating expenses by Mode as well as direct operations support, general management and support, and administration. The budget also tracks operating expenses by Executive or Chief Office classification. The Operating Budget should outline expenditures and revenue sources in support of current operations. The Operating Budget does not include debt service, capital, or reserve monies.
 - O. “Public Engagement Report” means a document comprising all public comments received during the public comment period for the Authority’s annual budget.
 - P. “Technical Budget Adjustment” means the process of allocating contingency or unallocated expenses to an approved capital project or line item in the operating budget, or an action that reallocates funds from one executive or chief office classification to another.
 - Q. “Tentative Budget” means the annual budget approved by the Board of Trustees before the public comment period and consultation by the Local Advisory Council. The Tentative Budget is replaced by the Final Budget after that is adopted by the Board of Trustees.
- III. Policy: The development, review and approval of the Authority’s Annual Budget will proceed as follows:
- A. Budget Development
 - 1. As provided for in the Authority’s Bylaws, the Authority will prepare an Annual

Budget and the Board of Trustees, after consultation with the Local Advisory Council, will approve the budget prior to the end of each fiscal year.

2. The budget will be developed in compliance with Chapter 1, Part 7 of the Special Districts Act.
3. The agency will incorporate the following plans while developing the Annual Budget:
 - a. UTA's Strategic Plan;
 - b. UTA's Long-Term Financial Plan (as required in Board Policy 2.1. Financial Management); and
 - c. UTA's Five-Year Capital Plan (as required in Board Policy 2.1 Financial Management). The Annual Budget will reflect the first year of the approved Capital Plan as adopted annually or amended.
4. The Tentative and Final Operating Budgets will include detailed summaries of revenue by source, operating expense by Mode, operating expense by Executive or Chief Office classification, full-time employee (FTE) equivalent by Mode, FTE equivalent by Executive or Chief Office classification, debt service, contribution to reserves, and transfer to capital.
5. Tentative and Final Capital Budgets will include detailed summaries of revenue by source, major capital expense categories, and capital expense by project and project category.

B. Budget Review and Approval

1. A Tentative Budget will be presented to the Board of Trustees for discussion in a public meeting prior to the Tentative Budget being presented to the Board for approval. The Tentative Budget will be adopted by resolution.
2. Following the Board's adoption of the Tentative Budget:
 - a. The Authority will distribute the Tentative Budget for feedback from constituent and customer entities as required in Chapter 1, Part 7 of the Special Districts Act.
 - b. The Tentative Budget will be presented at a public meeting of the Local Advisory Council for their consultation to the Board.
 - c. A public budget hearing will be held with the Board of Trustees within 30-days of the adoption of the Tentative Budget and at least 30-day before the Board adopts a Final Budget.

3. A Final Budget will be presented to the Board of Trustees in a public meeting for discussion, along with a Public Engagement Report, prior to the Final Budget being presented to the Board for approval. The Final Budget will be adopted by resolution prior to the end of the fiscal year.
4. A copy of the final budget will be sent to the Office of the State Auditor within 30 days after its adoption.

C. Budget Adjustments and Amendments

1. The Board of Trustees may amend or supplement the budget at any time after its adoption as follows:
 - a. Technical Budget Adjustment – the Authority may request the Board’s approval to reallocate existing resources in the Annual Budget when the request does not increase budget authority. A Technical Budget Adjustment must be placed on a public meeting agenda for the Board’s action by a voice vote.
 - b. Contingency and Unallocated Resources in the Annual Budget will require the Board’s approval through a Technical Budget Adjustment to provide appropriation authority for those funds.
 - c. Budget Amendment – after consulting with the Local Advisory Council, the Board may authorize a Budget Amendment for the current fiscal year to increase the Annual Budget appropriation authority. A Budget Amendment will be adopted in a public meeting by resolution.
2. The Executive Director may make administrative adjustments to an adopted budget without Board approval under the following circumstances:
 - a. The Executive Director may make Operating Budget adjustments within the same Mode or Executive or Chief Office.
 - b. The Executive Director may make a Capital Budget adjustment within the same respective Capital project in the approved Capital Plan.
 - c. The Executive Director may reassign existing headcount approved in the Annual Budget to another Mode, Executive or Chief Office as long there is a neutral (net zero) impact to the Annual Budget, and the Board is notified of the adjustment.
 - d. The administrative adjustments authorized in this section will not have a significant policy impact or affect budgeted year-end Fund Balances.

- e. Excluding the circumstances authorized above, administrative adjustments which seek to reallocate funds across Mode, Executive and Chief Offices, or between capital projects will be brought to the Board for a Technical Budget Adjustment consideration.

D. Lapse of Appropriation

1. All unexpended or unencumbered appropriations, except capital project fund appropriations, lapse at the end of the fiscal year to the Fund Balance.
2. Unexpended capital appropriations may be authorized, by project, for Capital Carryforward through a Technical Budget Adjustment approved by the Board in the following fiscal year.

Cross References: Utah Public Transit District Act, Utah Code §17B-2a-801 *et seq.*; Utah Special Districts Act, Part 7, Utah Code §17B-1-701 *et seq.*; UTA Bylaws; Board Policy 1.3 Executive Relationships and Meetings; Board Policy 2.1 Financial Management.

Approved this ____ day of _____, 2023.

Chair, Board of Trustees

Secretary of the Authority

Approved as to Form:

Legal Counsel

Revision/Review History:

Date of Local Advisory Council Consultation	Board of Trustees Approval (Resolution Number)	Action
XX-XX-2023	R2023-XX-XX (XX-XX-20XX)	<u>New Policy</u>

Advertising and Naming

Board of Trustees Policy No. 3.1

Application: Board of Trustees and Local Advisory Council

I. Purpose: The Board of Trustees allows for advertising on the Authority's facilities, vehicles, and electronic media in compliance with contractual agreements, local ordinances, and State and federal laws to provide information to the public and to generate additional revenue to support the Authority's public transit operations. This policy establishes the standard for advertising appearing on the Authority's vehicles and facilities. It also establishes the process for naming stations, facilities, and service brands.

II. Policy:

A. Advertising

The agency will not allow advertising on Authority vehicles, electronic media, or transit facilities that:

1. Is false, misleading, or deceptive
2. Promotes or depicts an illegal activity, good, or service
3. Contains explicit sexual material, obscene material, or material harmful to minors as set forth in state law
4. Promotes alcohol in a manner inconsistent with federal and state law
5. Promotes tobacco products in a manner inconsistent with federal and state law
6. Depicts violence, anti-social behavior, sexual conduct, nudity, or sexual excitement as those terms are defined in state law
7. Includes language that is obscene, vulgar, indecent, or profane
8. Promotes or depicts materials, instruments, devices, items, products, or paraphernalia that are designed for use in connection with sexual conduct as defined in state law
9. Contains images or information that demeans an individual or group of individuals on account of race, color, religion, national origin, gender, age, disability, or sexual orientation
10. Constitutes libel as defined in state law
11. Is inconsistent with any contractual agreement between the Authority and any governmental entity
12. Promotes subject matter other than that relating to a commercial transaction or relating to a product or service sponsored by a governmental entity, including the Utah Transit Authority, located in the state of Utah that does not otherwise conflict with the Authority's mission and goals
13. Is contrary to any applicable local ordinance

B. Naming of Authority Stations, Facilities, and Service Brands

1. The Board of Trustees will approve naming of stations, facilities, and service brands.
2. The Authority will select primary station names that assist customers in navigating its transit system, such as names that incorporate geographical coordinates.
3. The Authority will select secondary station names that relate to geographical landmarks, public activities, or names that have historical or cultural significance to the immediate area in which the station is located.
4. The Authority will not name any stations, facilities, or service brands after any individual, either living or deceased.

~~C.~~ ~~C.~~ The Board of Trustees will approve requests for sponsorships.

~~D.~~ The Board of Trustees will approve all advertising and sponsorship pricing and fees.

~~C.E.~~ The Board of Trustees will be consulted in a public board meeting on new or revised UTA Standard Operating Procedures related to advertising and/or naming.

III. Cross References: Utah Public Transit District Act, Utah Code §17B-2a-808.1.

Federal Advertising Statutes:

Alcohol Advertising Restrictions: 27 USC 205, 215

Tobacco and/or Smokeless Tobacco Advertising Restrictions: 15 USC 4402; 15 USC 1331;

Nationwide Tobacco Master Settlement Agreement.

Deceptive Advertising 15 USC 45; 15 USC 1125 (Lanham Act)

State Statutes:

Deceptive Advertising: Utah Code Section 13-11-3

Truth in Advertising: Utah Code Section 13-11a-1

Cannabis Advertising Restrictions: Utah Code Section 4-41a-403

Alcohol Advertising Restrictions: Utah Code Section 32B-1 -206.

Approved this day of October 2023.

Carlton Christensen - Chair, Board of Trustees

Secretary of the Authority

Approved as to form and content:

Counsel for the Authority

Revision/Review History:

Date of Local Advisory Council Consultation	Board of Trustees Approval (Resolution Number)	Action
6-12-2019	R2019-06-01	Combined Board Process Policy Nos. 2.1.6 – Naming of Authority Rail Stations, Facilities and Branding of Service, 1.2.2 – Advertising, and 2.1.3 – Advertising into Board Policy 3.1 – Advertising and Naming.
<<DATE>>	<u>R202X-XX-XX</u> <u>(XX-XX-20XX)</u>	<u>Reviewed and clarified policy; added Board approval of fees, and consultation on agency procedures.</u>

DRAFT

Public Records

Board of Trustees Policy No. 4.2

Application: Board of Trustees and Local Advisory Council

- I. Purpose: The purpose of this policy is to describe the Authority's commitment to the Governmental Records Access and Management Act ("GRAMA"), establish the appeals process for GRAMA Requests that have been denied, and identify the provisions of GRAMA that do not apply to the Authority due to its status as a political subdivision.
- II. Definitions:
 - A. "GRAMA Request" means a request for records submitted under the provisions of the Governmental Records Access and Management Act.
- III. Policy:
 - A. Requests for Records
 1. To request records from UTA, a requester must submit a written request to an Authority Records Officer on forms provided by the Authority or submit an electronic request to GRAMA@rideuta.com or openrecords.utah.gov. Requests must include the information required by GRAMA.
 2. Requested records will be classified and produced in compliance with the provisions of GRAMA.
 - B. Appeal Process
 1. A requester or interested party may appeal the Authority's denial of a GRAMA Request to the Authority's Executive Director within thirty days of the decision.
 2. If the Executive Director denies the appeal, the requester or interested party may appeal the decision to the State Records Committee within thirty days of the Executive Director's decision.
 - C. Fees
 1. Changes to the Authority's GRAMA Fee Schedule, available on the Authority's website, will be approved by the Board of Trustees.
 2. Individuals requesting records may inspect public records free of charge during the Authority's business hours.

E. Applicability of GRAMA

As a political subdivision, the following sections of GRAMA do not apply to the Authority.

1. 63G-2-104. Administrative Procedures Act not applicable.
2. Title 63G, Chapter 4, Administrative Procedures Act, does not apply to this chapter except as provided in Section 63G-2-603.
3. 63G-2-208. Public repository of legislative email.
4. 63G-2-702. Applicability to the judiciary.
5. 63G-2-703. Applicability to the Legislature.
- ~~5-6.~~ 63G-2-704. Applicability to the governor and lieutenant governor.

IV. Cross References: Governmental Records Access and Management Act, Utah Code, §63G-2-101, *et seq.*

Approved this ____ day of _____, 2023.

Chair, Board of Trustees

Secretary of the Authority

Approved as to Form:

Legal Counsel

Revision/Review History:

Date of Local Advisory Council Consultation	Board of Trustees Approval (Resolution Number)	Action
06-12-2019	R2019-06-01 (06-19-2019)	Revised, renumbered, and renamed from Board Policy No. 4.4.8 – Records Access and Management Policy to Board Policy 4.2 – Public Records.
XX-XX-2023	R2023-XX-XX (Mo-Day-Year)	<u>Policy review and reconsideration – updated statutory references in Section III(E) Applicability of GRAMA.</u>