

MINUTES OF DIRECTORS MEETING

LANE TRANSIT DISTRICT

SPECIAL BOARD MEETING

Wednesday, December 17, 2014

Pursuant to notice given to *The Register-Guard* for publication on December 11, 2014, and distributed to persons on the mailing list of the District, the Board of Directors of the Lane Transit District held a regular board meeting on Wednesday, December 17, 2014, beginning at 5:30 p.m., at the LTD Board Room, 3500 E. 17th Avenue, Eugene, Oregon.

Present: Gary Wildish, President
Carl Yeh, Vice President
Julie Grossman, Secretary
Michael Dubick
Gary Gillespie
Angelynn Pierce
Ron Kilcoyne, General Manager
Jeanne Schapper, Clerk of the Board
Lynn Taylor, Minutes Recorder

Excused: Ed Necker, Treasurer

CALL TO ORDER/ROLL CALL: Mr. Wildish convened the meeting and called the roll at 5:34 p.m.

PRELIMINARY REMARKS BY BOARD PRESIDENT: Mr. Wildish announced that it was Mr. Dubick's last meeting after eight years of service on the LTD Board of Directors, and there would be a small celebration following the meeting. He noted that at its recent meeting, the Eugene City Council had recognized LTD for its award from the American Public Transportation Association.

COMMENTS FROM THE GENERAL MANAGER: Mr. Kilcoyne thanked Mr. Dubick for his service on the Board and noted that Mr. Dubick had been instrumental in extending transit services to Creswell and Cottage Grove.

ANNOUNCEMENTS AND ADDITIONS TO THE AGENDA: There were no announcements or changes to the agenda.

BOARD CALENDARS: Mr. Kilcoyne reviewed the calendar of events and noted that there would be Board meetings on the 12th and 21st of January, 2015.

EMPLOYEE OF THE MONTH — JANUARY 2015: The Board recognized Service Planner Heather Lindsay as the January 2015 Employee of the Month.

Mr. Wildish thanked Ms. Lindsay for her service and commitment to LTD's mission and presented her with a certificate of appreciation, check, and pin commemorating the award. Ms.

Lindsay thanked the Board for the award and said that it was a pleasure to work at LTD because the employees were compassionate and caring about the community.

AUDIENCE PARTICIPATION: Mr. Wildish explained the procedures for providing public testimony. He said that there would not be a hearing on the subject of peace officers nor on the updates to Ordinance No. 36; however, the public was encouraged to make comments on these and any other agenda items during audience participation.

Bob Macherione, Eugene, representing Our Money, Our Transit ((OMOT), said that he had previously requested that Board meetings be broadcast on public access television, but was told it was too expensive. He asked the Board to again consider his request. He added that he only had half the lines of print as another speaker, but that perhaps he had spoken only half the time. He also said that the Board minutes were not accurate. He noted that the summary of a presentation by the insurance loss prevention person did not include the term "you or your family member" in the definition of conflict of interest. He stated that there were two conflicts on the Springfield stakeholder advisory committee: one was a former board member who was representing the public; and the other was a stakeholder who is receiving a direct benefit from LTD. He questioned why LTD had applied for a National Environmental Policy Act (NEPA) grant if no decision had been made on the McVay Highway.

Josef Siekiel-Zdzienicki, Eugene, commented that it was difficult for the elderly and people with disabilities to get through the crowds that tended to congregate in the public right-of-way around the downtown bus station, which was an area where LTD had no jurisdiction. He suggested that LTD discuss the issue with the Eugene Police Department, which had a substation across the street. He said that historically between 4.5 and 5.0 percent of commuters use transit. He said that enrollments at the University of Oregon (UO) and Lane Community College (LCC) had dropped as he had predicted several years ago, but LTD was still pursuing expensive projects. He said that a map of frequent travel corridors overlaid on a map of EmX would show they were the same routes. He said that suggestions were made seven years ago to put buses on frequent travel routes at 10-minute intervals to determine ridership demand, but no one listened; and now the Federal Transit Administration was asking for something better than the EmX system. He urged the Board to rethink EmX expansion.

Carol Berg-Caldwell, Eugene, said that she was a multi-decade resident and appreciated the service LTD provided to the community. She said that she trusted LTD management on many levels. She referred to an incident about four years ago when teenagers were protesting the cutting of trees and there was a scuffle involving LTD security personnel. She said that she hoped if LTD did decide to empower its safety and security officers to issue citations and arrest, that those officers would receive adequate and appropriate training.

Mr. Yeh arrived at 5:50 p.m.

ITEMS FOR ACTION AT THIS MEETING:

MOTION **Consent Calendar:** Ms. Grossman moved to remove the November 10, 2014, Board meeting minutes from the Consent Calendar. Ms. Pierce provided the second.

- VOTE The motion was approved as follows:
AYES: Dubick, Gillespie, Grossman, Pierce, Wildish, Yeh (6)
NAYS: None
ABSTENTIONS: None
EXCUSED: Necker (1)
- MOTION Mr. Yeh moved adoption of LTD Resolution No. 2014-030: It is hereby resolved that the Consent Calendar for December 17, 2014, is approved as amended. Mr. Gillespie provided the second. The Consent Calendar consisted of the Minutes of the October 22, 2014, Special Board Meeting.
- VOTE The resolution was adopted as follows:
AYES: Dubick, Gillespie, Grossman, Pierce, Wildish, Yeh (6)
NAYS: None
ABSTENTIONS: None
EXCUSED: Necker (1)
- MOTION Ms. Grossman moved to amend the Minutes of the November 10, 2014, Special Board Meeting to reflect that on Page 4, conflict of interest included Board members and their family members. Ms. Pierce provided the second.
- VOTE The motion was approved as follows:
AYES: Dubick, Gillespie, Grossman, Pierce, Wildish, Yeh (6)
NAYS: None
ABSTENTIONS: None
EXCUSED: Necker (1)

Comprehensive Annual Financial Report (CAFR) and Audit Report for Fiscal Year Ending June 30, 2014: Finance Manager/CFO Todd Lipkin stated that copies of the CAFR and Audit Report were included in the electronic agenda packet. He asked that the Board formally accept the documents following their presentation by Charles Swank of Grove, Muller & Swank, P.C. He thanked Controller Tom Schamber and Administrative Secretary Chris Thrasher of the LTD Finance Division for their work on the reports.

Mr. Swank said that there had been changes in LTD's financial functions, reporting format, and employees towards the end of the fiscal year; and he commended the work of staff and the excellent quality of the documents they had compiled. He said that his firm provided an unmodified opinion on the financial statements (CAFR), and noted that the methodology used this year was the same as in the past; next year pension obligations would be included in the CAFR. He said that because LTD was the recipient of federal funds, the District was required to undergo an extensive annual audit to assure that federal requirements were met. He said that there was an unmodified opinion on LTD's federal programs, and no findings had been made, which was commendable.

Mr. Swank stated that any severe concerns about internal controls had to be incorporated into the Management Letter, along with new recommendations and a summary of management's responses to any prior year recommendations. There were no concerns in this year's Management Letter, and the only recommendation related to handling the disposition of federally acquired property; that issue had been satisfactorily resolved. He said that the Governance Letter reported directly to the Board any findings the auditors felt should be brought to the Board's

attention. He added that the Governance Letter provided information regarding compliance and included a reference to the Management Letter. He invited questions from the Board.

Mr. Wildish expressed appreciation for the comprehensive nature of the reports and letters.

Ms. Pierce thanked Mr. Swank for the clear and concise language of the Governance and Management letters.

MOTION Mr. Gillespie moved the following resolution: LTD Resolution No. 2014-031: Resolved, that the LTD Board of Directors received the independent audit for Fiscal Year 2013-14, and accepts the independent auditor's reports constrained in the Comprehensive Annual Financial Report (CAFR) and Single Audit for the fiscal year ending June 30, 2014. Mr. Dubick provided the second.

VOTE The resolution was approved as follows:
AYES: Dubick, Gillespie, Grossman, Pierce, Wildish, Yeh (6)
NAYS: None
ABSTENTIONS: None
EXCUSED: Necker (1)

First Reading, Amended Ordinance No. 36, An Ordinance Governing Conduct on District Property: Director of Transit Operations Mark Johnson introduced Public Safety Manager Frank Wilson and Attorney Dwight Purdy.

Mr. Johnson reviewed the following changes to the ordinance, which he said were primarily minor:

1.10 Definitions

- Sections 1, 3, 4 and 13: Clarified district properties included in the ordinance
- Section 6 and 15: Added definitions for electronic cigarettes
- Section 11: Clarified definition of public safety/peace officer

1.15 Regulations

- Section 2: Added electronic cigarettes and marijuana as prohibited substances
- Section 7: Removed "...in a district station or facility..." because of civil rights issues
- Section 8: Modified what was allowable with respect to food and beverages
- Section 10.b: Modified to reflect updated definitions
- Section 21: Removed reference to concealed carry permit

1.20 Exclusions

- Updated to reflect current exclusions and appeal process.

1.25 Citations for a Fine and 1.30 Jurisdiction

- No significant changes; language simplified and streamlined.
- All references in the document to peace officers were changed to public safety officers.

In response to a question from Mr. Wildish, Mr. Kilcoyne explained that Ordinance No. 36 was being amended to incorporate changes that addressed behavior on the LTD system. This would

be the first reading of the amended ordinance; a discussion of peace officers would occur later in the meeting.

Ms. Pierce asked for clarification of the changes to 1.15 Regulations, Section 21, Weapons. Mr. Johnson replied that the changes specified an "illegal or unlawfully possessed weapon" and removed a reference to "concealed carry," which was a legally held gun.

Mr. Gillespie asked if the sidewalks along the Downtown Station on West 10th Avenue and Olive Street were considered public property. Mr. Johnson said they were and that people could smoke in those areas unless the City Council adopted policies prohibiting it.

In response to a question from Mr. Yeh, Mr. Johnson said that 1.15 Regulations, Section 8, Food and Beverages now required containers to have snap-on or screw-on lids.

MOTION Mr. Dubick moved that Amended Ordinance No. 36 be read by title only. Ms. Grossman provided the second.

VOTE The motion was approved as follows:
AYES: Dubick, Gillespie, Grossman, Pierce, Wildish, Yeh (6)
NAYS: None
ABSTENTIONS: None
EXCUSED: Necker (1)

Mr. Wildish read the ordinance title: ***Ordinance No. 36, An Ordinance Governing Conduct on District Property and Amending and Restating Ordinance No. 36, 2003 Revisions.***

ITEMS FOR INFORMATION AT THIS MEETING:

Board Member Reports: Mr. Gillespie reported on the December 15 meeting of the Oregon Passenger Rail Leadership Council. He said that there was a perceived conflict between assignment of lines between passenger and freight. He said that Oregon Rail had experienced a decrease in on-time performance because of the priority given to freight and had appealed to Union Pacific to give preference to passenger trains. He said that the problem was lack of adequate sidings to accommodate large freight trains; therefore, passenger trains were sided instead.

Appointment of Peace Officers: Mr. Johnson stated that Ordinance No. 36 was the main tool LTD used to manage behavior on the system. He said the District had a public safety office and seven full-time officers who patrolled the system within the boundaries of Ordinance No. 36. He said that LTD worked hard to deter some of the more dangerous problems that occurred on other transit systems and to keep passengers and employees safe. He said that part of the discussion around amending Ordinance No. 36 addressed the authority of public safety officers and the shortage of police officers in the downtown area. He said that the Board's authority to appoint peace officers was discussed, and the conclusion was that it was not necessary at this point; therefore, the proposed resolution was being withdrawn. He said that if the need arose, that step could always be taken at some point in the future.

Ms. Pierce asked if there had been an increase in altercations on the system. Mr. Johnson cited statistics that indicated an increase in conflicts resulting in exclusions during 2014 and said he would follow-up with the Board to provide information regarding the number and categories of exclusions.

Ms. Grossman asked what type of training or certification peace officers would have. Mr. Johnson replied that they would be certified, not sworn, officers.

Mr. Gillespie said that he worked across the street from the downtown station and there were frequent altercations during the day--typically swearing and arguing, potentially leading to a punch being thrown. He said that the sidewalk area was always crowded with many people smoking, and he was concerned about the public's trepidation about using that side of the street. He said that the Eugene Library experienced some of the same issues. Mr. Johnson said that there was a boarding station on Olive Street, and the police had been helpful in maintaining order in that area recently; but when police attention was focused elsewhere in the downtown area, the problems returned.

Mr. Johnson said that LTD did not want an armed police force; peace officers would supplement the nearby police substation. He said that the downtown patrols did what they could but that their capacity was limited.

Mr. Gillespie asked if peace officers would be able to issue citations that would acquire a court appearance. Mr. Johnson said that was correct if the citation was for a misdemeanor or criminal offense. He would e-mail additional information to Board members about the number and types of violations that were occurring. He noted that all LTD public safety officers wore body cameras, and it was a useful tool in identifying the nature of altercations. He said that often situations were defused when people became aware that they were being recorded. Public safety officers also carried pepper spray.

In response to a question from Mr. Dubick, Mr. Johnson said that training for peace officers would be based on what was required for certifications. He noted that current public safety officers had police training.

Mr. Wildish asked if peace officers would be employees of LTD. Mr. Johnson said that if the Board authorized peace officers, they would be part of the contract with G4S, LTD's current security contractor. He said that G4S was a professional company with a high level of training and professionalism and had provided good service to LTD.

Mr. Wildish asked if the use of peace officers would have an impact on LTD's budget. Mr. Johnson said that there could be financial impact. Staff would provide a financial impact analysis if the Board considered taking that action at some point in the future.

West Eugene EmX Update: Director of Customer Services and Planning Andy Vobora provided a brief summary of West Eugene EmX project activities. He said that a more detailed report would be presented at the Board's January 2015 meeting once a guaranteed maximum price for construction agreement was signed and the Small Starts grant agreement was finalized. He said that the appropriations bill approved by Congress included funding for the project.

Monthly Engagement Report: Mr. Vobora used a slide presentation to highlight a variety of activities, including paid and earned media placements, sponsorships, partnerships, and coming outreach opportunities. A tree planting event along the West Eugene EmX corridor held in conjunction with Friends of Trees was highly successful. Point2point Communications Coordinator Lisa VanWinkle added that the tree planting also promoted positive relationships with property owners along the route.

Ms. Pierce observed that there had been some media coverage of the Main Street-McVay transit study and asked if there had been any discussion of reaching out to the Springfield community through the Chamber of Commerce website or business directory to raise LTD's profile. Mr. Vobora said that the business directory and online venues were being used to conduct outreach.

Ms. Pierce asked if there would be an opportunity to publicize LTD on Willamalane's website if the pass partnership continued. Mr. Vobora said that would be dependent on legislative funding for a transit pass program.

Governments Relations Manager Edward McGlone said that based on feedback from the Board's November retreat regarding the Board's interest in becoming more involved in business and community outreach, staff had developed some specific engagement strategies along with metrics on the time commitment required of Board members.

Mr. McGlone observed that when a replacement for Mr. Dubick was appointed, a majority of the Board would be relatively new, serving two or fewer years. He said that being on the LTD Board could be challenging, and staff wanted to offer current Board members mentorship opportunities with community members who had previously served on the Board as part of an ongoing training program. He estimated the time commitment would be about an hour a month.

Mr. McGlone said that another strategy was open-ended outreach, with particular attention to the constituency that paid for two-thirds of the District's service. Examples included participation in various business organization activities such as area chambers of commerce. The time commitment was estimated at four hours per quarter.

Mr. McGlone said that other outreach activities included attendance at neighborhood association meetings; meetings with constituency groups representing specific populations to determine if transit services were meeting their needs; a two-hour annual shadowing of staff in the Customer Service Center; and Board to business luncheons held throughout the District. He said that an LTD staff member would attend meetings and take brief notes, including meeting participants and topics discussed, to share with the entire Board.

Mr. McGlone said that the proposed engagement strategies represented an additional time commitment for Board members of approximately seven hours per month.

Mr. Yeh asked if staff had considered using Twitter or social media for engagement activities. Mr. McGlone said that had not been discussed in depth, but was a possibility that could be considered.

Mr. Wildish commented that the engagement activities would take effort, and he was pleased to do whatever he could. He noted that some Board members had more constraints on their time and schedules than he did and that he hoped activities could be creative and flexible to accommodate that.

Ms. Grossman, Ms. Pierce, Mr. Gillespie, and Mr. Yeh expressed their support for the engagement plan.

Mr. McGlone said that a sign-up sheet would be available at each Board meeting for activities during the coming month. He would be coordinating the process and a primary contact person would be designated.

Mr. Kilcoyne thanked Mr. McGlone for spearheading the project, and he thanked other staff members who brought their perspectives to crafting the engagement strategies.

Monthly Financial Report: Mr. Kilcoyne said that there were no surprises in the October financial report. The District was on budget, fares and revenue were up, and ridership had dropped. The payroll tax year-to-date figure was somewhat below projections because of the \$600,000 take back from an erroneous payment by a taxpayer but was showing overall growth.

Monthly Performance Reports: Mr. Kilcoyne said that November ridership was down 8.3 percent, in part because there was one less weekday this fiscal year compared to last year. He said weekday ridership was down 6.7 percent, Saturday ridership was up 2 percent, and Sunday ridership was flat. He said that the loss of ridership seemed to be focused in three areas: UO, LCC, and Gateway Mall. He said that other routes had experienced some increase in ridership. He added that in addition to decreased enrollments at UO and LCC, there were changes in travel patterns because of student housing locations. Staff would be looking at how to adjust services in order to meet changing needs.

Mr. Yeh observed that construction at the Gateway Mall would create complications for the LTD transit station at that location.


Ms. Grossman asked if lower gas prices were a factor in decreased ridership. Mr. Kilcoyne said that it was difficult to determine what impact lower gas prices had on ridership. He said that lower prices tended to have more influence on longer transit trips than trips around town.

Monthly Grant Report: There were no questions or comments.

Monthly Department Reports: There were no questions or comments.

ADJOURNMENT: Mr. Wildish adjourned the meeting at 7:12 p.m.

LANE TRANSIT DISTRICT:



Julie Grossman
Board Secretary

ATTEST:



Jeanne Schapper
Clerk of the Board