

MINUTES OF DIRECTORS MEETING

LANE TRANSIT DISTRICT

REGULAR BOARD MEETING/WORK SESSION/EXECUTIVE SESSION

Wednesday, May 18, 2011

Pursuant to notice given to *The Register-Guard* for publication on May 12, 2011, and distributed to persons on the mailing list of the District, the Board of Directors of the Lane Transit District held an executive session, regular Board meeting, and work session on Wednesday, May 18, 2011, beginning at 5:00 p.m., in the LTD Conference Room at 3500 East 17th Avenue, Eugene.

Present: Mike Eyster, President
Greg Evans, Vice President
Dean Kortge, Secretary
Ed Necker, Treasurer
Doris Towery
Michael Dubick
Gary Gillespie
Mark Pangborn, General Manager
Jeanne Schapper, Clerk of the Board
Lynn Taylor, Minutes Recorder

CALL TO ORDER/ROLL CALL: Mr. Eyster convened the meeting and called roll at 5:03 p.m. All Board members were present. Ms. Towery and Mr. Evans joined the meeting via conference call.

MOTION EXECUTIVE SESSION PURSUANT TO ORS 192.660(2)(a): Mr. Kortge moved that the Board meet in Executive Session pursuant to ORS 192.660(2)(a), to consider the employment of a public officer. Mr. Gillespie provided the second.

VOTE The motion was approved as follows:
AYES: Dubick, Eyster, Gillespie, Kortge, Necker, Evans, Towery (7)
NAYS: None
ABSTENTIONS: None
EXCUSED: None

The Board entered Executive Session at 5:05 p.m.

RETURN TO REGULAR (OPEN) SESSION: The Board returned to regular session at 5:23 p.m., at which time the Board President called a brief recess. Ms. Towery and Mr. Evans left the meeting at this time. The Board meeting moved to the LTD Board room, and the Board President reconvened the meeting at 5:31 p.m.

PRELIMINARY REMARKS BY BOARD PRESIDENT: Mr. Eyster noted that Ed Necker would be recognized at the Honoring Older Americans event on May 19, 2011. Mr. Eyster commented that he had received input from many community members on the West Eugene EmX Extension (WEEE) project, and some people had suggested that the Board should reconsider the project. He said that the project was a lengthy one, with many benchmarks and decision points along the

way. Mr. Eyster asked that the Board discuss the importance of supporting each decision and staying on course during the WEEE project work session later on in the meeting.

ANNOUNCEMENTS AND ADDITIONS TO THE AGENDA: Mr. Pangborn announced that LTD had received a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association for the 15th consecutive year. He commended the Finance Department staff for their performance. Mr. Pangborn added that Clerk of the Board Jeanne Schapper and Facilities Project Manager Joe McCormick had graduated from the Eugene-Springfield Chamber of Commerce Leadership program, and that Marketing Representative Cosette Rees was elected the incoming president of the Springfield Chamber of Commerce Board of Directors.

BOARD CALENDARS: Mr. Pangborn reviewed activities on the Board calendars.

WORK SESSION

West Eugene EmX: Director of Planning and Development Tom Schwetz spoke about the development of transit systems in other communities. He then spoke about the importance of commitment to the vision of a transit system through the lengthy project cycles that were necessary to realize the benefits of that vision. He said that the Brookings Institute had conducted a study of the importance of transit to connecting people to jobs and how investment in transit could address a number of economic issues and enhance a community's quality of life.

LTD Senior Project Manager John Evans said that a Locally Preferred Alternative concept had been selected, and the next steps in the project included completing the Environmental Assessment and finalizing the Alternatives Analysis report in accordance with Federal Transit Administration (FTA) requirements. He added that a Small Starts grant application also would be developed for submission in late Summer or early Fall 2011.

Director of Service Planning, Accessibility, and Marketing Andy Vobora stated that a major outreach effort to businesses along the West Eugene corridor would be conducted over the next several months. To address any concerns that business owners might have, staff would be updating them on the current design, alignment, and options available to modify the design. Mr. Vobora distributed two route network maps that consultants were using to analyze the system in order to determine the best configuration of services for users. He said that the analysis would be included in the Small Starts grant application.

Mr. Vobora also distributed a one-page analysis of the elasticity of fuel price increases and the effect on the level of transit ridership. He said that LTD was experiencing a spike in ridership and that

April 2011 was the third highest month for boardings in the history of the District. Other transit districts were seeing similar increases in ridership; and the question at the local, state, and federal levels was funding transit to expand capacity in order to absorb the growing demand for service.

Mr. Necker observed that the District might need to review pass pricing if the demand significantly increased.

Ms. Rees said that the District was partnering with the City of Eugene to establish an outreach team to address the issues and concerns of businesses, residents, and property owners along

the corridor. She said that the team would include City planners and outreach specialists who could provide facts on access, parking, landscaping, and non-conforming uses to mitigate misinformation and fears about impacts that currently existed. She said that the partnership with the City also would demonstrate a united approach to the project. The goal was to have conversations with the 1,200 stakeholders along the route in order to develop relationships and encourage people to recognize the District as a resource.

Ms. Rees said that the conversations also would help the District to refine its design as technical issues were addressed. She said that a business assistance program, which was based on TriMet's model, was being developed. The program would offer businesses along the corridor a variety of services through a network of resources within the community. It also would encourage businesses to regard transit as a means to access new markets for their products and services. She said that all other outreach efforts would continue. She asked Board members to give some thought as to how they may want to be involved in outreach efforts.

Mr. Eyster asked if there was the staff capacity to cover the 1,200 addresses. Ms. Rees said initial visits would consist of dropping off materials, collecting information, and scheduling future visits at each address; with the purpose of making the outreach team known, accessible, and available. She said that the goal was to listen, be responsive to concerns, and keep the dialogue open.

Mr. Pangborn said that some business owners along the corridor had filed a lawsuit against the City of Eugene asserting that the corridor was a thoroughfare, requiring a general vote of the populace. He said that the District was not part of the lawsuit but was being consulted by the City as it prepared its response to the suit.

Mr. Kortge described a recent experience riding EmX. He was amazed at the large number of riders and was impressed with how many young mothers were using the system. He commended the service and said it was very easy to use.

Mr. Eyster said that the Metropolitan Policy Committee (MPC) had reviewed a work plan and would vote on it at its next meeting. He had encouraged MPC members to incorporate lessons that had been learned during the WEEE process into future planning activities. He said that the MPC was open to the suggestion. Mr. Schwetz added that LTD staff were taking the lead in preparing a proposal for the Lane Council of Governments to consider.

Point2point 2010 Annual Report: Point2point Solutions Program Manager Theresa Brand provided the Point2point Solutions annual report. She said that the Program had expanded from an initial focus on commute trips and congestion issues to address non-commute trips and greater outreach to the general public and school communities. She noted that the program was supported by federal and state funds, as well as contributions from local government, and LTD. She described program services to the region's traveling public, public agencies, employers, universities, and K-12 students. New initiatives under development included car sharing, Smart Trips marketing focused on the Gateway EmX corridor, and a bike locker reservation system.

In response to questions from the Board, Ms. Brand said that the Emergency Ride Home program had fairly low usage, with about a dozen rides provided last year; and there was no cost to either the employer or the employee. She said that the cost of the Van Pool program was partially subsidized through federal funds, and the remaining cost was shared by participants.

Ms. Brand stated that the Business Energy Tax Credits (BETC) program provided about \$1.2 million in funding for Point2point Solutions, and those funds could be lost if the BETC was discontinued.

Legislative Update: This item was deferred to the end of the meeting.

EMPLOYEES OF THE MONTHS: The Board recognized Bus Operator Cheryl Googe-Paup as May 2011 Employee of the Month and Human Resources Technician Steve Rayack as the June 2011 Employee of the Month.

Mr. Eyster thanked Ms. Googe-Paup and Mr. Rayack for their dedication to LTD's mission and presented certificates of appreciation, checks, and pins commemorating the awards. Ms. Googe-Paup expressed appreciation for the acknowledgement of her service and said that she had made many lifelong friends among LTD's passengers. Mr. Rayack thanked the Board for his award. He said that the two constants of his 27 years of service with the District were the ongoing changes to operations and services to the community and the desire of employees to be involved and engaged.

AUDIENCE PARTICIPATION

Josef Siekiel-Zdzienicki, 1025 Taylor Street, Eugene, said that the District's ridership performance report indicated an increase in general ridership, but a loss in mobility-assisted ridership. He did not see that the difference was taken up in RideSource and hoped that the issue would be examined. He had recently taken EmX to RiverBend and said that there were very few riders after the University area stops. He felt that the schedule was misleading with regard to 10-minute service because in order to continue along the route there was a 20-minute wait at Gateway. He said that information should be better communicated to riders.

Bob Macherione, 1994 Brewer, Eugene, said that he had been involved with the West Eugene EmX Extension project for the past year. He felt the planned outreach project should have begun three years ago. He hoped that the Board and the District would remain open to input as the project moved forward. He objected to characterization of the information being provided to the group opposed to the West Eugene corridor as "less than accurate" and hoped that the tone of future reports to the Board would be less negative. He said that his concern with the WEEE project was that no destination had been identified. He felt that better boarding data was required and both the route and direction should be revisited.

Ralph Lee, 3905 East 15th Avenue, Eugene, said that he was a disabled rider who frequently used EmX, and he appreciated the service and the drivers. He said that his disability was not apparent, but it prevented him from using the smaller seats at the front and rear of the bus. The seating reserved for the aged and disabled was regularly filled with young people and parents with large strollers. He said that those people often refused to vacate the reserved seats, and drivers were concerned about what to do when an elderly or disabled rider needed a seat. He asked the Board to provide some guidance to drivers.

Mr. Gillespie asked if Mr. Lee had requested a rider to move out of a reserved seat. Mr. Lee said that those requests were met with mixed results.

Mr. Vobora said that the District's *Courtesy is Contagious* campaign addressed those types of concerns and that the new buses would have a disabled symbol woven into the fabric of the

reserved seats to clarify their priority use by elderly and disabled riders. He agreed that it was a challenge for drivers to enforce seating issues. He said that the District also was working on ways to manage the large items that riders brought on board.

ITEMS FOR ACTION AT THIS MEETING

MOTION **Consent Calendar:** Mr. Kortge moved adoption of LTD Resolution No. 2011-011: It is hereby resolved that the Consent Calendar for May 18, 2011, is approved as presented. Mr. Necker provided the second. The Consent Calendar consisted of the minutes of the October 12, 2010, Special Board meeting; February 8, 2011, Joint Public Hearing with Eugene City Council, Metropolitan Policy Committee, and LTD Board of Directors; February 16, 2011, Regular Board meeting; April 20, 2011, Canceled Board meeting; April 28, 2011, Special Board meeting/Executive Session; and April 29, 2011, Special Board meeting/Executive Session.

VOTE The Consent Calendar was approved as follows:
AYES: Dubick, Eyster, Gillespie, Kortge, Necker (5)
NAYS: None
ABSTENTIONS: None
EXCUSED: Evans, Towery (2)

Appointment of General Legal Counsel to the LTD Board of Directors: Mr., Kortge reported that the Finance Committee reviewed responses to the request for proposals for legal counsel and selected two firms to interview. Those firms were the existing legal counsel at Arnold Gallagher Percell Roberts & Potter, P.C. and Thorp, Purdy, Jewett, Urness, and Wilkinson, P.C. (Thorp Purdy). He said that following the interviews, it was the unanimous recommendation of the Finance Committee to appoint Thorp Purdy as the LTD legal counsel.

MOTION Mr. Kortge moved approval of LTD Resolution No. 2011-012: Resolved, that the LTD Board of Directors hereby approves the appointment of the law firm of Thorp, Purdy, Jewett, Urness, and Wilkinson, P.C., as legal counsel to the LTD Board of Directors for a contract term of three years, with an option for a two-year contract extension.

Responding to a question from Mr. Gillespie, Mr. Kortge said that Thorp Purdy was a local business. He said the Board and staff were pleased with the existing counsel's work, and it was a difficult decision to recommend a change. He said that the Committee was very impressed with Thorp Purdy's extensive experience in public agency work, their favorable rate structure, and their detailed responses to interview questions.

Mr. Dubick said he did not perceive a need to change legal counsel when the RFP process began, but he also was impressed with Thorp Purdy's qualifications.

Mr. Gillespie said that he hoped the District would monitor and compare legal costs under the new contract with those of the previous legal counsel. Mr. Kortge said that it would be difficult to compare annual costs because of the diversity of legal issues that could arise during a year and the variations in associated expenses. He felt that neither firm overbilled their clients, and occasionally changing legal counsel was appropriate.

Purchasing Manager Jeanette Bailor said that the Committee had discussed the low rates proposed by Thorp Purdy and the need to familiarize themselves with District issues. She added

that the firm did not intend to bill for the hours spent getting up to speed on certain issues, and that would be monitored during the first year of the contract.

Mr. Kortge said Thorp Purdy had already prepared a memorandum on the court ruling on open meetings and distributed it to clients. He said that the firm did not charge individual clients for the time spent researching the issue.

Mr. Pangborn suggested that the new general manager could be asked to report to the Board on how well the firm was performing at the end of the first year.

Mr. Necker said he initially favored the existing firm, but changed his mind after Thorp Purdy's presentation.

Mr. Eyster asked if the Board felt that there would be value in asking the legal counsel to attend a full Board meeting.

Mr. Necker pointed out that Thorp Purdy would review all meeting agendas and minutes thoroughly. Mr. Kortge saw no need for legal counsel to attend Board meetings, but a presentation on legal issues related to open meetings might be useful.

VOTE

The resolution was approved as follows:

AYES: Dubick, Eyster, Gillespie, Kortge, Necker (5)

NAYS: None

ABSTENTIONS: None

EXCUSED: Evans, Towery (2)

ITEMS FOR INFORMATION AT THIS MEETING

Board Member Reports: Mr. Gillespie reported that the next meeting of the Transportation Community Resource Group would be held on June 1, 2011. He said that there was discussion at the last meeting about meeting times that conflicted with City Council meetings, and the June 1 meeting time would avoid that problem. He also reported that the Metropolitan Planning Organization's (MPO) Citizen Advisory Committee (CAC) would meet on May 19, 2011. He said that the April 21 MPO CAC meeting included orientation of new members, a discussion of expanding committee membership, and a review of upcoming planning documents.

Mr. Eyster asked if there had been any discussion of using the CAC as an advisory body to LTD. Mr. Vobora said the CAC had provided input to the District in the past and would be available on a situational basis as the need arose.

Mr. Gillespie asked if an LTD staff member had been assigned as liaison to the CAC. Mr. Eyster said that Ms. Brand would attend meetings until a replacement for previous staff member Transit Planner Mary Archer was identified.

Director of Human Resources and Risk Management Mary Adams said the Human Resources Committee met jointly with the Finance Committee on April 26, 2011, to discuss pension issues. Another meeting would be held after the Board's June meeting to discuss pension matters.

Mr. Dubick reported that the Lane Council of Governments (LCOG) received a report on the hiring of consultants to develop a communications plan to help local governments become aware

of the full array of services available to them through LCOG. He said the Lane Area Commission on Transportation met on May 12 and received a presentation on the State Transportation Improvement Program and appointed four additional stakeholder members: Ryan Papé, Eugene Organ, George Greer, and Gary McNeil. He said other stakeholder representation could be added if the need arose.

Mr. Eyster said that the Metropolitan Policy Committee focused on its work plan during the May 12 meeting.

Monthly Financial Report: Director of Finance & Information Technology Diane Hellekson said that the District was ten months into its fiscal year, and there were no new issues. She said that the Board had been actively involved in discussions of strategic and financial planning, and none of those assumptions had changed. Payroll taxes were close to the projected level in the budget, and fuel costs continued to present concerns, with prices rising in each of the months of the fiscal year. She anticipated prices to level off, or slightly decline, during the summer. She said that the new budget would be issued at the end of the week, and she looked forward to discussing it with the Board.

Legislative Update: Mr. Vobora said that there had been little change at the federal level, with still no consensus regarding the terms of a new six-year transportation bill.

Ms. Adams reported that there was a high level of activity in Salem as the legislative session moved toward closure. She said that many bills died in committee, which reduced the number of policy bills remaining active. She said most of the budget work remained to be done and that would be an arduous process. Legislative leadership had identified June 1 as the deadline for action on measures without financial impact; June 5 or 6 as the deadline for the Ways and Means process; and June 16 as the target for end of session. She said that the legislature was currently on 48-hour notice for hearings on bills, but that would soon go to 24-hour notice.

Ms. Adams added that measures of interest to LTD included the sunset of Business Energy Tax Credits (BETC) in the spring of 2012 and an amendment to House Bill 2414 to include transit in the list of programs for which BETC would be added back. She said narrowing group pass eligibility to those most in need was being discussed as a means for making the program more viable during budget discussions. She said that the legislature was still considering the senior medical tax deduction concept and use of funds for senior and disabled services.

Mr. Pangborn said that another issue of concern was the request for bonding authority from lottery funds for the West Eugene EmX Extension. He said that there were many competing requests, and the local legislative delegation was supportive of LTD.

West Eugene EmX: Mr. Eyster referred to his remarks at the beginning of the meeting regarding the importance of maintaining a commitment to decisions as they were made over the course of the project. He emphasized that the Board would be open to input during the investigation and information gathering process between decision points; but once a decision was made at each point, there should be a commitment to proceed.

Mr. Dubick said that the Board should do the best job it possibly could with the information available to it.

Mr. Necker agreed that the Board should stay the course and proceed with confidence. He noted that a number of other entities, including the Eugene City Council and MPC, also had made the decision to move to the next step in the process.

Mr. Kortge pointed out that the decision to build the WEEE had not yet been made; the decision at this point was to move forward with the process. He wanted to see operational data before a Build/No Build decision was made, and he observed that having grant funds for the project was not a sufficient reason to build the project. He said that discussions should focus on the merits of the project.

Mr. Eyster said he was proposing that the Board support each decision that was made until the next decision point was reached.

Mr. Gillespie stated that he was completely supportive of the project, although disappointed with the Locally Preferred Alternative selection. He would have preferred a less complicated route, but was pleased that an alternative had been selected. He felt that if federal funds were available, the District should find an appropriate way to spend them as returning them could jeopardize future funding requests. He encouraged the Board to continue thinking of what would come next for the system – beyond the 6th/7th Avenue corridor.

ADJOURNMENT

Mr. Eyster adjourned the meeting at 7:40 p.m.

LANE TRANSIT DISTRICT

ATTEST

Dean Kortge
Board Secretary

Jeanne Schapper
Administrative Services Manager/
Clerk of the Board

Date Approved: October 19, 2011