

MINUTES OF DIRECTORS MEETING

LANE TRANSIT DISTRICT

REGULAR MEETING

Wednesday, December 18, 2002

Pursuant to notice given to *The Register-Guard* for publication on December 12, 2002, and distributed to persons on the mailing list of the District, the Board of Directors of the Lane Transit District held its regular monthly meeting on Wednesday, December 18, 2002, beginning at 5:30 p.m., in the LTD Board Room at 3500 E. 17th Avenue, Eugene.

Present: Susan Ban
Gerry Gaydos, Vice President
Patricia Hocken, Secretary
Virginia Lauritsen, Treasurer
Robert Melnick
Hillary Wylie, President, presiding
Ken Hamm, General Manager
Jo Sullivan, Recording Secretary

Absent: Dave Kleger

CALL TO ORDER: The meeting was called to order at 5:45 p.m. by Board President Hillary Wylie.

ANNOUNCEMENTS AND ADDITIONS TO AGENDA: Ms. Wylie noted that David Gant was in attendance. Mr. Gant had been appointed to the Board for a term beginning January 1, 2003. Administrative Services Manager/Clerk of the Board Jo Sullivan also provided an update on Board member Dave Kleger, who was recovering from surgery.

WORK SESSION:

(1) Transition to Transportation Management Area (TMA) Status: Ms. Hocken, one of the Board's representatives on the Metropolitan Policy Committee (MPC), explained that when the Eugene/Springfield population went over 200,000 with the last census, this changed the community's relationship with the federal government. She explained that the federal government called the local area a Metropolitan Planning Organization (MPO), and that the Lane Council of Governments (LCOG) was the governing body of the MPO. LCOG had delegated some duties to the MPC, but actually was in charge of the local area's relationship with the federal government. Now that the area's population was over 200,000, it had become a transportation management area, requiring more reporting and a congestion management plan that would be subject to a triennial review by the Federal Highway Administration and the Federal Transit Administration.

Ms. Hocken explained that with the new designation, the LCOG board had decided that it made sense to consolidate regional federal planning responsibilities, and delegated all federal planning requirements to MPC. MPC was waiting to accept the responsibilities because the Cities and County wanted to make sure they would not be losing any power and actually would be gaining some. She stated that the TransPlan served two purposes: it was the federal plan required of the MPO, and part of the metropolitan transportation plan for State planning goals. She noted that the Coburg city area now needed to be included as part of the local planning area.

Tom Schwetz of LCOG added that the certification review would not affect LTD's schedule; it was focused on the MPO process. It entailed federal representatives spending time with elected officials and getting their sense of how the process was doing. This might happen through a dialog at MPC. Public comment also would be solicited. The planning responsibilities would be transferred to another group at the same agency. He thought it would be to LTD's benefit to be present at the table for all MPO functions. He explained that MPC first needed to accept the delegation of responsibilities and then amend the bylaws to accept them and to add Coburg as a voting member. The first federal review of the MPO would occur in April or May 2003. Mr. Schwetz explained that this was early in the development as a TMA, so the local area could hear the federal perspective on what needed to be done.

Mr. Schwetz said that after this part of the long-range plan required by the federal government had been satisfied, essentially by joint adoption of the plan by Lane County and the Cities of Eugene and Springfield, then LTD and LCOG would adopt the same document. It would have to meet both the federal requirements and different State requirements. He said that most other MPOs in the country had adopted different plans, and the local MPO would move toward that model. Two plans would give LTD and Eugene/Springfield the opportunity to do things a little differently.

(2) Presentation of Comprehensive Annual Financial Report for 2001-2002: Director of Finance and Information Technology Diane Hellekson handed out a revised version of the *Comprehensive Annual Financial Report for the Year Ended June 30, 2002* (CAFR). The only change was the addition of a note on page 36 regarding LTD's current payroll tax situation. She called the Board's attention to the Executive Summary on page 20. She explained that the District had anticipated a problem with revenues so had controlled expenditures and saved as much service as it could. She noted that the previous year was the first "down year" for the payroll tax in 20 years. She said that the University of Oregon was enjoying record enrollment, so the state-in-lieu-of tax had increased, and the stabilization of fuel costs had helped, as well.

Ms. Hellekson noted that the District's auditors would present the audit results during the business portion of the meeting. The Board would be asked to accept the audit at that time.

(3) Farewell to Board Member: Ms. Wylie stated that it was time to say goodbye to Board member Robert Melnick, who would be leaving the Board as of January 1, 2003. She presented him with the traditional wooden toy bus, and said that he had been a delight to have on the Board, especially when doing design work and exploring new facilities. Ms. Hocken also thanked Mr. Melnick, especially for his broad approach to urban planning, his relationship with the University of Oregon, and his philosophy. Mr. Melnick said that it had been his pleasure to be on the Board; that he had come as a strong believer in LTD and was leaving as an even more firmly committed believer. He congratulated the Board for sticking with its agenda and goals. He added that in the future he hoped to contribute to some of the committees as a community member.

Mr. Hamm stated on behalf of the staff that Mr. Melnick was a pleasure to work with. Mr. Melnick had made himself accessible as a resource and listening board, and staff had appreciated his perspectives. Mr. Hamm said that it was disappointing to lose Mr. Melnick as a Board member, and that staff looked forward to continuing the relationship with him in some capacity in the future.

(4) Items for Information:

Metropolitan Policy Committee: The Board continued its discussion of the MPC, begun under "Transition to TMA." Ms. Hocken reported that the Oregon Department of Transportation (ODOT) had encouraged consortiums of local governments to set up organizations called Area Commissions on Transportation (ACT), which were broad-based, including both elected officials and other community stakeholders, such as the Chambers of Commerce and general interest public groups---basically anyone interested in transportation issues. The function of the commissions was to make recommendations on modernization projects that ODOT had money to fund. The governments in Lane County had decided that they did not really want to form an ACT, because they viewed it as another layer of government. Ms. Hocken explained that the way the local process worked was that the MPC, which had representatives from Eugene, Springfield, and Lane County, drafted a plan for modernization projects. This plan was then sent to the Lane County Board of Commissioners, who considered the rural projects and came up with a combined list with the metropolitan projects that the MPC had chosen. Since a lot of people were involved in transportation planning in Lane County, it seemed that this system would work without setting up another list of requirements and meetings. However, ODOT had pushed hard for ACTs and integration with the local transportation planning process in order to have input considered by ODOT and the Oregon Transportation Commission (OTC). MPC talked about the guidelines, and Lane County Commissioner Bobby Green agreed to chair a subcommittee to look at the public outreach process in Lane County and the way the decisions were made, to see how closely that fit with the ACT guidelines, to see whether it made more sense to document what already was being done, "tweak" the current system of public involvement, or form an ACT. Ms. Wylie said that she was on this new subcommittee, which would include four MPC members and four community members. She mentioned Ms. Hocken's idea that MPC "change hats" and meet as the ACT. She said that the subcommittee would explore models and alternatives, and respond to ODOT.

Bus Rapid Transit (BRT) Update: Assistant General Manager Mark Pangborn said that staff were starting to look at property acquisition. In January or February 2003, the Board would be asked to authorize staff to go ahead with actual negotiations.

Coburg Road Stakeholder Group: Ms. Ban reported that this group toured the area at its last meeting, and then would be meeting in design charrettes to allow people to express ideas and engage more people in the process. At a meeting after the tour, the group decided to bring two designs forward. Both designs would be discussed at the charrettes in January and February.

Board Finance Committee: Ms. Hocken noted that the Finance Committee would meet at the end of January to discuss the New Starts issue.

Region 2050: Ms. Ban said she had attended the November meeting, but was not asked to join the committee. There was some concern about LTD's role and where transportation fit in the larger conversations around land use. She thought this conversation would come back to Region 2050 for a decision in the future. She said she had missed the December 12 meeting, but would continue to attend as an observer and report to the Board.

Break: The Board recessed from 6:27 p.m. until 6:35 p.m., when Ms. Wylie called the meeting back to order.

EMPLOYEES OF THE MONTH: December 2002—Ms. Sullivan introduced Administrative Services Coordinator Susan Hekimoglu as the December 2002 Employee of the Month, who also

had been Employee of the Month in 1993. She said Ms. Hekimoglu had worked at LTD since 1987 and played a strong role in helping to support the Board and general administration, the accessible services program, and the entire District, with all of her employee event participation, such as United Way. Ms. Sullivan said that Ms. Hekimoglu always set a strong example of excellent guest service for everyone at LTD, treating everyone as her guest.

Ms. Wylie commented that Ms. Hekimoglu always was helpful with anything she needed, and then presented Ms. Hekimoglu with her awards and pin. Ms. Hekimoglu said that she appreciated the award, and was surprised to receive it because she had spent the last year learning about the Accessible Services Program and getting used to a new job at LTD. She said that the United Way activities kept her job interesting and fun, and the variety had kept her at LTD for 15 years. Mr. Hamm said that Ms. Hekimoglu had a great smile in the morning that started everyone's day off right. He added that she had leaped into working with Terry Parker in the Accessible Services Program, and that she and Ms. Parker had become a great combination for LTD.

January 2003: Station/Security Manager Rick Bailor explained that Guest Service Representative Mike Rojas, the January 2003 Employee of the Month, was on vacation. He stated that Mr. Rojas had been with the District for three years, and that Mr. Rojas was a pleasure to work with and always had a smile and a kind way with everyone. He thought that Mr. Rojas was very deserving of this award. Mr. Hamm agreed that Mr. Rojas was a very pleasant young man and a hard worker.

WACKENHUT EMPLOYEE OF THE YEAR: Director of Transportation Mark Johnson said that staff wanted to give special recognition to Wackenhut employee Ed Fowler, who had been named the Wackenhut Employee of the Year. Wackenhut provided the contract security services for LTD, and Mr. Fowler had been involved since the beginning of this contract. Mr. Johnson said that Mr. Fowler had managed it and taken hold of what LTD is about in terms of guest services. He mentioned the kind of additional service Mr. Fowler gave to LTD, such as helping a visually-impaired person find a seat on the bus. Mr. Johnson said it was a pleasure to work with Mr. Fowler and the rest of his crew. Wackenhut manager Ben Blair thanked the Board for allowing Wackenhut to be in its third contract year, and said that Wackenhut considered LTD to be its most progressive transit contract. He said he was delighted to have Mr. Fowler as an employee, and that Mr. Fowler brought added value to his position.

Ms. Wylie presented a plaque naming Mr. Fowler as the Wackenhut Security Officer of the Year for 2002, and a certificate of appreciation from Wackenhut Corporation. Mr. Fowler said that he had been blessed with the position of supervisor of the start-up position at LTD, which was a very rewarding position. He said he cared about the people but used tough love and tried to make the experiences a learning curve for people. He appreciated the guidance and leadership of Mr. Bailor, who gave him support and room to do his job, as well as the other LTD staff and his own staff since August of 2000. He said that he and his staff were only as good as the people around them, and they were glad to come to work everyday and feel good about what they did. He stated that safety and security at LTD was a shining star in transit in the country, and he was proud to be part of the LTD family.

AUDIENCE PARTICIPATION: Ms. Wylie opened the meeting for audience participation and asked that the speakers stay within the three-minute limit.

(1) Dave Sohm introduced himself as a member of the BRT Stakeholder Committee. He said he appreciated what LTD did for homeless kids with the Safe Place program on the buses. He

was there to express his concerns as a stakeholder on the BRT committee. He said he had felt a little lack of disclosure by staff regarding plans that were in the works. He said that some members of the committee wondered if their input was a requirement but not really heard, and that the committee had been successful in getting the Oakway Road option, to which staff were opposed. He said that the committee was a strong group wanting to go its own way, so the Board should be prepared for it to do that.

(2) Fred Simmons of Springfield testified regarding LTD Ordinance No. 36. As an LTD bus driver, he said, LTD definitely needed to control inappropriate behavior in the system, but as a citizen and constitutionalist, he saw some problems with this ordinance. He said that LTD had said that it would treat the Eugene Station as a "village square," and that limited access seemed to be written to prevent behavior patterns that interfered with the traveling public, but that this was not what it said. He thought that the map was different than the final map for the grant, because there were a police station and a deli/market within the station. He said that LTD had stated in its conditional use permit that it would use the station as pedestrian process, and that people could walk through the station from the library. He said that LTD needed to be careful, that there were some constitutional problems with what the ordinance did not say, not what it said. He thought that LTD should create a dialog with the ACLU and other interested parties to come up with an ordinance that would meet the needs of employees and guests but did not have the constitutional fetters that would throw LTD into the Court of Appeals and wind up spending money that otherwise could be used to meet guest needs.

(3) Dave Fidanque, executive director of the American Civil Liberties Union (ACLU) of Oregon, said he was not a lawyer, and that he wanted to make it clear that the ACLU was opposed to Ordinance 36 in its current form. The ACLU believed that the current Ordinance 36 before the Board was trying to accomplish what the Court of Appeals said LTD could not do, which was to close off the station to speech and petition activities. He said that the ordinance affected a lot more than just the downtown station, and would prohibit those types of activities at bus stops on public sidewalks, which traditionally had been recognized as a public forum for speech activities. He said that they believed as Mr. Simmons said, that the downtown station was much more like the town square than it was a closed public building. He said that the ACLU was prepared to challenge this ordinance as it had challenged the last one; however, it preferred not to and hoped the Board would think very carefully before moving forward that evening.

MOTION **CONSENT CALENDAR:** Ms. Hocken moved that the Board adopt LTD Resolution No. 2002-036: "It is hereby resolved that the Consent Calendar for December 18, 2002, be approved as presented." Mr. Gaydos seconded, and the resolution passed by unanimous vote, 6 to 0, with Ban, Gaydos, Hocken, Lauritsen, Melnick, and Wylie voting in favor and none opposed. The Consent Calendar consisted of the minutes of the October 16, 2002, regular Board meeting; the November 20, 2002, canceled Board meeting; and the December 6, 2002, special Board meeting.

SECTION 5311-f INTERCITY GRANT FUNDS: Accessible Services Manager Terry Parker provided background information, also summarized on page 34 of the agenda packet. When asked about resources, she explained that for the match requirement for the Oakridge Inter-City service grant (similar to what had been done in both Cottage Grove and Florence), the elderly and disabled program funds were considered local funding and would be used to develop a community transit system for the rural area. Rather than having separate services for different users, the goal was to integrate services to meet community needs for both the elderly and the general public. She stated that the issue before the Board was the acceptance of federal money in order to move forward in

the process to design and operate services to better meet the transportation needs of Oakridge and Westfir.

Public Hearing: Ms. Wylie opened the public hearing on the grant application and award. There was no one who wished to testify, and Ms. Wylie closed the public hearing.

MOTION **Board Deliberation:** Mr. Gaydos moved LTD Resolution No. 2002-038: "It is hereby resolved that the LTD Board of Directors approves the FY 2003 and FY 2004 Section 5311-f Intercity Program grant award for \$142,867 in federal funds for the creation of public transportation connections between Oakridge and the Eugene-Springfield area in accordance with the proposal submitted on September 3, 2002, and approved by the Oregon Department of Transportation Public Transit Division." Mr. Melnick seconded the motion.

Ms. Hocken remarked that the staff summary said that most of the local match would come from Special Transportation Funds that would be allocated to Oakridge anyway. Ms. Parker said that some of her staff time would be donated to the project as an "in-kind": contribution from LTD, but no general fund money from LTD is allocated. Mr. Hamm explained that following the transfer of Terry Parker and the special transportation services program from LCOG a year and a half ago, she maintained a certain amount of her time for Florence and other outlying areas. Ms. Parker added that Commuter Solutions also provided technical assistance and was in the process of conducting a survey of what local residents wanted their service to look like.

VOTE There was no further discussion, and the resolution passed by unanimous vote, 6 to 0, with Ban, Gaydos, Hocken, Lauritsen, Melnick, and Wylie voting in favor, and none opposed.

ORDINANCE NO. 36 REVISION: Ms. Wylie noted that she had some concerns about Ordinance 36. Mr. Johnson said that the Board had had many discussions about this ordinance over the years. However, because Ms. Ban had not heard those discussions, he provided a brief history of the issues. He explained that the previous summer the District lost an appeal with regard to signature gatherers being included in the language of Ordinance No. 36. The District then had to review the ordinance to see what LTD needed the ordinance to accomplish, what was constitutional, and how LTD could maintain an environment that was safe and secure for its guests while doing what it needed to do as a transit agency. The Board and District counsel had discussed this in a fair amount of detail. The revision created buildings, stations, and boarding platforms as limited-access areas, so that passengers or those doing business with LTD employees would be allowed in those areas. He explained that a passenger waiting for a bus could perform activities that were constitutional as long as they did not break the other provisions of the ordinance that prohibited interference with the safety and security of passengers.

Mr. Johnson handed out a revised ordinance that eliminated the emergency clause, which should have been removed when the ordinance was revised. The effective date would be thirty days after adoption rather than immediately upon adoption. Since that change did not cause a significant change in the ordinance itself, the second reading still could be held.

Mr. Pangborn added some history from before the Eugene Station was built. The purpose of Ordinance 36 was to say that a certain set of behaviors was needed from the passengers in order to run safe, clean, and on-time service. As an example, he said that children could not be jumping on the seats while the bus was traveling, because that could result in falling out of the seat. As the community and system grew, the ordinance had been adjusted to deal with problems in the safe operation of the system. The District then got to a place with the old downtown station where

everyone who had a right to be on the public sidewalk congregated along the sidewalk where the bus system was. It became very difficult to operate the system safely. People missed transfers, and particularly the elderly and people with disabilities had a difficult time making the system work for them. He said that one of the advantages of moving off the public sidewalks was that LTD could manage its own space because LTD would serve only passengers, and others would have the right to be in the public areas away from the boarding areas.

Mr. Melnick asked if providing the opportunity for passengers to sign petitions also served passengers. Mr. Pangborn said that any petition gatherer had the opportunity to approach passengers on the public sidewalks as they entered the station. There was no way to enter the station without being on a public sidewalk, so any petition gatherer could be at any of the entrances and intercept any passenger and still provide them that opportunity. The thinking was that as soon as non-passengers were on the platform, it became harder to manage the crowds, harder to manage people transferring between buses. He said that LTD asked people to cross over from one island to the other and between buses, so the fewer people who were not actually being served by the District on the platform, the better it was for LTD and its passengers, knowing that as the system grew over time, there would be more passengers to manage.

Mr. Melnick asked how LTD responded to the comment about people walking from 11th and Oak to the library, through the station. If Ordinance 36 passed, they would be prohibited from doing that, and the security guards could legally tell them that they had to go around. Mr. Pangborn said that if LTD wanted the strictest interpretation, there could be monitored gates or some sort of entrance system around the station. LTD had chosen not to do that because of costs, aesthetics, and a whole variety of reasons. Mr. Melnick said it sounded as if LTD would apply the ordinance selectively. Mr. Johnson explained that passenger status was determined by seeing who was on the platform when the buses pulled out. Then those people would be approached to see if they were waiting for a bus. Staff currently did not chase down people who were just moving through the station but, once the pulse was gone, then people were asked if they were waiting for a bus and reminded to make sure they were on the next one.

Ms. Ban said she appreciated the history, and asked if the revision to the ordinance had been written in anticipation of a possible problem, or if there had been problems at the downtown station. Mr. Pangborn said that there had not been problems in the current station, but there had been at the 10th Avenue station. The ordinance had been written to preclude the same problems when in the new environment. Ms. Ban commented that the ordinance would give the District a tool if problems arose, and Mr. Johnson said that was all that Ordinance 36 was, in actuality. Mr. Hamm stated that this facility was designed for a specific function. For example, the corridor from guest services to the northwest corner of the block at Olive Street and 10th Avenue had a very specific width and design for people to board buses, and not for a lot of other activity down the middle of it. There were signs, leaning posts, and other amenities for guests. He said that as ridership had grown and the activity in that center increased, mixing in other activities added another kind of congestion, and it only took once for someone to step in front of a bus to cause a major safety issue. What LTD had done was create a tool to help maintain the environment that was created when the station was built.

Mr. Melnick said that part of his concern was that some types of uses would be allowed and some would not. Mr. Pangborn said that LTD needed to react if there was a problem, and to do enforcement in a way that was not selective. After three buses had gone and the same person was still there, the question was what was the purpose for being there. It did not matter whether the person was trying to collect signatures or wanted to proselytize on the Bible or anything else. The

issue, which was content-neutral, was whether a person was a passenger or not. Mr. Pangborn said that he fully understood the Board's concerns, as Mr. Simmons had proposed, whether the station should be a "village square." He said he did not believe that the conditional use permit included anything about the village square, but he did know that when the Board went through this process, it had been very concerned about this issue. And, Mr. Johnson added, parts of the station were clearly public, and LTD did not bother people who went there. The area going to the store also was designated a public area. He added that the issue of enforcement could be an uncomfortable one; for instance, even the speed limit was not enforced at all times, and not every speeder was stopped, so it was no different than enforcing other laws.

Mr. Hamm said that in security, an interesting phenomenon in society was youth and young adults "hanging out," and that there were now fences to protect public property, like at City Hall. The Eugene Station was there for a very specific use, which was different from the parks in the city center and City Hall's public square. Mr. Hamm said that the people who had to or chose to use transit, and generally that use required a transfer, should be able to move about without interference, especially since minutes could make the difference between waiting another half-hour or hour and maybe missing an appointment. LTD had tried to protect that right for the passengers.

Ms. Ban said that other options would include turnstiles or another method of limiting access, as could happen with BRT. That would limit access unless someone had paid.

Ms. Hocken said she sensed that the Board might not want to adopt the ordinance that evening, although she was prepared to vote in favor of reading and adopting it. The Board had advice from its counsel, who said that this was a constitutional piece of law, and some other people said it was not. At some level, she said, the Board either had to rely on its legal counsel and move ahead, or obtain additional legal opinions, or say it would be swayed by people who did not want the Board to adopt this ordinance. She knew there had been some attempt at conversation and compromise, which apparently had not worked. Therefore, the Board had to decide if it trusted its legal counsel that this was a valid piece of legislation and move ahead. She said that she could support everything that Mr. Pangborn said about the issues LTD was trying to deal with when designing the Eugene Station. It was clear that the plaza was to be a completely open public area, and there had been rallies and parades that had started there. One of the main points of building the station was to provide easier access to LTD's vehicles for its customers, so she thought it was an important ordinance for LTD to adopt. She thought the attorneys should come one more time to talk about enforcement issues. She also believed that it was important for Mr. Kleger to be present for this discussion because he had been very supportive of this ordinance and was on the platforms more than any other Board member.

Mr. Gaydos agreed that the Board should listen to Mr. Kleger. He stated that he was not offering any legal advice. Part of life, he said, was that LTD was creating law and someone had the right to challenge it. The Board revised its ordinance, someone did not like it and challenged it, and LTD appealed and lost to some extent, and then revised it to be what LTD believed was in accordance with that opinion. He believed that the issues were real and that LTD was fully supportive of First Amendment rights and allowing petition gathering. The only issue was whether LTD could control public access in areas of the property.

Mr. Simmons spoke up from the audience and called attention to page 22 of the conditional use permit application, where lines 2 through 28 referred to an urban square. He said that he supported the ordinance and regulating the safety on the platform in some fashion. Mr. Pangborn clarified that "urban square" referred to the plaza.

Mr. Gaydos said that he was ready to vote, but he had not looked at the map and he wanted to understand the urban square issue. Mr. Johnson said that in the color maps, the plaza area was shaded differently, showing the public areas more clearly, so he would be sure the Board received copies.

Mr. Melnick read a "Statement on LTD Revised Ordinance 36," dated December 18, 2002, which he said he actually had written before the canceled November meeting. That statement is attached to the minutes as part of the permanent record.

Ms. Lauritsen said she also relied heavily on LTD's legal counsel. She was pleased to see that there was a severability clause on the back of the ordinance. She said that most of this ordinance dealt with basic safety and normal types of things such as smoking, harassment, threatening or offensive language, spilling food and beverage, etc. Only one area of the ordinance was being hotly discussed. With these open issues, she thought that January would be fine. She suggested that if the ordinance needed to be amended, that should be done, because LTD needed the rest of the ordinance. She said she was not keen on conditional enforcement, and suggested that LTD work on the wording to say what the District really was trying to do. Mr. Johnson clarified that the rest of the ordinance was still in place.

Ms. Hocken suggested that someone from the attorney's office attend the next meeting for an executive session with the Board. She asked to look at the enforcement issues, conditional use permit issues, and the map issue. She also wanted to know more about the platform width and the 8-foot restricted access around bus boarding areas.

Ms. Wylie stated that by consensus, the Board would defer action on Ordinance No. 36 to the January 2003 meeting.

ACCEPTANCE OF AUDIT REPORT FOR FISCAL YEAR ENDING JUNE 30, 2002:

Ms. Hellekson explained that the audit results were included in the Comprehensive Annual Financial Report. Board acceptance of the audit was done to acknowledge that they had received it. The auditor's reports were given directly to the Board, who hired the auditors.

Charles Swank of Grove, Mueller and Swank, P.C., the District's independent auditors, explained that his role was the independent auditor's report, and that staff presented the financial report. This was his firm's fourth year of working with LTD. He thought that staff did a very good job, and he said that the Board should be proud of the work that went into it. He said that this would be the last year of the current package, and next year would begin the GASB 34 reporting model. There would be a change in format and some terms, but the numbers would look about the same. He noted that the transmittal letter gave some good information about the District. An unqualified opinion was found on page 17 of the CAFR. There was a change in the date of the opinion to reflect the additional information in the footnote on page 36 regarding the court case, so the CAFR had been revised with a second date on the report.

Mr. Swank briefly discussed the comments section. He stated that the federal and state governments relied on the auditor to report back to them that things had happened the way they were required.

TION Ms. Lauritsen moved LTD Resolution No. 2002-040: "Resolved, that the LTD Board of Directors accepts the Independent Audit Report for the fiscal year ending June 30, 2002."

VOTE Mr. Melnick seconded the motion. There was no further discussion, and the resolution carried by unanimous vote, 6 to 0, with Ban, Gaydos, Hocken, Lauritsen, Melnick, and Wylie voting in favor, and none opposed.

SIXTY-DAY NOTICE RESOLUTION: Ms. Hellekson explained that this resolution was required as one of a series of steps to accomplish debt financing. The Board Finance Committee had reviewed the resolution, which was necessary to open a 60-day comment period.

MOTION Ms. Lauritsen moved that the Board approve LTD Resolution NO. 2002-037, "A Resolution Setting Forth the Intent of the District to Issue Revenue Bonds to Finance the Acquisition of Replacement Buses and Providing for Other Matters Pertaining Thereto." Mr. Gaydos seconded the motion.

Ms. Hocken asked how LTD would be advising the public that they could respond, whether there would be a public hearing, and what information staff would be giving to people. Ms. Hellekson replied that the publication on December 24 would include all the required information. Mr. Gaydos noted that the notice said that interested people would have to file a petition if they were opposed to the revenue bonds.

VOTE There was no further discussion, and the resolution was adopted by unanimous vote, 6 to 0, with Ban, Gaydos, Hocken, Lauritsen, Melnick, and Wylie voting in favor, and none opposed.

BRT PHASE 1 PROPERTY ACQUISITION: Development Services Director Stefano Viggiano presented this topic, found on page 62 of the agenda packet. He stated that the portion of the BRT Phase 1 project between the Eugene Station and Franklin Boulevard was far enough along to know what property was required. A similar resolution would be required for the Springfield Station project.

Ms. Wylie asked if the property owners were willing to sell. Mr. Viggiano replied that LTD had had discussions with most of the property owners. The required property was mostly in small pieces, and none would require moving any buildings. PeaceHealth had been supportive of the project, and would involve the largest property acquisition.

MOTION Mr. Melnick moved that the LTD Board of Directors approve LTD Resolution No. 2002-041, "A Resolution Authorizing the Lane Transit District to Acquire by Purchase or by the Exercise of the Power of Eminent Domain Certain Real Property Necessary for the Bus Rapid Transit Project."

VOTE Mr. Gaydos seconded, and the resolution was passed by a vote of 5 to 0, with Gaydos, Hocken, Lauritsen, Melnick, and Wylie voting in favor, no one opposed, and Ms. Ban abstaining.

BRT PIONEER PARKWAY—SOUTH SEGMENT: Mr. Viggiano said that the Pioneer Parkway corridor was being developed in three segments. The south segment had been endorsed by the BRT Steering Committee, who recommended Board approval. Additionally, 10 to 12 stakeholders had reviewed this segment and made recommendations. It was a clear decision that they, Springfield staff, and LTD staff preferred Pioneer Parkway over 5th Street. The option they selected was shown on page 88 of the agenda packet. Mr. Viggiano said that the recommended segment would need to go through additional analysis, so until that was finished, the other options remained on the table.

MOTION Ms. Hocken moved, seconded by Mr. Gaydos, that the Board adopt LTD Resolution No. 2002-042: "Resolved, that the LTD Board of Directors approves the recommended design for

VOTE

the Pioneer Parkway South Segment BRT corridor as the preferred design for that segment." Mr. Melnick congratulated Mr. Viggiano and other staff on the wonderful job they had done in this process. The resolution then passed by unanimous vote, 6 to 0, with Ban, Gaydos, Hocken, Lauritsen, Melnick, and Wylie voting in favor, and none opposed.

Ms. Hocken said that the Board had not talked about the comments from the stakeholder group member made earlier in the meeting. She said she believed that staff had always been open and with Ms. Ban on the committee, there was a direct Board link. Ms. Ban said she thought that there was a wide variety of opinions and that staff had been very good at responding. She stated that the segment voicing that opinion in no way represented the dominant opinions on the stakeholder group. Mr. Gaydos commented that it was early in the process, and the purpose of forming that group was to obtain input early in the process, before a decision was made. Mr. Melnick thought it was a good example of how input resulted in change.

Mr. Hamm said that it was good to hear the speaker's input, because it was someone's perception, whether correct or not. He stated that he had full confidence in the staff.


Ms. Hocken told the Board that Scott Meisner was stepping down from the BRT Steering Committee, and that George Poling would be joining and also would participate on the stakeholder group. She thought it was good to have City representatives involved at that level.

ITEMS FOR INFORMATION AT THIS MEETING (continued from work session):

LTD Local Activity Participation: In response to a Board request, Mr. Hamm had prepared a list of activities in which LTD had participated during the past few years. That list was found on page 130 of the agenda packet. Ms. Hocken said that the Board was looking at this as a question of cost savings, so she asked to have the dollar amount for each event for Board discussion. Mr. Hamm said he would bring that information to the January Board meeting.

Monthly Financial Report: Ms. Hellekson said that with the steps that had been taken during the past year, LTD was in fairly good financial shape. Staff were doing their best to have the lost payroll tax revenue returned to the District. She noted that the Board Finance Committee would be meeting on January 30 with a substantial agenda.

ADJOURNMENT: There was no further discussion, and the meeting was adjourned at 8:00 p.m.



Board Secretary

STATEMENT ON LTD REVISED ORDINANCE 36

18 December 2002

Robert Z. Melnick
LTD, Board of Directors

I want to take this opportunity to comment on the proposed revised Ordinance 36, Regulations Regarding Conduct on District Property. These comments represent my own views on these proposed changes, following a careful reading of the ordinance.

I am strongly opposed to this revised ordinance, and believe that the LTD Board will be making a serious error should we pass it. In my view, this ordinance violates not only the spirit of the Oregon constitution; it violates our public trust with the people of the district.

Regardless of how we frame the questions, it is essential to remember that we serve as public officials, and that LTD directly benefits from a taxing authority. I don't want to engage that issue at this time, but we are, in fact, a public body, whose mission is to provide public transportation for the benefit of the people of the district. We have often affirmed this in our discussions, and in our diligent regard for the use of public funds and the attention that we pay to the needs and well-being of our public. And usually, we refer to these as our riding public, or, as is common currently in LTD, as our guests.

But, in fact, they are not our guests. They are citizens and residents of the District and are served by this public agency. As a public agency – not a private corporation – we have a responsibility and an obligation to uphold the laws of the State of Oregon. I believe, strongly, that this obligation includes all that we can do to further the processes upon which our democracy is founded. Let us make no mistake about this ordinance. Its purpose is to prohibit signature gathering by proponents of ballot measures. It may use other language, but it is an attempt to restrict the free expression of ideas on district property – which is, of course, public property. I refer specifically to sections 1.15(10)(f) and 1.15(11)(a) and (b). These paragraphs appear on page 41 of the Board packet this week.

I do not believe that this ordinance is about safety. It is about politics, and it is wrong for this Board and this District to use their power to limit the political process and rights of the citizens of our community.

Passing this ordinance will only further the idea that we, as a Board and as a district, are removed from central aspects of our community. I am the first to agree that signature gatherers can get in the way, that they can on occasion be obnoxious. I generally walk away from them. But, nonetheless, it is their right, under Oregon law, to gather those signatures. Furthermore, since so many of our recent laws have been passed through the initiative process, this ordinance will only serve to restrict free and open political discussion. This is wrong. I say this as someone who believes that many of the ballot measures passed in the

last few years have done almost irreparable damage to our community. However, that does not give LTD the right to limit free and open political expression on public property.

It is a basic tenet of our democratic society that we should support the right of people to say things that we may, individually, vehemently oppose. The collection of signatures, in my view, is an issue of freedom of speech and participation in the democratic functioning of our government. If we don't like that law, then we should work to change it – perhaps even through a petition for a ballot measure.

I urge my fellow Board members to act in the long term interest of this community and vote against this revised ordinance. It will not do LTD or citizens of the district any good. It is simply wrong and ill-advised.

