

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
IN THE COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
100 East Center Street, Provo, Utah 84606
October 21, 2015 - 6:00 P.M.

PRESENT: COMMISSIONER LARRY A. ELLERTSON, CHAIR
COMMISSIONER WILLIAM C. LEE, VICE-CHAIR
COMMISSIONER GREG GRAVES

ALSO PRESENT:

Kraig A. Thorne, Pleasant Grove resident	Merlin Weekes, Orem resident
Cole Souza, Utah Valley University student	Lynda Roper, Provo resident
Chet Roskelley, Provo resident	Colby Lyons, Provo resident
Linda Roskelley, Provo resident	Melanie Lyons, Provo resident
Ashley Ellis, Mapleton resident	James Fawcett, Orem resident
Nick Moyes, Saratoga Springs resident	Pam Jones, Provo resident
Pam Grange, Orem resident	Janet Anderson, Lake Shore / Benjamin resident
[Illegible], Payson resident	David Shawcroft, Utah County Attorney's office
[Illegible], Payson resident	Lisa K. Nielson, Utah County Commission office
Wendi Baggaley, Eagle Mountain resident	Brian Voeks, Utah County Commission office
Gunnar Thorderson, Utah Valley University student	

AGENDA

1. DISCUSS THE OPINION QUESTION FOR THE IMPOSITION OF A .25% SALES AND USE TAX FOR HIGHWAYS AND PUBLIC TRANSIT TO THE COUNTY'S REGISTERED VOTERS, AND RELATED MATTERS.

Commissioner Ellertson called the meeting to order at 6:08 P.M. He explained the purpose of the meeting is for the public to make comments in regards to Proposition One. He asked the audience to alternate between those in favor of Proposition One and those opposed to Proposition One. Commissioner Graves asked those coming to the microphone to please clearly state their name for the record.

Pam Jones of Provo spoke first. She said her position on Proposition One is similar to her position on the Provo RAP tax. She noted the state legislature's recent increase in the gas tax and said that she speaks for people on fixed and limited incomes. Noting that many taxes are "just a penny here, \$3 there, or \$10 there," she said that "our backs are against the wall." Ms. Jones said the government should not be a burden on the people, and she admonished government officials "to think real seriously about the difference between needs and wants." Everyone wants nice parks, roads, and streetlights, but those "goodies" require sacrifice on behalf of others.

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Commissioner Ellertson asked if anyone would like to speak in favor of Proposition One. No one came forward.

Wendi Baggaley of Eagle Mountain spoke next. She thanked the commissioners for holding this meeting in the evening rather than at 9:00 AM, which is the usual time for weekly commission meetings. Ms. Baggaley rhetorically asked how UTA is held accountable and expressed concern over the 40% of Proposition One revenue that would go to UTA. She asked for clarification on how much will go to UTA per year. Commissioner Graves responded that each quarter-cent sales tax generates approximately \$18-20 million annually; Commissioner Ellertson responded that Proposition One would generate approximately \$7.5 million for UTA annually from Utah County. Ms. Baggaley said that when we continue giving UTA more money, we are, in essence, saying that we approve of UTA's handling of public funds. Noting Utah County's history of fiscal conservatism, she said we need to send the message that we are not OK with the way UTA spends its money. She ended by suggesting that if cities need more money for their own roads, then the individual cities should raise taxes to meet those needs rather than spread the tax burden over the entire county.

Commissioner Ellertson noted that there may be no one in audience in favor of Proposition One.

Jim Fawcett of Orem spoke next. He began by noting that prior to the meeting, many people in the audience held up signs outside the Utah County administration building in protest against Proposition One. He said that during the protest, at around 5:45 PM, one of the buses running along UTA's 830 bus route drove by. Mr. Fawcett explained that this bus route links up to the Provo Frontrunner station and should have a lot of people on board coming back from work in Salt Lake Valley during rush hour, yet there were only one or two people on board. Pointing out that the commercials he has seen claim that Proposition One will help alleviate air pollution, Mr. Fawcett said, "I just don't see how that works" with empty buses. He called it "unbelievable" that UTA will receive 40% of the revenues from Proposition One, and he asked rhetorically why he should support running more empty buses. He ended by reiterating his opposition to Proposition One.

Commissioner Graves asked the audience members to please answer the question of whether they would support Proposition One if the UTA portion of it were removed.

Merlin Weekes of Orem spoke next. He began by saying he was listening to the Rod Arquette Show yesterday and that Mr. Arquette said he would vote against Proposition One due to the alleged inefficiencies of UTA. Mr. Weekes said that he believes the roads do need to be repaired, "but we need to be efficient." He then said he would like to privatize UTA, much like the mass transit he has observed in Japan. Mr. Weekes noted that UTA bus ridership is low, and the riders are subsidized at 85%. He said the buses are empty; if they were full, we would be having a different story. He again called for privatization, much as how BYU has done with The Ryde. Mr. Weekes said by rejecting this tax, we can motivate UTA to become more efficient.

Nick Moyes of Saratoga Springs spoke next. Mr. Moyes said he is a commuter who works in Provo, and he said he carpools to and from work with two other people. He said the three carpoolers ran the numbers on how much it would cost to take Frontrunner from the American Fork station to the Provo station, and he said even if all three carpoolers drove separately, they would still save more money

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than by taking Frontrunner. He said it would also take an hour and 20 minutes, one way, to pick each other up, drive to the American Fork station, wait for the train, take the train to Provo, wait for the bus, and then take the bus to Novell. He said, "We don't have 2.5 hours of our day to waste commuting when we can drive in 25 minutes; financially, it doesn't make sense." With 86% of UTA's ridership costs subsidized, Mr. Moyes jokingly said he almost cannot afford not to take the train because he is paying for it whether he uses it or not. He called UTA a "black hole money pit" that should not have been built if it cannot be sustained through its own ticket sales. Next, he said UTA should be privatized, saying that would make it more efficient. Mr. Moyes expressed his appreciation for those who have fought against Proposition One, and he said a penny out of every \$10 spent will have a big negative impact on those people living on fixed incomes.

Commissioner Ellertson said that while some have fought one way or the other on this issue, others simply want to let the people decide. He said he has not attempted to persuade one way or the other aside from presenting information.

Lynda Roper of Provo addressed her comments to Commissioner Graves. In response to his question of whether she and others would support Proposition One if all the revenues from it were going towards roads, she noted that "a ton" of the money from the 1st, 2nd, and 3rd quarter-cent sales taxes already going directly to UTA. She said no tax increase would be needed if we petitioned the legislature to reapportion the UTA funds from those three quarter-cent sales taxes to instead provide more road funding, noting that she heard this idea "from some smart people up at the legislature when they were down here." She said she does not propose more taxes, replying that "We have plenty of taxes." Ms. Roper noted that utilities have increased in Provo and Orem this year. Additionally, the state's gasoline tax increased this year and Provo is considering implementing a RAP tax. Ms. Roper reiterated that money going to UTA should be reapportioned to roads, and there should be no tax increase.

Colby Lyons of Provo spoke next, and he also addressed his comments to Commissioner Graves. He said we should ask with every tax increase whether the increase is necessary, noting that all tax increases "are money out of our pockets." He said government should have taken road maintenance into account before spending money on recreation centers, golf courses, splash pads, and other expenses. He said that would be like someone spending money on a nice garage and then realizing, "Oh, I don't have any money for food." He asked, "Why not take money from something else that is not as essential as roads?" He ended by speaking against the notion that raising taxes would improve the economy, saying it is counterintuitive to him to suggest that taking money out of the economy will help the economy.

Commissioner Lee then spoke. He noted his opposition to putting Proposition One on the ballot, saying "We have a priority problem." He expressed concern for this, noting that Utah County allocates a large portion of its sales tax revenues to UTA. He said as he sat in meetings with the other Utah County commissioners and mayors, the discussion on whether to put Proposition One on the ballot was not over whether this was the best tax policy, even though many mayors were concerned about the 40% portion going to UTA; rather, the question was whether Proposition One should be put on the ballot in 2015 so that supporters could piggyback on Salt Lake's big media market. Commissioner Lee called that "bad tax policy." Noting recent increases in the gas tax and in property

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taxes, Commissioner Lee called for sending Proposition One back to the state legislature to have the silos redone. He said that most of the state legislators in Utah County feel the same way he does, with 14 of Utah County's 19 legislators voting against the bill authorizing counties to adopt Proposition One, not including one legislator who was absent during the vote but opposes Proposition One and another legislator who opposes Proposition One yet voted for the bill because he supports the gas tax. Commissioner Lee said that he has gone around the county speaking out against Proposition One because he believes roads take precedence over buses—especially empty buses. He said one bus line in the county only averages 54 rides per day. Calling Utah County “out of balance” in regards to the tens of millions of sales tax dollars it gives UTA annually, Commissioner Lee encouraged everyone to vote no on Proposition One and send the proposal back to the legislature.

Janet Anderson of Lake Shore and Benjamin spoke next. She said that “Commissioner Lee makes a very strong point.” Ms. Anderson pointed out that years ago when mass transit was voted on, the people of Utah County voted it down, “and yet we still have it.” She said that UTA is constantly trying to bring bus services to small towns, yet no one is riding the buses in those areas. She then said the elected officials are greatly losing credibility with citizens. Historically, according to Ms. Anderson, people in the county worked closely with the commissioners to solve problems, but that is becoming less and less true. She said people in the county are becoming more discouraged and less trusting of those they elect. Ms. Anderson said government should be more careful in the way taxes are administered. Pointing out that her husband is 74 years old and still has to work out of necessity, she said, “Don't add to our burden.”

Commissioner Graves asked Ms. Anderson what year the vote happened that she referenced near the beginning of her comment, noting he has yet to find a vote in Utah County where mass transit was turned down. Ms. Anderson said the vote was a proposition sponsored by the state that occurred 25 years ago or more. She said the whole state voted on it, and it was voted down.

Commissioner Ellertson said Ms. Anderson was correct in saying mass transit was initially voted down. He then pointed out Salt Lake, Davis, and Weber counties joined the transit district, when it was created in 1984, by voting in favor of creating the 1st quarter-cent sales tax. Utah County joined city by city over time. Later, the 2nd quarter-cent was voted on, and 70% of the county voted in favor of that investment, with much of that money used to pay for Frontrunner. Commissioner Ellertson reiterated that the public voted on both of those quarter-cent sales taxes. He then noted that the legislature gave the county the option to enact the 3rd quarter-cent, which the commission did in order to expand 1-15. He said the 3rd quarter-cent had some silos in it, which restricted how the money could be used; those silos have since been removed. Then he pointed out that 100% of the 2nd quarter-cent was initially used for roads, and that UTA has now said, “We can do something, if you can help us get over the initial hurdle, by using some of the road monies for transit, which is allowed in that quarter now, and then we will repay it.”

Commissioner Ellertson continued by noting the plethora of information on this issue and said he appreciates Ms. Anderson's invitation to have an open dialogue on this and other issues. He said if our transportation infrastructure is aging, we should spend \$1 today to maintain that infrastructure rather than \$10 or \$20 in the future if we do not maintain it. Commissioner Ellertson noted this is the thinking he used in deciding to put this issue on the ballot and letting the people of Utah County

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decide, and he asked people to take the time to learn more on this issue. He also said there is some misinformation that has been expressed on how this money will be spent. He said he is not going to tell people how to vote, but rather ask them to gather information and then cast an informed vote.

Commissioner Lee spoke again, noting that the 40% allocated to UTA from Proposition One will be transferred directly to UTA. As for the 40% that goes to the cities and the 20% that goes to the county, that money can be spent on roads, but it could also be spent on mass transit. He said it is important to be aware of this because he has found there is a lot of misinformation, clouding of information, and lack of information on this issue.

Commissioner Graves spoke again, saying that the 40% portion that would go to UTA could instead be used for roads if UTA signed an agreement allowing that to happen. Next, he pointed out that the mayors originally wanted the legislature to allow counties to enact the 4th quarter-cent sales tax (i.e., Proposition One) without requiring a vote of the people. He said the commission has always intended for this proposal to be enacted by the people, pointing out that Proposition One is the public's opportunity to tell the Commission how to work for the public in the future.

Lynda Roper of Provo spoke again. She said that the people wanted BRT on the ballot, and numerous hoops were jumped through in an effort to make that happen, including gathering petition signatures. In contrast, she said, "We don't want [Proposition One] on the ballot necessarily right now; we want to wait a year. Nobody had to jump through hoops to get it on the ballot."

Commissioner Ellertson pointed out that Proposition One can go back on the ballot again next year if it does not pass.

Gunnar Thorderson, a student from Utah Valley University, spoke next. He said he has been doing a lot of research on both sides of this issue. Mr. Thorderson said one side focuses entirely on UTA and accountability issues, while the other side is putting out ads focused just on road maintenance because the gas tax has not been raised in 18 years. He said he agrees with Commissioner Ellertson that it is better to spend \$1 today rather than \$10 down the road, but he thinks it is a disservice when we lump these two issues together and then only address one side. Mr. Thorderson called for splitting Proposition One into two: one portion for increased UTA funding, and the other for increased road funding. Next, Mr. Thorderson pointed out that he has not owned a car for three years and has utilized mass transit during that time. He said the people he sees using UTA services tend to be low-income earners or homeless individuals who cannot afford to even pay to ride the bus. He said if we are going to ask who really needs UTA and mass transit, then we need to ask how we are making it easier on them. Mr. Thorderson ended by saying there is a different tax structure we should use to pay for this rather than through a regressive sales tax that primarily hurts the poor and those on fixed incomes.

Commissioner Ellertson addressed criticisms raised against UTA. He said that in 2014, UTA was recognized nationally as the best transit agency in the country as measured by several different factors. What has caused a lot of people to have a negative opinion of UTA is a state legislative audit that inaccurately paints UTA in a bad light. Commissioner Ellertson said the legislature is not a friend

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of UTA, yet if most businesses were run as UTA is run, then the economy would be much better than it is today.

Commissioner Ellertson asked if there were any other comments.

Lynda Roper of Provo spoke once again. She said the 3rd quarter-cent sales tax revenue was intended for roads, yet that revenue was taken to bond for UTA's BRT project. Commissioner Graves noted that the county has not bonded yet for BRT. Commissioner Ellertson said the money will come back for roads. Ms. Roper said that will not happen until far in the future, and then she reiterated her opposition to BRT. Commissioner Lee said the road money possibly will not return to the county until 2028, according to the BRT bonding parameters.

Commissioner Ellertson asked if there were any final comments. No one else came forward.

There being no further business or public comment, the meeting adjourned at 6:48 P.M. The minutes of the October 21, 2015 Commission meeting were approved as transcribed on December 8, 2015.

LARRY A. ELLERTSON
Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

Copies available on the Utah County website at www.utahcounty.gov.

Recorded by Brian Voeks, Administrative Assistant to Utah County Commissioner Bill Lee.