



Birmingham-Jefferson County Transit Authority
1735 Morris Avenue · Post Office Box 10212 · Birmingham, Alabama 35202-0212
Phone (205) 521-0161 · Fax (205) 252-7633 · www.bjcta.org

CORRECTED – PLEASE DESTROY ANY VERSIONS PRIOR TO 01/26/2011
BOARD MEETING MINUTES
Friday, December 17, 2010

Opening: The meeting was called to order by Chairman Brian Hamilton, at 9:00 a.m. in the Executive Briefing Room, located at Central Station, 1735 Morris Avenue, Birmingham, Alabama 35203.

Members Present: Joyce Brooks, Brian Hamilton, Frank C. Galloway, Jr., Walter Jones, Johnnye P. Lassiter, Ronald Lyas, Doris Powell, Guin Robinson, and Rev. Patrick Sellers

Members Absent: None

Others Present: Debra Anderson-Burse, Peter Behrman, Christopher Bolling, Anna Brown, Aaron Dettling, Butch Ferrell, Jacquese Gary, Judy Gordon, Laura Land, Barbara Lawson, Chris Leffert, Dr. Jesse Lewis, Richard Nardecchia, Kevin Owens, Wytangy Peak, David Russell, Sherman Sterling, Solomon Wilson, and Doris Woods.

A moment of silence was observed.

Guin Robinson led the assembly in the recitation of the **Pledge of Allegiance**.

Adoption of the Agenda: The agenda was adopted by general consent, with Resolution No. 2011-08 being discussed “as information only” purposes. Mr. Galloway and Mr. Jones voted no. After further discussion, Mr. Galloway moved that the resolution not be considered this day and it failed for lack of a second. Ms. Powell moved to adopt the agenda as presented; Mrs. Brooks seconded, and a roll call vote resulted in 5 ayes from Mrs. Brooks, Mr. Jones, Ms. Lassiter, Ms. Powell, and Mr. Hamilton. There were four noes from Mr. Galloway, Mr. Lyas, Mr. Robinson, and Rev. Sellers.

Adoption of the Minutes: The minutes were adopted by general consent with the following two corrections to the Board minutes: 1) Page 5 under Public Comments of Councilor Kim Rafferty- - add Guin Robinson’s name; 2) Page 5, paragraph 7 should read: “Ms. Powell, as a sitting board member, respectfully requested and received a point of personal privilege to speak. She stated...”

Committee Reports:

The Committees did not meet during the month of December and no reports were given.

Executive Director's Report -

Executive Director Peter Behrman distributed Resolution No. 2011-11 and its attachments. He explained that the Finance Department had prepared the figures on zero-based budgeting. The annual budget had been broken down to a monthly budget that reflects a deficit of \$240,843 per month. However, money not spent from the City in FY2010 would be used in FY2011 to offset the deficit and used as a credit to provide some service for the remaining fiscal year of the City. The City is aware of the credit.

The City provided a contract to the BJCTA for full funding for the months of December 2010 and January 2011. The worse case scenario is zero funding after January 31, 2011. Assuming zero funding will be received from the City after January 31, 2011, the Authority would be faced with reduced service cuts and an employee reduction of approximately 120 positions or 90 people because of vacancies. If the City should decide to provide any amount of funding after January 31, 2011, the budget and service plan would have to be amended accordingly.

In response to Mr. Robinson, Mr. Behrman explained that the department heads met to discuss the employee reductions and what is absolutely necessary for operation. Mr. Robinson called attention to the reduction in force policy that would take precedent and possibly affect the departments' plans because of employee rights of rolling over into other positions.

Mr. Behrman reported that he has met with the mayors of Lipscomb and Midfield, but not Brighton. Procedural letters have been mailed. Ms. Powell suggested that he should personally request a payment in any amount.

In response to Ms. Lassiter, Mr. Behrman explained the reorganization plan was designed for the organization to be more efficient and to save money; however, the service cuts and employee reduction plan is more significant. If the Authority should receive funding, the Board would then go through the normal process of reviewing the proposed reorganization plan that was tabled. Mr. Robinson announced that the reorganization plan would be on all future agendas of the Human Relations Committee for consideration.

Mr. Lyas suggested that the Authority needs to seek funding elsewhere so that this process would not be repeated a year from now.

Mrs. Brooks recommended that the resolution be revised to reflect receiving official notice from the City. If notification is to be zero funding, the attached plan will go into effect. If notification of any percent of funding is to be provided, staff will revise the plan accordingly and there would be a special called meeting of the Board to consider the revised plan.

Ms. Brooks moved that Resolution No. 2011-11 be added to the agenda, seconded by Mr. Robinson, and approved by general consent.

Mr. Robinson moved to adopt Resolution No. 2011-11 with the comments of Mrs. Brooks, seconded by Rev. Sellers, and approved by general consent.

Mr. Hamilton instructed that board support send the process of assigning resolution numbers to the Board and make them aware of any future breaks in sequence.

At 10:20 a.m., Mr. Hamilton requested that Vice Chairman Patrick Sellers preside over the rest of the meeting and excused himself from the meeting.

Resolutions for Consideration and Approval:

- A. **Resolution No. 2011-05:** Resolution to Create a Separate Route 26, Jefferson State Community College (Saturday Only) from the Current Route 25, Center Point was moved by Ms. Powell, seconded by Mrs. Brooks, and approved by general consent. Mr. Robinson registered an abstention prior to discussion and further abstained from voting.
- B. **Resolution No. 2011-07:** Authorizing the Adoption of a Section 125 Cafeteria Plan for Full Time Employees in Accordance with the Internal Revenue Code of 1986, as amended was moved by Mrs. Brooks, seconded by Mr. Robinson and approved by general consent.

Discussion: Mr. Jones highly recommended that the BJCTA check into getting FSA for dependent care and health care for a higher savings.

- C. **Resolution No. 2011-08:** Authorization to Amend Organizational Structure and Create a Director of Maintenance, Delete the Maintenance Manager Position, and Authorize the Hiring of a Director of Maintenance, with the caveat that it be reviewed by legal counsel and the Human Relations Department, was moved by Ms. Lassiter, seconded by Ms. Powell and approved by a roll call vote. There were six (6) ayes from Ms. Brooks, Mr. Jones, Mr. Hamilton, Ms. Lassiter, Ms. Powell, and Mr. Robinson; and three (3) noes from Mr. Galloway, Mr. Lyas, and Rev. Sellers.

Discussion: Mr. Lyas voiced concerns of committee structure and protocol not being followed and not being notified, as chair of the Human Relations Committee, that interviews were being held.

Mr. Behrman explained that Mr. Lyas was correct in that this matter did not go through the normal process because the committees did not meet this month. However, there was an urgency to address the matter because one of the greatest weaknesses of the BJCTA is that of maintenance. The new buses must be maintained so as not to jeopardize the warranties or service. The new position is included in the budget. It is position neutral but not revenue neutral because the new position will be paid a higher salary. The position will report directly to the executive director and was internally posted and advertised. The

person will serve a probationary period. The current maintenance manager did not apply.

Ms. Powell commented on the related issues of overtime and the triennial review. She considered this a critical needs position.

Mr. Galloway was in agreement with Mr. Lyas and questioned the salary of the new position and why the Authority would keep someone doing a poor job in any position. Mr. Behrman quoted the range for the new position and explained that a salary has not been negotiated. The current maintenance manager will stay in the interim position until the new position is filled.

Mr. Robinson pointed out reasons why this position is not revenue neutral. He supported the new position, with the caveat that it be reviewed by legal counsel and the BJCTA Human Relations Department, but had a hard time with the procedures.

In response to Mrs. Brooks, Mr. Behrman replied in the positive for the need to have someone oversee maintenance operations for the BJCTA. Based on his assessments of today, no one will be losing a position. The implications of not hiring a person to oversee maintenance are that the Authority would not be able to improve practices and that warranties would be jeopardized.

Ms. Brooks stated for the record that the Board should acknowledge that there was a failure to communicate effectively and that policy and procedures for this position were not followed. It should not happen again. Mr. Galloway suggested that the Board always have its committee meetings to avoid these mistakes.

- D. **Resolution No. 2011-09:** Authorization for the Executive Director to Exercise a One-Year Option to the Contract with Petroleum Traders for the Purchase of Low Sulfur #2 Diesel and Unleaded Fuels was moved by Mr. Robinson, seconded by Mrs. Brooks, and approved by general consent.

Discussion: Mr. Robinson questioned, for the record, if this was the best deal available. Grants and Contracts Revenue Officer Chris Leffert assured that this was not buying into the futures. This was checking the weekly Oil Price Information Service (OPIS) and paying a fixed price above the current market value.

Old Business:

Ms. Powell announced that she is still waiting to receive a copy of the BJCTA written response to the Triennial Review. In support of the committee structure, she requested that any projects, such as bus advertising, presented to the executive director should be presented to the Program Development Committee for consideration. She also stated that business such as procurement items and expense reports should be logged and processed immediately, rather than sitting on or in an employee's desk.

Mrs. Brooks questioned whether appraisals are prepared for individual BJCTA employees with performance plans stated for the upcoming year. The form should also include awards and recognitions. Ms. Burse affirmed that the appraisals are required and this year's deadline is December 22, 2010. Most departments submitted the appraisals last year. Ms. Lassiter stated that this should be mandatory, without an option for department heads to not submit the appraisals.

New Business: None

Public Comments: None

The **Meeting Adjourned** at 10:29 a.m. The next **Regular Meeting of the Board of Directors** will be held **Wednesday, January 26, 2011 at 12:00 PM** at Central Station, 1735 Morris Avenue, Birmingham, AL.

Minutes submitted by: Barbara Lawson, Administrative Assistant

Date: _____

Approved by: _____
Brian Hamilton, Chairman

Attest: _____
Frank C. Galloway, Jr., Secretary/Treasurer