



Birmingham-Jefferson County Transit Authority
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BOARD MEETING MINUTES

Wednesday, June 24, 2009

Opening: The meeting was called to order by the Chairman, Chris Lewis, at 12:04 p.m. in the Public Meeting Room, located at Central Station, 1735 Morris Avenue, Birmingham, Alabama 35203.

Members Present: Frank Galloway, Jr., Walter Jones, Johnnye P. Lassiter, Chris Lewis, Ronald Lyas, Doris Powell, and Guin Robinson

Members Absent: Brian Hamilton and Rev. Patrick Sellers

Others Present: Debra Anderson-Burse, Chris Bolling, Butch Ferrell, Judy Gordon, Barbara Lawson, Jesse Lewis, Aneesa McMillan, L.A. Moss, Richard Nardecchia, Kevin Owens, Wytangy Peak, Joi Scott, Kenneth Simon, and Collina Washington

A moment of silence was observed.

Ronald Lyas led the assembly in the recitation of the **Pledge of Allegiance**.

Adoption of the Agenda: The agenda was adopted by general consent.

Adoption of the Minutes: The minutes were adopted by general consent.

Committee Reports

Program Development Committee

Ronald Lyas reported that the Program Development Committee met with all members present on June 15, 2009 and discussed the following: stimulus funds, intermodal facility, superstops, farmer's market, in-town transit partnership, and service related concerns. He will report to the Board regarding the farmer's market when Cathy Crenshaw, Pepper Place, has an opportunity to respond to his call. Mr. Lyas announced that Darrell Howard, Regional Planning Commission (RPC) was present at this meeting and would present the In-town Transit Partnership project as part of the Metropolitan Planning Organization (MPO) Update.

Human Relations Committee

Frank Galloway reported the Human Relations Committee held a special meeting on June 22, 2009, to review the resumes received toward the Executive Director position. Five candidates were selected by the Committee to be interviewed by the Board. Full Board participation was invited. Concerns were expressed regarding the selection and interviewing process. Chris Lewis requested that the list of candidates selected by the

Committee and the resumes of all twelve applicants be sent to Board members for their review. The interview process should include all Board members.

The Committee is hopeful to receive a final draft of the drug and alcohol policy and make a recommendation for the Board's consideration at the July Board meeting. The travel policy continues to be under review by the Committee.

Finance Committee

Walter Jones reported that the Finance Committee met on June 15, 2009. Questions regarding participating municipalities were presented and concerns were expressed in regards to the overtime report. A copy of the BJCTA application for stimulus funds was provided to the Board on June 15, 2009, at Mr. Jones' request.

Guin Robinson moved the motion that all packets prepared in the future include the overtime report and be the same for the public as is prepared for the organization's Board of Directors; it was seconded by Johnnye P. Lassiter, and approved by general consent.

Mr. Robinson suggested the standing committees discuss the proposal of eliminating overtime during their next committee meetings. Mr. Galloway expressed concerns in regards to employees that had more than 100 overtime hours and one employee who had 180 overtime hours, which is more than a normal work month. He requested a study to compare the cost of having work done on an overtime basis and hiring additional employees to do the work. William Copling, Interim Executive Director, agreed to the request and responded further that the BJCTA overtime numbers are not unusual in the industry. Federal regulations do not prohibit the number of hours that public transit bus operators can work. The overtime hours are issued to employees based on seniority and the willingness to volunteer for the work. Mr. Copling reported that he had discussed, with the chief financial officer, the need for an analysis to see what the optimal number of Paratransit operators for the BJCTA should be.

Mr. Lewis questioned legal liabilities and policy issues regarding an operator being allowed to work eighteen-hour shifts without proper rest. Mr. Copling responded that he has participated in a fatigue awareness study of the FTA. The rules that apply to truckers and train operators do not apply to public transit authorities. Restricting hours would have to be mandated by the FTA or else there would need to be a contractual agreement between the Authority and the Union to restrict the number of hours. The supervisors are responsible for observing an employee for alertness when the employee reports for duty. Mr. Lewis charged the Human Relations Committee to work with legal counsel regarding guidelines and BJCTA legal liabilities in such case of something happening. Ms. Lassiter requested that the Board be provided a copy of the FTA study findings.

Doris Powell asked if the RPC could provide the numbers of VIP riders from CLASTRAN, Kids One, and the United Way. She also requested that the chair of the Birmingham City Council Transportation and Communication Committee, the Council

President, and the Council President Pro Tempore be provided with the monthly copy of the Board packet that includes the overtime report.

In response to Mr. Robinson's concerns of employees in management positions receiving overtime, Mr. Lewis confirmed with Mr. Copling that there are eleven (11) fixed route supervisors that are non-exempt even while they have bus operators reporting directly to them. He asked legal counsel to work with the Human Relations Committee to review all positions where there is direct report for any appropriate reclassification of status (exempt or non-exempt) as soon as possible.

Ms. Lassiter asked for timesheets or documentation that would show hours worked by employees receiving overtime. Mr. Lewis requested that staff obtain cost estimates for an electronic time card system.

Metropolitan Planning Organization (MPO) Update

Mr. Howard announced that the Subcommittee will finalize the regional transportation plans and discuss monies expected from the American Recovery and Reinvestment Act (ARRA) in their next meeting. In support of the ITP, the RPC plans to make application by September 15, 2009, for partial funding through the Transportation Investments Generating Economic Recovery (TIGER) program of which there is no match required. He then presented a video of the ITP project to the Board.

Mr. Robinson questioned who would manage the ITP project. Mr. Howard replied that determination has not been.

Chairman's Report

Mr. Lewis announced that he gave a presentation to the Mayors Association this same morning on superstops, express bus service and the in-town transit partnership. He also received communication from Sissy Hobbs, Brookwood Hospital Foundation, in regards to working with the BJCTA to provide Paratransit service for cancer patients.

Mr. Lewis questioned if there had been any discussions with the Birmingham mayor or city council regarding the operating budget of \$14.5 million. Mr. Copling replied that there had been no additional meetings with the city council or the mayor since the initial public discussion regarding budget cuts. The BJCTA has replied to Birmingham City Council President Carole Smitherman's questions regarding BJCTA plans to spend the money.

Mr. Lewis asked what the BJCTA, from the staff standpoint, has been doing at the table to develop plans of managing the ITP system. Mr. Copling replied that he has been meeting regularly with the RPC to support the project. The BJCTA will timely submit its proposal as deadlines become known. Mr. Howard explained that the BJCTA would have to express its interest in managing the system and although the BJCTA is a designated recipient of federal transit funds, there are no restrictions on who may manage the system. Mr. Lyas commented that by statute the BJCTA is the Authority in this area and it should be a given that this organization would manage the system. For clarity on this project and any other projects receiving federal funds for transit, Mr. Lewis

requested that Ken Simon, Legal Counsel, give a ruling on the capacity of this Authority as an organization receiving federal funds and its managing capacity. Mr. Simon replied that Mr. Lyas is correct in saying this Authority is the only authority of statute that is authorized to exercise the powers of a public corporation to manage public transportation services but federal legislation could be drafted in a way that federal funds can be designated and directed to others.

Mr. Lewis stated that the BJCTA should be fully engaged and proactive towards its management plans of the ITP system and letting all stakeholders involved know that the BJCTA wants to manage the system.

Interim Executive Director's Report –

Mr. Copling reported there had been good response to the Performance Portfolios from the participating municipalities. The municipalities that have not made payment are Center Point and Brighton.

Mr. Copling received a response from the regional core office regarding the FTA audit. He will get verification of intent but there were no findings in the review.

Richard Nardecchia, Chief Financial Officer, reported that as of May 31, 2009, assets were \$30,873,793.11 while total liabilities were \$10,786,365.34. The Income Statement details year to date revenues of \$19,795,544.49 and expenses of \$18,460,805.24 resulting in a difference of \$1,334,739.25. The total cash and cash equivalents were \$5,840,177.43 of which \$5,813,596.42 was the balance in the operating and money market accounts. Total overall variance with the budget is a positive \$3,190,808.77.

Mr. Lewis asked what it would take to get the operating expenses from the city's general funds and the capital improvement money received separately. Dr. Jesse Lewis, The Lewis Group, replied the Board should meet with the mayor and city council president, presenting what is needed and documentation for its justification. Mr. Copling announced that he would take the lead to schedule meetings for those discussions.

Ms. Powell referred to a memo regarding staff travel and asked for an update on where the BJCTA is on travel and the upcoming American Public Transportation Association (APTA) conferences. Mr. Lewis asked that when reviewing the travel policy, the Human Relations Committee consider all travel of the Board and executive staff come before the Board for its approval, although travel may be in the budget. Mr. Galloway replied that it was a recommendation already under consideration.

At 1:19 p.m., Mr. Lewis asked the Vice Chair Johnnye P. Lassiter to preside over the remainder of the meeting and excused himself.

Ms. Lassiter asked if the BJCTA has a policy in place for Sexual Discrimination. Mr. Simon replied that there was a policy in the BJCTA Handbook. The entire employee manual is being reviewed for possible revisions. Ms. Lassiter requested a copy of the current policy.

Ms. Lassiter requested a detailed report of travel for the fiscal year 2009. She also inquired about the leave of the BJCTA executive assistant and requested a report reflecting how much leave has been accrued and used.

Resolutions for Consideration – None

Old Business – None

New Business – None

Public Comment – None

The **Meeting Adjourned** at 1:30 p.m. The next **Regular Meeting of the Board of Directors** will be held **Wednesday, July 22, 2009 at 12:00 PM** at Central Station, 1735 Morris Avenue, Birmingham, AL.

Minutes submitted by: Barbara Lawson, Administrative Assistant

Date: _____

Approved by: _____
Chris Lewis, Chairman

Attest: _____
Rev. Patrick Sellers, Secretary/Treasurer