



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

BOARD MEETING MINUTES

Wednesday, July 22, 2009

Opening: The meeting was called to order by the Chairman, Chris Lewis, at 12:00 p.m. in the Public Meeting Room, located at Central Station, 1735 Morris Avenue, Birmingham, Alabama 35203.

Members Present: Frank Galloway, Jr., Brian Hamilton, Johnnye P. Lassiter, Chris Lewis, Doris Powell, Guin Robinson, and Rev. Patrick Sellers

Members Absent: Walter Jones and Ronald Lyas

Others Present: Debra Anderson-Burse, Anna Brown, Chris Bolling, Gwen DeRu, Marva Douglas, Butch Ferrell, Peter Furst, Daphine Jackson, Barbara Lawson, Tracy Lewis, Aneesa McMillan, Richard Nardecchia, Kevin Palmer, Wytangy Peak, Nicholas Porterfield, David Russell, Joi Scott, Makeda Smith, and Collina Washington

A moment of silence was observed.

Frank Galloway 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

Finance Committee

Since the chair of the Finance Committee was not present, the report was accepted as read.

Brian Hamilton questioned the issue of funds from the City of Birmingham and Chris Lewis replied that the City has \$9 million allocated for capital improvement funds from increased business license fees and \$5 million allocated for operating expenses. However, the BJCTA has not received any capital improvement funds since 1993. There needs to be a capital improvement budget request presented to the City separate from the operating expense budget.

Human Relations Committee

Frank Galloway reported on the following items:

- While the travel policy is still under review, the Committee has agreed to recommend a separate policy for the Board of Directors than that of the staff. The Committee also agreed to propose that in lieu of a per diem advance, all travelers would be responsible for paying for certain expenses and then receive reimbursement upon reconciling their expense report.
- Mr. Hamilton agreed to head up the review of establishing guidelines for employees working multiple shifts without rest.
- The search for the Executive Director position now resides with the Board as a whole rather than the Human Relations Committee.
- Joi Scott, Legal Counsel, confirmed that it is a matter of an employee's responsibilities, rather than the title, that determines their classification status (exempt or non-exempt). The positions are still under review.
- A cost comparison of overtime versus filling positions was submitted but revisions were requested by the Committee.

Program Development Committee

The Committee did not meet and there was no report.

Metropolitan Planning Organization (MPO) Update

There was no report.

Chairman's Report

Chris Lewis welcomed Makeda Smith to the meeting and introduced her as the newest staff member of The Lewis Group. He also acknowledged Anna Brown's presence and her efforts toward transit.

Mr. Lewis announced that the Green Building Focus Conference will be held at the Birmingham Jefferson Convention Complex on July 28 - 30, 2009.

Interim Executive Director's Report – Participating Municipality Report

- Center Point has proposed service changes that will reduce their cost for operating and will also reduce the number of service hours that the BJCTA will be operating in the city. Bus #72 is proposed to be eliminated.
- Hoover's mayor plans to submit a \$50,000 budget for FY 2009 and FY 2010. The BJCTA is waiting for the city council to vote on the budget.
- Vestavia Hills is considering a service reduction.
- Other cities are making payments for their accounts.
- A meeting took place with Carol Duncan, Birmingham City Councilor, regarding monies from the City of Birmingham for the Transit Authority. She advised that she will handle it with the mayor.

- The Birmingham City Mayor has called a meeting for Monday at 2:00 p.m. to discuss public-private partnerships in regards to dedicated funding for the Transit Authority.

Richard Nardecchia, Chief Financial Officer, confirmed that partial payments have been received from Lipscomb and Midfield. For these municipalities, there are outstanding balances for both FY 2008 and FY 2009. Hoover has not made payment for FY 2009 and Brighton has not been responsive. Mr. Lewis expressed concerns over the BJCTA providing the same level of services for Lipscomb, Brighton and Midfield and yet proposing to reduce the services of Hoover and Vestavia. He asked if the BJCTA were in any legal situation for having continued to provide service without payment to certain participating municipalities. Ms. Scott answered that the BJCTA cannot cut service without going through a process. Both sides could make an argument but she felt that the BJCTA would prevail in being able to collect money voted into the budget by council members of the various municipalities. Guin Robinson reported that the Finance Committee discussed these concerns and has requested recommendations and guidelines from staff to help set policy in cutting service for non payment. All municipalities would be treated the same.

Mr. Hamilton requested that staff provide a monthly report that would reflect payments and outstanding balances for each municipality. He recommended that with services being reduced by several municipalities, the BJCTA make use of the opportunity to enhance the services within the City of Birmingham.

Mr. Lewis noted that 23.9% vehicles were out of service and that ridership was reported down 7.1%. The maintenance labor and supply line items are reported as under budget. He questioned why overtime for drivers is still excessive if the buses are not running and what plan will be presented to utilize the unused funds. Mr. Copling replied that some overtime occurred while operators were waiting for a vehicle to complete a service route. A savings on the maintenance budget is due to personnel having been hired to internally repair the vehicles, whereas in the past, repairs were performed by external vendors. On occasion it takes up to 28 weeks to receive parts that are not readily available from the manufacturer, especially for the 2004 buses.

Mr. Lewis referred to page 45 of the packet where 5 of 16 accidents were reported in the safety report as preventable. He requested a report to the Board that would name the operators involved in the preventable accidents and the amount of time the operators had been working. Johnnye P. Lassiter requested a report that would show the cost of the accidents and whether or not the accidents have affected the BJCTA liability insurance.

Mr. Lewis announced that the Black Warrior Keepers have acknowledged that the issue with the oil run off had been addressed. Mr. Copling replied that a professional chemical company cleaned the contamination. Mr. Lewis asked for a report to the Board of what happened.

Mr. Lewis said that the BJCTA should prepare a capital improvement budget for the organization when preparing the operating expense budget, even if it should not be approved.

Mr. Lewis asked about a contingency plan for the BJCTA if Jefferson County should run out of money. Mr. Nardecchia reported that amounts due from Jefferson County have been received and the funding appears solid. Mr. Lewis reiterated that a contingency plan should be in place.

Mr. Copling recognized Steven Harrison as Employee of the Month for July 2009. Mr. Harrison serves the Authority as a fixed route bus operator and was nominated by the senior manager of the transportation department for his efforts and commitment to providing service.

Doris Powell referred to the Trapeze software recommended for timekeeping and noted the intent was to purchase a system that is simple but automatic. Mr. Copling said that there was a desire to implement the Trapeze system but in the meantime he had a recommendation for a biometric fingerprinting system from a local vendor at a cost of \$569. Mr. Copling confirmed that the system could output timesheets for a better account of all employees' time; however, he could not confirm whether or not there would be any cost for training, installation or upgrades at this meeting.

Mr. Lewis remarked that the BJCTA has the money for the match of the \$1.425 million in funds but would lose the funds if a plan was not soon provided. Mr. Copling confirmed the money would not be lost and that RFPs have been sent.

Richard Nardecchia, Chief Financial Officer, reported that as of June 30, 2009, assets were \$30,434,082.14 while total liabilities were \$10,186,461.56. The Income Statement details year to date revenues of \$22,115,481.36 and expenses of \$20,620,549.30 resulting in a difference of \$1,494,932.06. The total cash and cash equivalents were \$4,739,505.17 of which \$4,461,429.98 was the balance in the operating and money market accounts. Total overall variance with the budget is a positive \$3,583,010.27.

Ms. Lassiter expressed concerns regarding the BJCTA travel policy being followed, especially for Board expenditures coming before the Finance Committee and the Executive Director receiving approval from the Board Chairman to travel. Mr. Galloway expressed concerns of travel being made that might not benefit the BJCTA, even though the travel might be paid from external funds. He suggested that the Chairman evaluate whether proposed travel is worthwhile to the organization before giving approval. Mr. Lewis commented that the current BJCTA policy outlines the procedures of what travelers are supposed to do. Unless the policy is changed, no matter what has been done in the past, then travelers should operate under the policy and bylaws of the BJCTA from this time forth.

Mr. Robinson moved that effective immediately there be a moratorium on all travel for board and staff; Ms. Powell seconded the motion. Mr. Lewis made a motion to amend the motion that the moratorium be effective after the travel to the Business Council of

Alabama conference, which was approved in a previous Board meeting. Mr. Lewis withdrew his amendment. Mr. Robinson withdrew his motion and moved that there be a moratorium on all travel for board and staff to be effective August 3, 2009, and until the matter is reviewed again; it was seconded by Ms. Powell. Mr. Lewis requested a roll call vote which resulted in five (5) ayes from Frank Galloway, Johnnye P. Lassiter, Doris Powell, Guin Robinson, and Chris Lewis; and two (2) noes from Brian Hamilton and Rev. Sellers. Mr. Galloway requested a report to the Board from Mr. Lewis and Mr. Jones on their upcoming travel.

Mr. Lewis stated that the Human Relations Committee is charged with reviewing the current travel policy. For planning purposes, he also charged the Committee with reviewing and recommending training functions that would make the BJCTA a better organization. Mr. Lewis asked Debra Anderson-Burse, Director of Administration and Risk Management, to provide a list of training workshops that should be attended.

Ms. Lassiter requested a copy of BJCTA credit card statements for her review. Mr. Lewis said that the statements should go before the Finance Committee for review.

Ms. Powell requested a report explaining the differences between overtime and compensatory time. She would like an explanation as to how specific instances have occurred. Mr. Lewis charged the Human Relations Committee to work with Ms. Powell regarding her concerns.

Ms. Powell asked for directions in regards to the Executive Director position. Mr. Lewis said that between this meeting and the next committee meetings, there would probably be a called meeting to discuss this matter.

Resolutions for Consideration –

Resolution No. 2009-27 – Authorization to Renew Health, Vision & Dental Insurance Coverage for Administrative Staff with Blue Cross Blue Shield of Alabama was moved by Doris Powell, seconded by Brian Hamilton, and approved by general consent.

Resolution No. 2009-28 – Authorization renewal of the Auto & General Liability, Public Officials and Workers' Compensation Insurances was moved by Rev. Patrick Sellers, seconded by Frank Galloway, and approved by general consent.

Old Business –

Mr. Hamilton suggested that an additional Board member be appointed to serve on the Pension Committee. Mr. Lewis asked Mr. Robinson to serve on the committee and Mr. Robinson replied that he would be happy to serve, pending that he should receive written word from legal counsel regarding officers, directors, and staff having liability coverage when serving on such committees. Mr. Hamilton asked for the legal ruling to be given this week.

Ms. Lassiter referred to a matter of investigation authorized in a previous Board meeting and asked for a written report as to the findings and also the cost incurred for the

investigation. Ms. Powell said there should be an executive session to address the matter.

New Business – None

Public Comment –

David Russell addressed the Board and stated that state legislators will be meeting at 8:30 a.m., on Monday, July 27, 2009, at the Innovation Depot to discuss Jefferson County occupational tax issues. Representative Rogers' bill, as introduced, included \$6 million a year for the Birmingham-Jefferson County Transit Authority. Mr. Russell said that it would be good for the Board members to attend the event.

The **Meeting Adjourned** at 1:45 p.m. The next **Regular Meeting of the Board of Directors** will be held **Wednesday, August 26, 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