



Birmingham-Jefferson County Transit Authority
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CORRECTED – DESTROY ALL VERSIONS PRIOR TO 05/26/2010
BOARD MEETING MINUTES
Wednesday, May 26, 2010

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

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

Members Absent: Joyce Brooks

Others Present: Debra Anderson-Burse, Christopher Bolling, William Copling, Jacquese Gary, Dr. Jesse Lewis, L. A. Moss, Richard Nardecchia, Nicholas Porterfield, Joi Scott, Ken Simon, Rhonda Siserir, Collina Washington, Lou Willie, and James Wormely, Jr., Geri Tutt, Joseph Bryant, John Wright, Amy Follett, Butch Ferrell, Lee Raspberry, Rosie Harris, John Meehan, Judy Gordon, Mayor Butch Zaragoza, William Blackerby, Sharon Barr, Anna Brown, Marilyn Solomon, Charles Jeffries, and Debra Witt

A moment of silence was observed.

Walter Jones led the assembly in the recitation of the **Pledge of Allegiance**.

Mr. Peter Behrman, new Executive Director, was welcomed to this, his first BJCTA Board of Director's meeting.

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

Adoption of the Minutes: The minutes were adopted by general consent, with the following correction noted by Doris Powell:

- Page 8 – Board Meeting Minutes of April 28 – Councilor Carole Smitherman, should read State Senator Rodger Smitherman.

Chairman's Report –

American Public Transportation Association (APTA) Review

Mr. Robinson announced that the APTA Peer Review was completed, and a preliminary report has been provided. He requested that a meeting be set up with 100% participation of the Board where this report can be heard. The group interviewed staff, Board, and riders and were able to see many of the Authority's strengths and concerns. Ms. Powell requested that the Mayor's Blue Ribbon Panel on Transit be provided a copy

of the review. Mr. Robinson stated that after the Board has been apprised of the information in the document, the Blue Ribbon Panel and all municipalities will be provided this information.

Board Retreat

Mr. Robinson requested that the Board, keeping costs low, consider having a Board Retreat at a time when all Board members can participate. He stated that the retreat should be held locally. Walter Jones reiterated the importance of all Board members committing to being present at the Retreat.

Executive Director's Report – Interim Executive Director's Report

Mr. Behrman thanked the Board for the opportunity to be the Executive Director. He stated that the Peer Review addresses many concerns that have been addressed by many riders. He stated that William Copling, Director of Operations and Maintenance, would provide the details of the Executive Director's Report. He reported on the meetings detailed in the Interim Executive Director's Report as follows:

- COMTO Meeting – The Birmingham Chapter of COMTO met on April 26, 2010 to elect new officers. The new officers are Walter Howlett – President; Andre Petties – Vice-President; Collina Washington – Treasurer; and Jacquese Gary – Secretary.
- NABI Bus Inspection – On April 27, 2010, staff had the opportunity to go to the NABI Production Facility to see the new bus as it was going onto the production line. Staff will be returning every other week as production progresses. Five (5) to six (6) staff personnel, which includes a rotation of the technicians and the maintenance personnel, attend these production visits.
- Meeting with Stuart White – On April 29, 2010, Mr. Copling had a lunch meeting with Stuart White of Regions Morgan Keegan. There were no details to report.
- Review Meeting for Pilot Paratransit Van – On May 3, 2010, staff met to discuss and gather comments from riders on the new pilot van in preparation for a meeting with National Bus Sales.
- Meeting with Legal Counsel – On May 4, 2010, a meeting was held to decide how to proceed with Mac Uniforms and Digital Recorders. Specifications are currently being created to address the needs of the uniforms for the operators. Additionally, a RFP will soon be prepared to provide some of the electronic equipment needed on the vehicles.
- Meeting with Dr. Fouad – A meeting was held on May 5, 2010 to discuss the Hydrogen Fuel Cell Bus that will be tested on a BJCTA route. They are considering making the bus a methanol bus. This decision should be

made by December 2010 and ready for testing on the UAB route in April 2011.

- Meeting with National Bus Sales – A meeting was held on May 6, 2010 where the comments from the riders and the Paratransit Advisory Committee were given to the representatives of National Bus Sales. They will determine if these changes are major or minor and how it may affect the cost of the vehicle, if implemented. If there are any change orders, they will be brought back before the Board of Directors.

Financial Report

Richard Nardecchia, Chief Financial Officer, reported that as of As of the April 30, 2010 Balance Sheet, assets were \$30,579,245.39 while total liabilities were \$9,558,645.13. The Income Statement for the month ending April 30, 2010, details year to date revenues of \$18,801,314.56 and expenses of \$17,046,787.52 resulting in a difference of \$1,754,527.04. The total cash and cash equivalents as of April 30, 2010 was \$5,656,198.22 of which \$5,629,562.26 was the balance in our operating and money market accounts. Total debt owed to Compass Bank as of April 30, 2010 was \$95,599.95. Total overall variance with the budget is a positive \$3,229,167.90.

Mr. Nardecchia also stated that the balance owed to Compass Bank was paid off on May 25, 2010 and the Authority is now debt free with Compass Bank. He also stated that an additional one (1) million dollars should be coming from the City of Birmingham with an approximate amount of five (5) million dollars still expected. Challenges may be ahead with the budget that the City of Birmingham has presented at this time.

Ms. Powell questioned, from the Interim Executive Director's Report, the number of positions the Authority is expecting to fill at this time. Debra Anderson-Burse, Director of Administration and Risk Management, explained that currently two general service positions were available and that a class was beginning on June 1 that included 8 operators and 2 technicians. All of these positions are in the budget.

Requests of the Board

Johnnye P. Lassiter stated that the Board requested an organizational chart at the previous meeting. Mr. Jones stated that he actually received a copy of one at the last meeting. Ms. Burse had copies printed and provided at the Board meeting. Ms. Lassiter further stated that various Board members had requested in February 2010 and not yet received a report on bus shelters, a fixed price report on fuel, and a fare box update. Ms. Powell added that information was also requested on the 8th Avenue Facility. Mr. Robinson asked Mr. Behrman to follow-up on these items.

Resolutions for Consideration and Approval:

- A. Resolution No. 2010-15:** A Resolution in Support of Alleviating Traffic Congestion on U.S. Highway 280 was moved by Doris Powell, seconded by Brian Hamilton and approved by a majority vote with one abstention.

Discussion: Frank Galloway abstained because he is not aware of how many design plans there have been for the board to support it in general.

- B. Resolution No. 2010-16:** Authorization to Extend the Existing Legal Services Contract with Christian & Small LLP until June 30, 2010 was moved by Johnnye P. Lassiter, seconded by Doris Powell, and approved by general consent.

Discussion: Mr. Robinson stated that there have been enough extensions on this contract and that a decision needs to be made at the next Board meeting. He further stated that each Director who is participating in this process was asked to fill out an evaluation criteria form which will be used in choosing the next firm. Walter Jones requested that one particular committee be assigned to take up this matter. Mr. Robinson stated that because it is a decision that has to be made by the entire Board, he did not want to assign it to a specific committee. He suggested that a separate meeting be held to discuss it.

Mr. Galloway stated that he has recused himself from voting in this process because the firm that he works for submitted a proposal. He, however, asked if the Board had narrowed down the candidates. Mr. Robinson explained that they had not narrowed down the candidates but all participating Directors were to fill out their evaluation criteria form. Mr. Galloway then stated that from the Human Relations Committee meeting, it seemed as though Ms. Lassiter felt that the procurement process had not be done ethically, and he asked for clarification. Ms. Lassiter said that Mr. Galloway was correct in his interpretation of her comment from that meeting.

- C. Resolution No. 2010-17:** Declaration of Emergency and Waiver of the Competitive Bid Process in Connection with the Temporary Procurement of Janitorial Services was moved by Frank Galloway, seconded by Doris Powell, and approved by general consent.

Discussion: Mr. Behrman stated that the current janitorial services contractor has decided to terminate their contract with the BJCTA effective May 31, 2010. Staff requests the Board to allow them to hire a company in the interim for 90 days to allow them to look at the entire process and see the best route to proceed, i.e. contract again, bring services in-house, etc. Mr. Galloway questioned if actions against the company have been considered for breach of their contract. Ken Simon, Legal Counsel, stated that Collina Washington, Procurement Manager, sent a demand letter telling them that they are in breach and that the BJCTA will look to them to pay the difference between the contracted price and the price to obtain a new contractor for the remainder of their contract period. Mr. Robinson asked if we had a procedure

to follow while we are in the emergency stage. Ms. Washington stated that we follow our normal competitive bidding process. Mr. Galloway asked what staff will do if no contractor can be under contract by June 1, 2010. Mr. Behrman stated that Ms. Washington felt confident someone could be in place by that time; however, if there is no one in place, staff will have to clean the facilities in the interim.

- D. Resolution No. 2010-18:** Authorization to Release Requests for Proposals for the Installation of a Bus Wash System, Bus Inspection Services, and Janitorial Services was moved by Frank Galloway and seconded by Doris Powell, and approved by general consent.

Discussion: Brian Hamilton thanked staff for being responsive to the Board's request on making them aware of when RFP's are being released. He felt, however, that a resolution was not needed. This resolution originally included the 8th Avenue Facility Renovations. Mr. Hamilton stated that he had some minor changes that he wanted implemented in the 8th Avenue Facility Renovations RFP. Mr. Lyas suggested that the resolution be tabled until such time that Mr. Hamilton's issues are addressed. Mr. Hamilton stated that he did not want to hold up the release of the RFP's by another 30 days. Mr. Robinson suggested that Mr. Hamilton leave the dais to confer with staff and legal counsel on the necessary changes. Upon return, this resolution was amended to exclude the 8th Avenue Facility Renovations.

Old Business –

Transportation Planning Survey:

Ms. Powell stated again the need to update the website and for a flyer to educate the public on things going on at the Authority, as she had previously stated in the Committee meeting. The flyer should show where we stand in terms of projects and fleet. She also stated that the transportation planning survey that was conducted by the RPC was completed should be available on the website.

New Business –

A motion was made by Brian Hamilton for the Board to authorize the release of the 8th Avenue Facility Renovation RFP subject to Mr. Behrman's approval of the scope of service, seconded by Ronald Lyas, and approved by general consent.

Public Comments –

Geri Tutt, a past employee, wanted to speak about personnel issues; however, she was unable to speak. According to the Public Comment Policy, personnel issues are not allowed.

John Wright, Jr., a rider, discussed "A New Day for Transit", which includes finding a permanent dedicated funding. He further discussed that the Authority has a need for a Public Relations person and how important transit is in the city of Birmingham and the surrounding areas.

