



Birmingham-Jefferson County Transit Authority  
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## **BOARD MEETING MINUTES**

Wednesday, September 23, 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, Ronald Lyas, Doris Powell, Guin Robinson, and Rev. Patrick Sellers

**Members Absent:** Walter Jones

**Others Present:** Debra Anderson-Burse, Charles Ball, E. C. Brown, Chris Bolling, Butch Ferrell, Jacquese Gary, Judy Gordon, Deborah Johnson, James King, Ordie King, Rosa King, Barbara Lawson, Chris Leffert, Dr. Jesse Lewis, Tracy Lewis, Richard Nardecchia, Wytangy Peak, Nicholas Porterfield, Nigel Roberts, Joi Scott, Ken Simon, Collina Washington

A moment of silence was observed.

Johnnye P. Lassiter led the assembly in the recitation of the **Pledge of Allegiance**.

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

**Adoption of the Minutes:** The minutes were adopted by general consent with the following corrections: Finance Committee Report, page 8, first paragraph, delete the word "the" before the name Walter Jones. Program Development Committee Report, page 21, fourth line, change the date to September 18, 2009.

### **Committee Reports**

#### Finance Committee

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

#### Program Development Committee

Ronald Lyas reported that the In-town Transit Partnership (ITP) grant application had been received since the last meeting when the Board voted to approve the resolution in support the application. He read from both the application and the resolution and pointed out what seems to be ambiguities and conflicts. Support for the project was voiced as well as concerns.

Brian Hamilton requested a response from Charles Ball, Executive Director of the Regional Planning Commission (RPC) of Greater Birmingham. Mr. Ball responded that the intention was for the region, not the RPC, to construct and operate the system. The RPC is the applicant and if the funds are received, the RPC will be responsible for the construction of the project. Once the assets are ordered and the construction complete, the RPC will step back and the Transit Authority would take over. Mr. Hamilton indicated that there would be much planning needed on the part of the BJCTA to have the proper infrastructure in place to operate the system.

Chris Lewis commented that no one is trying to stand in the way of the application. However, the BJCTA might not want to commit to operating the system because no one has committed to funding its operational costs that are estimated to escalate to \$17 million by year 2012.

Guin Robinson referred to the resolutions and letters of support and stated that he intends to hold the respective persons/organizations responsible. Some formal mechanism should be put in place immediately to bring together the two organizations to work out details. Mr. Ball commented that the BJCTA has been part of the process and the RPC is willing to share all information. The BJCTA can be as active a part as it wants to be.

Other items discussed in the Program Development Committee meeting were bus procurement, the RFP on paratransit vehicles, an update on the professional transportation planner position, and Resolution No. 2009-29, which was recommended to the full Board for its consideration.

Regarding the resolution proposed by Councilor Roderick Royal, City of Birmingham, which requests the BJCTA to allow a free ride for students going to and from school, the records should reflect that Ms. Powell is in full support of the resolution.

#### Human Relations Committee

Frank Galloway reported the Committee discussed the following:

- A travel policy, which will be drafted by Debra Anderson-Burse, Director of Administration and Risk Management, based on the recommendations of the Committee.
- Guidelines for employees working multiple shifts without rest. Mr. Hamilton will have a recommendation in the near future.
- A resolution that was recommended for the full Board's consideration regarding a time and attendance policy, with changes that have been made.
- A resolution that was adopted by the Committee that points out the importance of selecting an Executive Director with due speed and consideration. Mr. Galloway requested that this resolution be inserted as part of the records.

#### Metropolitan Planning Organization (MPO) Update

There was no report.

### **Election of Officers**

Mr. Hamilton, chair of the Nominating Committee, reported that the Committee had met at 11:30 a.m., on this day of September 23, 2009. The slate of officers recommended by the Committee included Guin Robinson of Birmingham as Chairman, Doris Powell of Birmingham as Vice-Chairman, and Frank Galloway, Jr., of Mountain Brook as Secretary/Treasurer. Mr. Lyas moved the motion to accept the slate of officers and present it to the floor, seconded by Ms. Lassiter and approved by general consent. No nominations were moved from the floor. Mr. Hamilton moved the motion to adopt the nomination of officers as presented, seconded by Doris Powell and approved by general consent. Congratulations were extended to the new officers.

### **Chairman's Report**

Mr. Lewis announced that Director Powell had brought to his attention a transit interview that he did several months ago. The first part was broadcasted on The View, Cable Channel 4 on Monday, September 21, 2009.

Mr. Lewis then referred to discussions made in the Finance Committee regarding proposals of lobbying on behalf of the BJCTA. He was contacted by David Russell, who was present at this meeting, for a response. Mr. Lewis reported that after an extensive review, legal counsel made a recommendation to the Board that it would not be in the BJCTA's best interest to entertain such proposals, based on the way that the BJCTA intermingles its funds.

### **Interim Executive Director's Report –**

Mr. Copling reported on service changes for the cities listed below. None of the requested changes will directly impact staff at this time.

- Center Point: New service changes were implemented on September 14, 2009. The City has approached the BJCTA, desiring further modifications. A meeting is scheduled with the city council on Thursday, September 24, 2009.
- Hoover: The BJCTA modified the service schedule according to the City's new budget of \$50,000, and conducted two weeks of public hearings. The new service plan will be implemented on October 19, 2009.
- Vestavia Hills: The mayor requested their service be changed and equivalent to the service plan of Hoover. A service plan and cost module will be presented to the City.

Mr. Copling referred to the resolution from the Transportation Committee of the City of Birmingham and reported that it has been tabled by the City.

Mr. Lewis inquired as to how many companies participated in the pre-bid conference held on September 18, 2009, for the paratransit vehicles. Mr. Copling responded that no one showed but their absence should not present a concern for the BJCTA. The pre-bid conferences are not mandatory and there is no exposure to the BJCTA. Four (4) vendors have contacted the BJCTA procurement manager and are sufficient.

Mr. Lewis noted that the number of preventable accidents has increased and ask what the BJCTA is doing from a safety and education training standpoint. Mr. Copling

reported that the safety manager is developing a program or retraining course that will include discussions on how the event occurred and instructions on how to avoid it from happening in the future.

Ms. Lassiter referred to the Customer Comment on page 105 and noted that several callers were listed collectively and requested to know the individual names of callers and drivers. Mr. Copling commented that he has given a new directive that every phone call will be logged, recorded and a statement regarding the purpose of the telephone call.

### **Resolutions for Consideration –**

- A. **Resolution No. 2009-29:** Declaration of Emergency and Waiver of the Competitive Bid Process in Connection with the Purchase of Twelve (12) New Compressed Natural Gas (“CNG”) Transit Vehicles from Los Angeles County Metropolitan Transportation Authority (“LA Metro”) was moved by Mr. Hamilton, seconded by Rev. Patrick Sellers, and approved by general consent.
  
- B. **Resolution No. 2009-29A:** Authorization to Accept Assignment from Los Angeles County Metropolitan Transportation Authority (“LA Metro”) for the Purchase of Twelve (12) New Compressed Natural Gas (“CNG”) Transit Vehicles was moved by Ms. Lassiter, seconded by Mr. Hamilton, and approved by general consent, with changes to include an anticipated delivery date of September 30, 2010.

Discussion: Based on the recommendation from legal counsel, the original resolution was split into two parts. The first part was to declare a state of an emergency; the second part was for the authorization to accept assignment from LA Metro.

Mr. Robinson referred to page 9 of the Board packet and the request of the Finance Committee for a full timeline that delineates all associated procurement tasks. Per the request of Mr. Hamilton, updated timelines should be presented to the Board periodically for their review and information.

- C. **Resolution No. 2009-32:** Authorization for the Interim Executive Director to Purchase a Biometric Time and Attendance System (“Time Clock Plus”) from Data Management, Inc., was moved by Mr. Robinson, seconded by Ms. Powell and approved by general consent. Rev. Sellers voted no.
  
- D. **Resolution No. 2009-33:** Establishment of a Time and Attendance Policy was moved by Mr. Robinson, seconded by Ms. Lassiter, and approved by general consent.
  
- E. **Resolution No. 2009-34:** Adoption of Management of Overtime Expenditures Policy was moved by Mr. Robinson, seconded by Ms. Powell, and approved by general consent.

F. **Resolution No. 2009-35:** Authorization for the Interim Executive Director to Remit Payment to Precision Sales & Services, Inc., for the Restoration of Trolley #2173 was moved by Mr. Hamilton, seconded by Mr. Robinson. Mr. Robinson withdrew his second. Mr. Hamilton recommended that the Board members forward their questions to Mr. Copling. He will, in turn, send the questions to Bill Gamel, President of Precision Sales & Services, with an invitation to attend the next Finance Committee meeting to address the questions. Ms. Lassiter moved the motion to table the resolution for 30 days, seconded by Ms. Powell, and approved by general consent.

**Old Business – None**

**New Business –**

Dr. Jesse Lewis of The Lewis Group suggested that Councilor Royal's resolution for the BJCTA to provide free rides to students was not financially feasible and although it has been tabled by the City of Birmingham, the BJCTA should take its own action by writing the City Council or else by bringing Councilor Royal before Committee to get it resolved. Ken Simon, Legal Counsel, advised of a FTA regulation that prohibits the BJCTA from providing free transit services unless a certain set of qualifications are met and recommended that the BJCTA not provide the requested service.

Mr. Lewis commented that while the cost of the free rides may appear to be marginal, there is an additional security issue that is priceless. Currently, there is not a security plan in place to keep the riders and staff from harms way.

Mr. Lyas moved the motion for the resolution proposed by the City of Birmingham to be tabled for thirty (30) days, seconded by Ms. Lassiter, and approved by general consent.

**Public Comment –**

Ordie King expressed concerns why more emphasis is not placed on customer service, why pick up times are different on the manifest than quoted over the telephone, why changes are made without notification, and why it took a directive from a board member to be able to speak to the interim executive director about problems over the telephone, rather than in person. Mr. Lewis requested a written response to the Board regarding the BJCTA policy of notification to VIP riders when there has been a scheduling change and to afford Mr. King a response to his issues, as well. Mr. Lewis offered to meet with Mr. Copling and Mr. King after the Board meeting to resolve the issues.

Debra Johnson, Director at W. Clyde Williams Terrace Apartments, expressed concerns regarding the VIP application process where applications are lost at the BJCTA, how applications can be denied after a physician certifies the need, what does "door-to-door" mean because residents have been left at the foot of the hill at St. Vincent's East, the safety and cost to residents being picked up as much as two hours after a scheduled appointment, and lack of customer service at the BJCTA. Mr. Lewis requested a written response to Ms. Johnson and the Board with a timeline on how the BJCTA can improve these customer service issues. Mr. Robinson applauded the way the Ms. Johnson

presented her concerns and commented that she would be a great asset to the Paratransit Advisory Committee, if she were willing to consider becoming a member.

David Russell commented that he was told the funds of the BJCTA could not be commingled. He further commented that after listening to the readings of Director Lys, he was of the opinion that Birmingham wants this system to collapse so that another system could be established. Mr. Lewis stated that Mr. Russell's request had come before Committee and that the Board took the advice of its legal counsel regarding proposals of lobbying.

Mary Taylor, VIP rider, expressed problems of waiting up to hours on VIP services, without receiving notification of changes or delays. Mr. Lewis requested a written response within three (3) days to address her customer service issues.

Mr. Robinson requested that the director of Paratransit Services be present at the next Program Development Committee meeting to address the issues presented at today's meeting.

Ms. Powell commented that a Paratransit Advisory Committee was organized at the BJCTA and that she has not, during the past two years, received the requested list of members or the dates of meetings. The Committee has not presented concerns before the Board.

Mr. Lewis concluded that customer service should be at its best, especially in challenging times. Because of the fleet condition, the calls will only increase; therefore, customer service should be made a priority from this day forward. Riders should be confident that the BJCTA is listening and handling their issues as well deserved.

The **Meeting Adjourned** at 1:49 p.m. The next **Regular Meeting of the Board of Directors** will be held **Wednesday, October 28, 2009 at 12:00 PM** at Central Station, 1735 Morris Avenue, Birmingham, AL.

Minutes submitted by: Barbara Lawson, Administrative Assistant

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_  
Guin Robinson, Chairman

Attest: \_\_\_\_\_  
Frank C. Galloway, Jr., Secretary/Treasurer