



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

Thursday, September 1, 2011

**Opening:** The meeting was called to order by Chairman Brian Hamilton, at 8:32 a.m. in the Public Meeting Room located at Central Station, 1735 Morris Avenue, Birmingham, Alabama 35203.

**Members Present:** Joyce Brooks, Jack Darnall, Brian Hamilton, Johnnye P. Lassiter, Ronald Lyas, Guin Robinson, and Rev. Patrick Sellers

**Members Absent:** None

**Others Present:** Debra Anderson-Burse, Robert Ballard, Marva Douglas, Bing Edwards, Martin Edwards-Clark, Jacquese Gary, Cedrick Hatcher, James O. Hill, Lee Jackson, Barbara Lawson, Chris Leffert, Dr. Jesse Lewis, Marcus Lipsey, Julie McMillan, and Kevin Owens.

A moment of silence was observed.

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

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

### **Items for Discussion:**

A. Update from Legal Counsel

Legal Counsel Bing Edwards advised the Board of Directors on its obligations under the newly enacted immigration law in Alabama, which has been challenged in federal court. The bill may have several effects on the BJCTA. The Act prohibits the BJCTA from adopting any policy or practice that restricts the enforcement of immigration laws. The bill prohibits transporting people who the BJCTA knows are illegal aliens. Nor can the BJCTA ask riders if they are illegal based on the way that they look or talk. If any rider volunteers the information or if the BJCTA comes into knowledge of that information, it must be reported to a supervisor. Everyone who the BJCTA contracts with must also be participating in the E-verify program.

There are penalties for failing to comply. For example, funding can be withheld, officials can be required to pay a \$5,000 per day penalty, and there are even criminal penalties that can be imposed.

There are two additional provisions that may apply to the BJCTA - - Public Benefits and Business Transactions. If either provision is determined to be applicable to

the BJCTA, someone would have to check the identification of each person getting on a bus. Mr. Edwards asked the Board's approval to check with the Alabama Attorney General for guidance regarding these two provisions and then go to the FTA for their view. There were no objections.

In response to Mr. Darnall, Director of Administration and Risk Management Debra Anderson-Burse reported that when a position is advertised, there is a statement included in the advertisement that the applicant must be legally authorized to work in the United States. In addition, the BJCTA uses I-9 verification documentation. and has signed up for the E-verification program. Mr. Darnall's company has taken a proactive approach on the E-verification program during the last six months and he offered to let his company's Human Resource person to get in touch with Ms. Burse. Afterwards, there will be a decision made regarding an audit of I-9 compliance.

B. FY2012 Budget

A discussion was held with questions from the Board of Directors to Acting Executive Director Lee Jackson, Chief Financial Officer Julie McMillan, Director of Administration and Risk Management Debra Anderson-Burse, and Grants and Procurement Manager Chris Leffert.

A draft budget was prepared to reflect shortages in the approved level of funding from Birmingham, the \$900,000 non-payment for the month of June, and each month operated at full service over and above the City's budget. The total deficit is approximately \$4.5 million.

Mr. Jackson referred to page 32 of the draft budget and explained the \$800,000 increase in the Maintenance Department budget. Items that could be pulled from the budget, if absolutely necessary, would be some of the external vehicle maintenance items. Mr. Leffert confirmed that expenses eligible for 80% federal reimbursement were salaries and fringes, parts, external services, and other maintenance related items. Out of the \$800,000, the BJCTA would only be responsible for 20%, or \$160,000.

Ms. Burse reported that other agencies experiencing similar funding issues are mandating furloughs of 1-2 weeks, reducing hours, and reducing workforce. Mr. Lyas suggested that staff approach Union officials regarding an option of a reduced work schedule, showing good faith and effort in trying to keep as many persons employed as possible.

The Board instructed Mrs. McMillan to prepare a memo detailing all line items greater than \$5,000 that are increased in the budget, each with a one to two sentence description. She is to also provide figures for base salaries and fringe analysis. Staff is to look at projections of raising the fares and to reach out to the APTA network for guidance. Board support is to work with the board chairman in arranging the next meeting.

The **Meeting Adjourned** at 10:11 a.m. The next **Regular Meeting of the Board of Directors** will be held **Wednesday, September 28, 2011 at 12:00 PM** Central Station, 1735 Morris Avenue, Birmingham, AL.

Minutes submitted by: Barbara Lawson, Administrative Assistant

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

Approved by: \_\_\_\_\_  
Brian Hamilton, Chairman

Attest: \_\_\_\_\_  
Johnnye P. Lassiter Secretary/Treasurer