



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, September 28, 2011

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

Members Present: Joyce Brooks, Keelon Hobbs, Johnnye P. Lassiter, Ronald Lyas, Andre Petties, Guin Robinson, Rev. Patrick Sellers, and Terri Sharpley.

Members Absent: Jack Darnall.

Others Present: Debra Anderson-Burse, Robert Ballard, Peter Behrman, Christopher Bolling, Anna Brown, Cornelius Cleveland, Ernestine Cobb, Michael Crump, Bing Edwards, Martin Edwards-Clark, Butch Ferrell, Jacquese Gary, Judy Gordon, James O. Hill, Lee Jackson, Chris Leffert, Dr. Jesse Lewis, Frank Long, Julie McMillan, Kevin Owens, Councilor Kim Rafferty, and Charles Ridley.

A moment of silence was observed.

Ms. 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.

Chairman's Report –

Rev. Sellers recognized and welcomed Judge Lonnie Washington who performed the swearing-in ceremony for new board members Terri Sharpley, Andre Petties, and Keelon Hobbs. The board welcomed its new members.

Mr. Ronald Lyas reported that the Nominating Committee recommended the following slate of officers for the new fiscal year:

Chairman: Patrick Sellers

Vice Chairman: Guin Robinson, Andre Petties

Secretary/Treasurer: Joyce Brooks

The offices of Chairman and Secretary/Treasurer were uncontested. Mr. Robinson requested that his name be removed from consideration as a nominee and recommended Ms. Johnnye P. Lassiter for the office of Vice Chairman. Rev. Sellers requested a roll call vote for the office as Vice Chairman. Votes for Ms. Lassiter resulted in three (3) ayes from Ms. Brooks, Ms. Lassiter, and Mr. Robinson; for Mr.

Petties, four (4) ayes from Mr. Lyas, Mr. Petties, Ms. Sharpley, and Rev. Sellers. Mr. Hobbs abstained from voting.

The slate of officers for FY2012 recommended were then Patrick Sellers as Chairman, Andre Petties as Vice Chairman, and Joyce Brooks as Secretary/Treasurer. Rev. Sellers moved to accept the slate of officers as stated. The motion was seconded by Mr. Petties and approved by general consent.

Committee of the Whole Report –

- A. **Human Relations Committee:** The Committee did not schedule a meeting for the month of September.
- B. **Finance Committee:** The Committee met on September 16, 2011, and items for discussion were the budget, the flooding at the 8th Avenue facilities, and travel requests. Resolution Nos. 2011-57 and 2011-58 were forwarded to the full board with favorable recommendations. Andre Petties was welcomed as a new board member and Rev. Sellers was welcomed as the new chair of the board.
- C. **Program Development Committee:** The Committee did not meet due to a lack of a quorum.

Executive Director's Report –

Executive Director Peter Behrman recognized Lee Jackson, Director of Maintenance, as Employee of the Month for September. He cited the outstanding job performed by Mr. Jackson during the recent flooding at the 8th Avenue facilities.

Mr. Behrman introduced Adrian Solomon as the new Customer Service Manager. She previously managed several call centers and has developed customer service training.

A. Financial Report

Chief Financial Officer Julie McMillan reported that as of August 31, 2011, assets were \$38,340,286.93, while total liabilities were \$9,475,322.65. The Income Statement details year-to-date revenues of \$36,363,422.85 and expenses of \$28,882,582.64, resulting in a difference of \$7,480,840.21. The total cash and cash equivalents were \$5,092,659.05 of which \$3,856,931.11 was the balance in the operating and money market accounts. Total overall variance with the budget was a positive \$3,725,364.97. The major factors for the positive variance in revenues were approximately \$444,000 in Ad Valorem Taxes and \$838,000 in FTA Reimbursements for Preventative Maintenance. The major factors for the positive variance in expenses were reduced salary expense of \$546,000, favorable health claims of \$390,000, and \$1,559,000 in Vehicle Maintenance – External, to be used for the bus rehab program and normal repairs. Other favorable factors included \$119,000 due to using less diesel fuel and \$125,000 budgeted for the production of the new Transit Development Plan.

There was \$1.5 million left in the FY2011 budget that was not expended toward planned bus repairs and vehicle maintenance because of a delay due to the procurement process. Mr. Behrman said that it would hit next year's budget as carryover funds. Mr. Robinson stated that the BJCTA needed to make sure that the City was aware of the funds in the capital account. He also requested a breakdown of funds so there would be no mistake as to the funds in the capital account, and Mrs. McMillan agreed to meet with Mr. Robinson after the meeting to see if the figures were in an acceptable format.

Mr. Petties requested a written summary of the negotiations with the City regarding amounts possibly owed to the BJCTA. Mr. Behrman responded that the negotiations were continuing and agreed to send a statement to Mr. Petties.

Rev. Sellers acknowledged and welcomed the Mayor's Chief of Staff Chuck Faush. Mr. Faush announced that the Birmingham's City Council had approved the contract with the BJCTA and that a signed contract and check would be delivered to the BJCTA.

FY2012 Budget

Mr. Behrman reported that contributions from the member cities would basically be the same as last year, with the exception of Bessemer. Bessemer's cost would be higher due to legislative requirements that it cover the costs previously paid by the cities of Lipscomb and Brighton. The overall expenses were slightly lower due to more federal funding.

Chief Financial Office Julie McMillan gave an overview of the budget from the summary sheet and then received questions from the Board.

In addition to the above comments, Mr. Robinson requested that the following concerns about the FY2012 budget be recorded in these minutes:

- Giving salary increases for administrative employees when some of the funding partners were not able to give raises.
- How the capital funds from the City of Birmingham would be designated.
- Communication of the federal fund enhancements, which lowered operating costs.
- The travel amount of \$18,000, which seemed too high.

Item for Discussion, Consideration and/or Approval:

Travel Request

Legal Counsel advised that there have been two policies in place since 2006 that allowed a per diem for which receipts for purchases were required. If receipts were not delivered to the BJCTA, then the traveler was to return the money to the BJCTA. Under the older policy but not the most recent policy, there was a statement in the policy that failure to return money would result in suspension of travel privileges until the matter was resolved. The policy of 2010 gave the Finance Committee the responsibility of making determinations and approving travel for board members.

Resolutions for Consideration and Approval:

A. **Resolution No. 2011-54:** Authorization to Adopt the Performance Evaluation of Executive Director Peter S. Behrman was moved by Mr. Robinson, seconded by Mrs. Brooks, and approved by general consent.

B. **Resolution No. 2011-55:** Authorization to Adopt and Approve the Fiscal Year 2012 Operating and Capital Budgets was tabled.

Discussion: Mr. Robinson moved to delay adopting the FY2012 budget and continue operating under the current budget; seconded by Ms. Lassiter, and approved by general consent.

C. **Resolution No. 2011-57:** Authorization to Release Solicitations was moved by Mrs. Brooks, seconded by Ms. Lassiter, and approved by general consent.

D. **Resolution No. 2011-58:** Authorization to Exercise the First One-Year Renewal Option to the Contract with Response Advertising, L.L.C. for the Purpose of Administering the BJCTA's Bus Advertising Program was moved by Mr. Petties, seconded by Mr. Robinson, and approved by general consent.

E. **Resolution No. 2011-59:** Authorization to Honor the Late Ms. Doris Powell by Naming a Bus Shelter in Her Memory was unanimously moved, seconded and approved.

F. **Resolution No. 2011-60:** Authorization to Release Solicitations was moved by Mrs. Brooks, seconded by Ms. Lassiter, and approved by general consent.

G. **Resolution No. 2011-61:** Authorizing Adoption of a Revision to Resolution No. 1996-009, Resolution Authorizing a Policy Statement Regarding the Sale of Advertising Space on the BJCTA Vehicles was tabled.

Discussion: Mr. Robinson reported that the ad hoc committee recommended that the BJCTA continue advertising. Full bus wraps would not be allowed on new buses; however, for any other buses, the bus number and "MAX" logo must always be visible. The committee did not recommend political advertising; however, there was some dissent to this matter. A line item was to be created in the budget for future advertising purposes.

Dr. Jesse Lewis of The Lewis Group spoke to the board and argued for political advertising, if language was added to the policy that restricted political advertising to issues only. No negative political advertising should be accepted. Mrs. Brooks recommended tabling the resolution to give the committee an opportunity to work out the possibility of allowing political advertising.

Old/New Business:

Immigration Law

Legal Counsel Bing Edwards informed the board that a court had, during the meeting, issued a 115-page opinion on the recent immigration law. Certain portions of the law had been upheld and other parts would continue to be enjoined. He was to familiarize himself with the opinion and work with BJCTA staff, as needed.

Update on the Short Range Transit Plan (SRTP)

Mr. Behrman announced that three companies were interviewed. There was one issue that needed clarification. A letter was to be sent to the bidders asking for clarification. A recommendation would be made at the next committee meeting.

Strategic Plan

Mr. Petties requested a copy of the strategic plan with goals and objectives for staff. Mr. Behrman replied that this was an issue of 1-1/2 years ago but the board decided against the retreat for strategic planning. Rev. Sellers assigned this topic to the Program Development Committee.

Committees for FY2012

Rev. Sellers announced the following committee assignments for FY2012:

- Program Development Committee
 - Terri Sharpley, Chair
 - Andre Petties
 - Guin Robinson
- Human Relations Committee
 - Ronald Lyas, Chair
 - Joyce Brooks
 - Jack Darnall
- Finance Committee
 - Johnnye P. Lassiter, Chair
 - Keelon Hobbs
 - Patrick Sellers

Public Comments: None

Rev. Sellers acknowledged Birmingham City Councilor Kim Rafferty and offered her an opportunity to address the board. She responded by asking if the BJCTA received a copy of the signed contract and a check for payment. If so, her goal was accomplished.

The **Meeting Adjourned** at 1:50 p.m. The next **Regular Meeting of the Board of Directors** will be held **Wednesday, October 26, 2011 at 12:00 PM** Central Station, 1735 Morris Avenue, Birmingham, AL.

Minutes submitted by: Barbara Lawson, Administrative Assistant

Date: _____

Approved by: _____
Rev. Patrick Sellers, Chairman

Attest: _____
Johnnye P. Lassiter Secretary/Treasurer