



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

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BOARD MEETING MINUTES
Wednesday, August 25, 2010

Opening: The meeting was called to order by 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: Joyce Brooks, Frank C. Galloway, Brian Hamilton, Walter Jones, Johnnye P. Lassiter, Ronald Lyas, Doris Powell, Guin Robinson, and Rev. Patrick Sellers

Members Absent: None

Others Present: Debra Anderson-Burse, Peter Behrman, Christopher Bolling, Anna Brown, Malcom Crenshaw, Marva Douglas, Butch Ferrell, Jacquese Gary, Judy Gordon, Darrell Howard, Chris Leffert, Dr. Jesse Lewis, Richard Nardecchia, Kevin Owens, Nicholas Porterfield, Helen Rivas, Joi Scott, Lou Willie, Braden Wilson, Randall Woodfin, and Amos Wright.

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, with the following corrections by Doris Powell:

- Under Board Minutes, Temporary Storage of Older Buses: change the name of Alabama Power to Alagasco
- Under Program Development Committee, change the date of meeting to August 18, 2010.

Chairman's Report –

Legal Services:

Frank Galloway moved to approve the contract of Balch & Bingham and The Hudson Law Firm for the term of one year, first employing the services of attorney Nyya Hudson when possible, and subject to the fees listed on page 41 of the Board packet, seconded by Joyce Brooks, and approved by general consent. Rev. Patrick Sellers and Brian Hamilton abstained.

Discussion: Meetings were held with committee members and the attorneys to negotiate the final terms and conditions of the contract. Mr. Galloway recommended the term of one year, first using the services of attorney Nyya Hudson when possible. In order to further manage costs, staff questions should be channeled through Executive Director Peter Behrman; Board questions should be coordinated through the Board Chairman and/or the Executive Director, when possible. In response to Walter Jones, Mr. Galloway answered that it is expected that billings will be received separately from the two law firms.

Guin Robinson thanked Mr. Galloway for the amount of work given to negotiating the final terms of the contract.

Strategic Planning Retreat:

Mr. Robinson commented that Executive Director Behrman is moving forward on the recommendations provided in the American Public Transportation Association (APTA) report and that guidance from the Board is needed in a Strategic Planning Retreat. There is an opportunity to receive \$13,600 (80%) funding through federal grants. Mr. Robinson recommended that the Board move forward with a contract with Kay Kornmeier, not to exceed \$3,400 (20%). Concerns were expressed over the costs and rather or not the Board needed an outside facilitator.

[The following is added per the request of Director Ronald Lyas at the September 2010 Board meeting: Mr. Lyas expressed appreciation for the difference between \$17,000 and the BJCTA cost of \$3,400; however, he was troubled over spending \$3,400 on a one day seminar at the MAX location, especially given that the organization is having a financial crunch, whereby Board members could not even travel to APTA meetings. He was of the opinion that the award of \$3,400 would be a waste of money. Mr. Lyas stated that he was in favor of strategic planning and hiring a consultant, such as the professor from UAB that would be much cheaper. The money from the RPC could be used elsewhere. Mr. Robinson agreed that it was difficult times and expressed respect for Mr. Lyas' opinion. He then clarified that it would be much more intense than one day and, in his opinion, worth the \$3,400. Mr. Lyas reiterated his opinion that a retreat was necessary and that he was in favor of having a retreat, but was against the cost. In the past, there have been some very good retreats and the Board could hire another facilitator and still come out cheaper than what was proposed.

Rev. Patrick Sellers questioned why the Board, along with key staff, could not come together and plan their own strategic planning retreat. They would know the organization, its structure and what goes on the best. Mr. Robinson explained that the Board would develop the retreat but an outside facilitator could get past personalities and steer the Board forward. An outside person guiding the retreat could have a conversation with the Board that the Board may not feel comfortable in having by themselves.

In response to Ms. Powell, Mrs. Brooks agreed to see if there is someone available to facilitate the Retreat.] She stated that strategic planning is the foundation of how an organization operates. In regards to the Board facilitating its own retreat, Mrs. Brooks

further commented that a neutral facilitator who can ask a tough question and then step away from the organization is needed. She agreed to bring forth a recommendation at the next Committee meeting.

Executive Director's Report -

APTA Review

Mr. Behrman commented that the Review is an excellent document and he has talked about it at various speaking engagements.

Lease of Vehicles:

Eleven buses have been leased and are in service at the BJCTA. Paratransit service is now fully stocked and the fixed route service has experienced some relief. The cost is \$3500 per bus, per month. In response to Brian Hamilton, Mr. Behrman reported that all issues with the contract and the maintenance of the vehicles were negotiated; legal counsel reviewed and approved the contract.

Financial Report

Richard Nardecchia reported that as of July 31, 2010, assets were \$31,742,850.66 while total liabilities were \$7,653,174.10. The Income Statement details year to date revenues of \$29,387,430.77 and expenses of \$24,563,827.43 resulting in a difference of \$4,823,603.34. The total cash and cash equivalents were \$4,506,930.86 of which \$2,717,937.05 was the balance in our operating and money market accounts. Total overall variance with the budget is a positive \$7,043,570.14, which includes almost \$2 million from the City of Birmingham for paratransit vehicles.

Meetings with Mayor William Bell and Councilor Kim Rafferty, City of Birmingham, are continuing and the Board will be kept informed.

Items for Information and/or Recommendation:

Travel Report:

The travel report of Director Ronald Lyas was included in the packet on page 42 for the Board's information. The expenses were approved by the Finance Committee in the August meeting.

Janitorial Services:

Rev. Sellers reported that there were areas of concern regarding the bids received. Information has been requested on bids at the same level of staffing. In the Program Development Committee meeting, Joyce Brooks moved that the current contract with ESC be extended for thirty (30) days to consider the options.

Resolutions for Consideration and Approval:

- A. **Resolution No. 2010-12:** Authorization for the Executive Director to Remit Payment to Precision Sales & Services, Inc., for the Repair of Trolley #2177 was

moved by Rev. Patrick Sellers, seconded by Johnnye P. Lassiter, and approved by general consent.

- B. **Resolution No. 2010-25:** Authorization for Renewal of the Auto & General Liability, Public Officials and Workers' Compensation Insurances was moved by Rev. Patrick Sellers, seconded by Johnnye P. Lassiter, and approved by general consent. Frank Galloway abstained.
- C. **Resolution No. 2010-31:** Authorization to Exercise the First Option Year of the Security Service Contract with Dynamic Security Services, Inc. was moved by Rev. Patrick Sellers, seconded by Johnnye P. Lassiter, and approved by general consent.
- D. **Resolution No. 2010-32:** Authorization to Purchase Five (5) Bus Engines was moved by Rev. Patrick Sellers, seconded by Doris Powell, and approved by general consent.

Discussion: Mr. Galloway suggested that names of responders and their respective prices be included in the staff summaries. Mr. Robinson instructed that the price of each engine and the name of the vendors be sent to all Board members.

- E. **Resolution No. 2010-33:** Authorization to Make a Payment in the Amount of \$3,105.77 to Precision Sales and Services, Inc. for Trolley #2278 was moved by Rev. Patrick Sellers, seconded by Johnnye P. Lassiter, and approved by general consent. Frank Galloway opposed; Doris Powell abstained.
- F. **Resolution No. 2010-35:** Declaration of Continued Emergency and Waiver of the Competitive Bid Process in Connection with the Procurement of Temporary Janitorial Services was moved by Rev. Sellers, seconded by Johnnye P. Lassiter, and approved by general consent.

Old Business –

Ms. Powell requested and received permission to work with the appropriate staff and compare her research with that provided in the expense reduction plan for the FY2011 budget.

New Business –

Dr. Jesse Lewis announced that good press came from the lease of the vehicles. Information was posted on the websites of the City of Birmingham, the BJCTA, and the Birmingham Times. Staff did a great job of answering questions and the objectives were accomplished.

Public Comments –

- A. Anna Brown, transit dependent rider, thanked the Board for authorizing the lease of buses and also reported on the following:
- Bad behavior of children from an alternative school who are cursing and fighting on the #40 Fairmont bus: She requested the Board ride the bus and help solve the problem.

- Poor conditions of the ladies restroom at Central Station: She requested another hand dryer and that additional soap to be provided.
- She started a campaign to support the state referendum that would allow funding for transit.
- Customer Service personnel not being truthful and placing riders on hold for 20 minutes when calling.

B. Malcom Crenshaw requested to know when the new buses would arrive. Mr. Robinson instructed that in addition to staff responding that board support provide the delivery schedule be given to Mr. Crenshaw following the meeting.

C. Marva Douglas suggested a modification on the new buses that would allow better viewing out the windows of the buses. Mr. Behrman replied that it was too late to request the change, but would remember her suggestion for future purchases.

Rev. Sellers requested to know if the BJCTA has a rider policy for disruptive riders and stated that he would be riding the #40 on this day. Mr. Robinson instructed that the records be searched for such policy and that it be sent to the Board. If there is no such policy, then the item should come before Committee. Ms. Powell stated that the Board of Education has a policy and she will provide a copy to the Board.

The **Meeting Adjourned** at 1:00 p.m. The next **Regular Meeting of the Board of Directors** will be held **Wednesday, September 22, 2010 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