



Birmingham-Jefferson County Transit Authority
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BOARD MEETING MINUTES

Wednesday, April 22, 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 C. Galloway, Jr., Brian Hamilton, Walter Jones, Johnnye P. Lassiter, Chris Lewis, Ronald Lyas, Doris Powell, Guin Robinson, and Rev. Patrick Sellers

Members Absent: None

Others Present: Debra Anderson-Burse, Chris Bolling, Butch Ferrell, Jacquese Gary, Barbara Lawson, Chris Leffert, Jesse Lewis, L.A. Moss, Richard Nardecchia, Kevin Owens, Wytangy Peak, Harhonda Pinkney, Nicholas Porterfield, Charles Ridley, Joi Scott, and Kenneth Simon

A moment of silence was observed in memory of Sylvia Jenkins and Councilor Miriam Witherspoon.

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

Adoption of the Agenda: Mr. Lewis asked if there were a motion to adopt the agenda. The motion was made by Doris Powell and seconded by Johnnye P. Lassiter. Ronald Lyas interjected and said that before the adoption of the agenda was complete, he would like to request that an additional item be included that would be in regards to the Chair and the Vice Chair stepping down from their positions. He also requested that Board members address the issues before the agenda was adopted.

Mr. Lewis asked if there was a motion to add the item to the agenda. Brian Hamilton made the motion and it was seconded by Guin Robinson. Mr. Lewis requested a roll call vote which resulted in five (5) ayes from Frank Galloway, Brian Hamilton, Ronald Lyas, Rev. Patrick Sellers, and Guin Robinson; and four (4) noes from Walter Jones, Johnnye P. Lassiter, Doris Powell, and Chris Lewis. The matter was added to the agenda.

Mr. Lyas stated that the issue involved a policy matter and a possible legal allegation. Mr. Ken Simon, Legal Counsel, interjected and recommended the Board members go into an Executive Session to discuss the issues. Mr. Lyas made motion that the Board adjourn and discuss the issues in Executive Session. It was seconded by Rev. Sellers. Mr. Lewis requested a roll call vote which resulted in five (5) ayes from Frank Galloway,

Brian Hamilton, Ronald Lyas, Rev. Patrick Sellers, and Guin Robinson; and four (4) noes from Walter Jones, Johnnye P. Lassiter, Doris Powell, and Chris Lewis. The members left the Public Meeting Room at 12:06 p.m. to begin the Executive Session.

The Board members returned to the Public Meeting Room and Mr. Lewis called the meeting to order at 1:15 p.m., and asked for roll call. Mr. Guin Robinson made a motion for the meeting to move out of Executive Session, the motion was seconded by Rev. Sellers, and approved by general consent. The Board reconvened with all members present.

Mr. Lewis asked if there were a motion to adopt the agenda. Mr. Jones made the motion; it was seconded by Rev. Sellers, and approved by general consent.

Adoption of the Minutes: The minutes were adopted by general consent.

Committee Reports

Ms. Powell made motion, in the interest of time, that the committee reports be read as noted in the Board packet. Mr. Lewis made motion that all agenda items from VII through IX be included in the motion. The motion was seconded by Ms. Lassiter and approved by general consent.

Resolutions for Consideration and Approval

Resolution No. 2009-15: Amendment to the Birmingham-Jefferson County Transit Authority's Travel Policy. Mr. Jones made a motion to move Resolution No. 2009-15 to the Human Relations Committee; it was seconded by Rev. Sellers, and approved by general consent.

Discussion: Mr. Robinson asked that the Human Relations Committee look at the whole policy. Mr. Galloway replied that the Human Relations Committee had tabled its consideration of the resolution so that a review of the overall travel policy could be completed.

Resolution No. 2009-17: Authorization to Purchase and Replace Nine New Diesel Engines, with changes to include the total cost, was moved by Mr. Galloway, seconded by Rev. Sellers, and approved by general consent, with the exception of Doris Powell who abstained.

Discussion: Mr. Hamilton asked if the resolution had been moved out of any committee. Mr. Lewis replied that it had been recommended by the Finance Committee; and Mr. Lyas replied that it had also been recommended by the Program Development Committee.

Resolution No. 2009-18: Authorization to Purchase a New Compressed Natural Gas Engine was moved by Rev. Sellers, seconded by Mr. Lyas, and approved by general consent, with the exception of Ms. Powell who abstained.

Resolution No. 2009-19: Authorization for the Interim Executive Director to Enter into Contract with The Lewis Group to Provide Advertising & Public Relations Services for an Amount Not to Exceed \$84,000 was moved by Rev. Sellers, seconded by Ms. Powell, and approved by general consent.

Resolution No. 2009-20: Authorization To Purchase Twenty (20) New Compressed Natural Gas Buses Contingent Upon Receipt Of American Recovery And Reinvestment Act (ARRA) Funds And Authorization By The Federal Transit Administration was tabled.

AND

Resolution No. 2009-20a: Authorization To Purchase Fourteen (14) New Compressed Natural Gas Buses Contingent Upon Receipt Of American Recovery And Reinvestment Act (ARRA) Funds And Authorization By The Federal Transit Administration was tabled.

Discussion: Mr. Lewis stated that the Board has two resolutions for consideration: Resolution No. 2009-20, recommended from the Program Development Committee; and Resolution No. 2009-20a, from the Finance Committee.

Mr. Lewis said with Resolution No. 2009-20a there should probably be an explanation that the remaining ARRA funds would pay for the renovation of the BJCTA 8th Avenue Facility to accommodate the height of the new buses and also the startup of implementing the superstops/hub projects as presented to Artur Davis, Alabama Congressman of District 7, and also to the Birmingham City Council Committee of the Whole.

Mr. Lewis asked counsel how the Board should proceed. Mr. Simon stated that legal counsel believes there is a problem with bid laws. Counsel has started a preliminary review and based on what has been discovered thus far, the BJCTA would not be able to make a purchase by going through Minnesota without interfering with Alabama's bid laws.

Mr. Hamilton remarked that if the purchases were time sensitive issues, then the Board should be mindful of meeting deadlines. Mr. Hamilton said that he supports the different vision, but wants the Board to be able to explain why all funds were not spent on buses, noting that after the purchase of buses and rehab, there would be remaining ARRA funds under Resolution No. 2009-20a for additional projects. He said that the Board should make sure that all members are fully apprised on the projects under discussion and that staff has made recommendation on the financial impacts of the additional projects.

Mr. Lewis announced that the Board Retreat is scheduled for May 16, 2009, and asked staff to provide those operation numbers to reflect the financial impact of the projects before the Retreat. He said that a portion of the proposal is looking very favorable at this time but is contingent upon the funds being received through Congressman Davis' office.

Resolution No. 2009-21: In Memory of Sylvia Jenkins was moved by Rev. Sellers, seconded by Mr. Robinson, and approved by general consent.

For the record, Mr. Lewis read aloud Resolution No. 2009-21 and said that the BJCTA definitely understands the loss that the organization has suffered, that it will be tough to replace someone with Ms. Jenkins' skill set, and that she will be missed.

Resolution No. 2009-22: Authorization for the Chairman of the Board of Directors and the Interim Executive Director to Enter into a New Labor Union Contract with the Amalgamated Transit Union was moved by Rev. Sellers, seconded by Mr. Galloway, and approved by general consent, with the exception of Ms. Powell who voted no.

Discussion: Mr. Lewis asked if all Board members had had an opportunity to review the revised resolution. Mr. Galloway explained that the change was a minor clarification. He directed the Board's attention to paragraph five, line four, which reads "the BJCTA's contribution would increase from 9.5% of Union Members' wages to 20.5% during the period October 1, 2008 through October 1, 2010 by means of annual increases of 5.5%." Mr. Galloway said the words "of Union Members' wages" were added for clarification.

Old Business –
Overtime Report

Mr. Robinson stated that he realized the sensitivity of having employees' names and positions listed on the overtime report; however, he wants the information to be included on the monthly report to be received by him. Ms. Powell and Ms. Lassiter concurred for the same.

Performance Portfolio

Mr. Lewis asked the Board to take action for the Performance Portfolio to become an annual document to be provided to all the municipalities when the Board presents its budget to the municipalities. The motion was moved by Mr. Robinson, seconded by Rev. Sellers, and approved by general consent.

New Business –
Investigation of Employment Matters

Mr. Lyas made a motion for the Board to authorize Mr. Galloway to work with legal counsel to cause an investigation of certain employment matters as discussed in the Executive Session. The motion was seconded by Rev. Sellers, and approved by general consent.

Announcements from the Interim Executive Director

For the month of March 2009, Mr. Copling recognized and presented Richard Nardecchia, Chief Financial Officer, as employee of the month for his great work on the annual financial audit. Mr. Lewis offered the appreciation of the Board to Mr. Nardecchia.

Mr. Copling also summarized the results of the BJCTA Rodeo that took place Sunday, April 19, 2009, with approximately 250 people in attendance. In the bus competition, the first place winner was John D. Jordan; second place, Vincent Price; third place,

Wayne Mickel. The first place winner will be traveling to Seattle Washington in May to represent the Birmingham-Jefferson County Transit Authority in the Annual National Bus Rodeo Competition sponsored by the American Public Transit Association (APTA).

Mr. Copling announced two employee promotions: 1) James Wormely to the position of Maintenance Manager; and 2) Solomon Wilson to the position of Manager of Transportation.

Mr. Copling shared with the Board that the mother of Joe Foster had passed.

Mr. Copling asked the Board to consider a resolution from the BJCTA to be presented to the family of Councilor Miriam Witherspoon, since she was such a good supporter of transit.

Mr. Copling also mentioned that he would be out of the office on May 12, 2009 to attend a Board meeting and retreat at Northwood University in Cedar Hill, Texas.

Budget

Mr. Lewis asked if there was a motion to approve the budget as recommended from the Committee of the Whole Meeting and as presented to the Board. The motion was moved by Rev. Sellers, seconded by Mr. Galloway, and approved by general consent, with the exception of Ms. Powell who abstained.

Proposed Resolution in Memory of Councilor Miriam Witherspoon

Mr. Lewis asked for a motion to provide a resolution in memory of Councilor Miriam Witherspoon. Motion was unanimously moved, seconded and approved.

Occupation Tax Bill

Mr. Lewis announced that he had received a call from John Rogers, Alabama State Representative of District 52, asking that BJCTA Board members talk with Alabama senators in support of his Occupation Tax Bill. He asked if there were any objections to supporting the bill; none responded. Mr. Lewis requested that Mr. Simon provide copies of the bill and a recommendation, if he believes it is something that the Board should support. Mr. Simon agreed to provide copies of the bill and to list the pros and cons concerned. Mr. Hamilton asked to receive copies all transportation bills.

Letter from Alabama State Representative Roderick Scott

Mr. Lewis shared that the Board had received a letter from Rod Scott, Alabama State Representative of District 55, and instructed Barbara Lawson, Board Support, to read it aloud, which she did.

Public Comment –

John Meehan, Chairman of the Transit Advisory Committee (TAC), requested that a joint meeting be scheduled between the BJCTA Board of Directors and the TAC Committee to address some serious issues of transit. The TAC Committee recently completed a questionnaire and will present the results to the BJCTA Board soon. Mr.

Meehan stated that while doing business at the 8th Avenue Facility, he saw two buses that had been caught on fire and burned. He also remarked that a Paratransit bus caught on fire last October 2008 and that issue still needs to be addressed. He also suggested that Board members talk to passengers and ride buses with them.

Ms. Lassiter asked the date of when Mr. Meehan saw the buses burn and he replied Wednesday, April 17, 2009. Mr. Lewis asked if the buses had already been burned or if the buses were burning when Mr. Meehan was on site. Mr. Meehan answered that the buses were already burned. Mr. Lewis told Mr. Meehan that the Board appreciated his services toward transit and thanked him for attending the meeting.

Mr. Lewis announced that Ms. Lawson is coordinating a meeting with members of the Board's Executive Committee and members from TAC and Paratransit. He then instructed her to also coordinate a meeting between the full Board and the TAC Committee. Mr. Hamilton said that it was a matter of policy to address public comments in writing. He requested that Mr. Copling respond in writing to Mr. Meehan's comments regarding the burned buses and to also copy the Board members.

Ms. Powell requested that Board members be officially notified of the pending Regional Planning Commission (RPC) contract. Mr. Lewis asked for a report of the RPC contract to be given at the next Board meeting.

The **Meeting Adjourned** at 1:51 p.m. The next **Regular Meeting of the Board of Directors** will be held **Wednesday, May 27, 2009 at 12:00 PM** at Central Station, 1735 Morris Avenue, Birmingham, AL.

Minutes submitted by: Barbara Lawson, Administrative Assistant

Date: _____

Approved by: _____
Chris Lewis, Chairman

Attest: _____
Rev. Patrick Sellers, Secretary/Treasurer