

**REGULAR BOARD MEETING - BLOOMINGTON PUBLIC TRANSPORTATION
CORPORATION (BPTC) NOVEMBER 19, 2013, 5:30 P.M.**

In the Edward J. Kuntz Board Room of the Bloomington Transit Operating Facility, 130 W. Grimes Lane, Chairman McConn convened the regular meeting of the Board of Directors of the Bloomington Public Transportation Corporation.

ROLL CALL

Board Members present: Chairman McConn, Vice Chairman McDaniel, Secretary Cartwright, Board Member Hasler and Board Member Obermeyer. Also present were Lewis May, General Manager, Brenda Underwood, Human Resources/Marketing Administration, Christa Browning, Controller, and members of the public Dan Mullis and Barry Collins, City of Bloomington Construction Oversight Manager.

PETITIONS AND COMMUNICATIONS

Dan Mullis, a BPTC full-time bus operator, requested the Board grant him a hardship waiver and allow him to drop BPTC's healthcare plan with SIHO because he cannot financially afford to maintain his living expenses and continue to pay the monthly healthcare premiums that he enrolled for in April of 2013 and expires in May of 2014.

Mr. May noted that Mr. Mullis has filed a complaint with the Indiana Department of Insurance regarding this matter. He said with insurance here at Bloomington Transit and most employers there is an open enrollment period from April 1 through April 30 each year that allows employees to come onto the plan or drop off the plan. He said when you come onto the plan you are committed to stay on the plan for one year unless there are certain qualifying events that take place during the course of the year that would allow you to come off of the plan. Examples of qualifying events including reaching the age where you are eligible for Medicare coverage, your spouse changes jobs and their employer offers a healthcare program, just to mention a few. Mr. May said that Mr. Mullis came to us and explained the situation and said the people he spoke to at the VA said that given that VA program is now covered by the Affordable Care Act and is compliant with the Affordable Care Act that they said we are required to let him out of our plan. Mr. May said his response to Mr. Mullis was if they are telling you that then you ought to be able to provide us some documentation to that effect and that VA has not produced any such documentation. Mr. May said we have talked to SIHO who is our third party administrator and they have received a complaint from the Indiana Department of Insurance and their legal counsel is of the opinion that it is not a qualifying event to drop off the plan. Further, Mr. May consulted with Daniel Grundman who is the employee services director at the City of Bloomington and he consulted with his health insurance staff and they agree that the circumstances presented by Mr. Mullis does not represent a qualifying event. Mr. May said the concern that we have in allowing someone to drop off without a qualifying event but to be fair if you allow one we have to allow everyone to drop off who wants to do it and if you do that it has the potential according to SIHO to negatively impact our reinsurance rates. He said it is our recommendation since he has filed a complaint with the Indiana Department of Insurance (IDOI) on this matter we need to let that process play out. Mr. May said if the complaint is upheld by IDOI we will abide by their decision. Chairman McConn asked Mr. May if he could get further opinions from SIHO as to

how allowing someone to come off the plan for something other than a qualifying event would negatively affect BPTC. Mr. May agreed to contact SIHO and get further information.

MESSAGES FROM BOARD MEMBERS

There were no messages from the Board Members.

MESSAGES FROM THE MANAGER

Mr. May opened with the Monroe County Public Library (MCPL) employee bus pass agreement that is similar to the agreements that we have with the City and County. He noted that he reached agreement with the MCPL on the terms and conditions subject to the approval of the BPTC Board and the MCPL Board. He said upon presentation of a MCPL employee identification card, MCPL employees could ride BPTC fixed route service at no charge. He said the MCPL agreed to strictly control and manage the issuance of their ID cards. He said BPTC fixed route bus drivers will record the number of one-way trips made by MCPL employees on the electronic fare boxes. He said BPTC will invoice the MCPL for the number of trips made on a quarterly basis and the MCPL will reimburse BPTC within 30 days of receipt of the invoice at the rate of 75 cents per one-way trip made on fixed route service by their employees with total compensation not to exceed \$9,000 in the first year of the program. Mr. May said term of the agreement is for one year and shall automatically renew at the same terms and conditions unless either party notifies the other of its intent to terminate or renegotiate with at least 30 days advance notice. He noted that Resolution 13-27 is included under New Business for the Board's consideration.

Mr. May noted Route 4/Bloomfield Road provides service on Basswood Drive in both the inbound and outbound directions and turns around in the parking lot of the Forest Ridge Apartments. He said the Board approved an 18 month easement and ordinance to pay \$8,600 for repair of the pavement in the Forest Ridge Apartments parking lot in 2011 so that transit service along Basswood Drive could continue. He said in August 2013 with Board approval of the claim, we paid \$8,600 to Forest Ridge Apartments. The temporary easement has expired and needs to be renewed for another 18 month period. He said the temporary easement will be recorded on the deed to the property. He recommended that the Board introduce the ordinance for first reading tonight and then a public hearing and final consideration would be given to the ordinance at the next Board meeting. He noted a copy of the ordinance and easement was included in the Board packet for introduction and first reading.

Mr. May noted that FTA and their consultants conducted our Triennial Review on October 28-29, 2013. He said the review is required by Federal law and is conducted every three years and is the FTA's assessment of BPTC's compliance with federal requirements and is determined by examining a sample of grant management and program implementation practices. He said sixteen major areas were reviewed and only three deficiencies were found in two areas; Financial and ADA. The three findings were minor and will be easily corrected. These deficiencies included drawing down about \$1,000 too much in operating assistance for BT Access trips that were reimbursed by a New Freedom grant over several years; the need to revised language in our BT Access Customer Handbook to delete the old common wheelchair definitions and to state that we will carry oversize mobility devices assuming they can safely be handled by our

vehicles; and the requirement that we accept visitors who provide proper ADA eligibility documentation immediately rather than having a 1-week waiting period. He noted that we have approximately 90 days to correct the deficiencies and report the corrective actions to FTA. He said BPTC did not have any repeat findings from the 2010 Triennial Review. Mr. May noted that we had an excellent review and that these findings were very minor and easily corrected.

Mr. May noted the architect for our Downtown Passenger Transfer Facility is joining on speaker phone and present is Barry Collins the construction overseer to update the Board on the construction progress. He said our architects Mark and Jennifer were asked to be present if the Board has any specific questions concerning the status of change orders and the contingency budget. He said week by week we are seeing substantial progress on the project. He said work on the facility continues we have experienced some major change orders relative to many unforeseen elements for the project that have resulted in significant additional expenses. He said a few of the items include removal of underground fuel tanks along with contaminated soil and replacement with engineered fill, removal of unstable soil under the bus drive lanes and replacement with engineered fill so that the concrete pads where buses will operate will be stable, removal of large underground boiler and heat diffuser apparatus along with concrete encasement and replacement with engineered fill, and removal of a large underground concrete basement and replacement with engineered fill. He said there are numerous other requested change orders from the General Contractor that have the potential to add significant cost when combined. He said to help offset these major cost additions a number of value engineered items have been identified to realize some significant savings to the project. Based on the information we presently have, Mr. May noted that the net additional costs to BPTC over and above the approved construction award is \$478,731. He added that we have a project contingency budget of \$457,586. Thus we are about \$21,000 over the contingency budget at this point with about six months remaining to complete the project. Mr. May noted that any costs in excess of the contingency budget would have to be funded from BT's local reserves which are currently at about \$4 million.

Mr. May said last on the agenda is the schedule for the 2014 Board Meeting. He presented a proposed 214 Board Meeting schedule. He said three Board meetings in December 2013 were scheduled and if we have no business for the last two meetings of December 17 and/or December 31 we will likely cancel these meetings.

MESSAGES FROM THE CONTROLLER

Controller Browning gave an overview of the October Financial Report.

Controller Browning noted that Resolution 13-26; a resolution approving the 2013-2014 public official bond for Christa D. Browning, Controller of the Bloomington Public Transportation Corporation is on the agenda for the Board's consideration and approval.

MINUTES

The minutes for October 8, 2013 were presented for approval by Board Member Obermeyer and seconded by Board Member Hasler. Chairman McConn certified that for purposes of the October 8, 2013 meeting minutes that no other business other than discussion of strategy with

respect to collective bargaining as per Indiana Code 5-14-1.5-6.1(b)(2)(A) was discussed during the Execution Session that took place at the October 8, 2013 Board meeting. The minutes were approved by all Board Members.

CLAIMS

The claims for November 19, 2013 were presented for approval by Board Member Obermeyer and seconded by Board Member Hasler. The claims were approved unanimously.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

Under New Business, Board Member Hasler moved to approve Resolution 13-26; a resolution approving the 2013-2014 public official bond for Christa D. Browning, controller of the Bloomington Public Transportation Corporation (BPTC). The motion was seconded by Board Member Obermeyer. Resolution 13-26 was approved unanimously by all Board Members.

Also under New Business, Vice Chairman McDaniel moved to approve Resolution 13-27; a resolution approving an employee bus pass program agreement with the Monroe County Public Library. The motion was seconded by Board Member Obermeyer. Resolution 13-27 was approved unanimously by all Board Members.

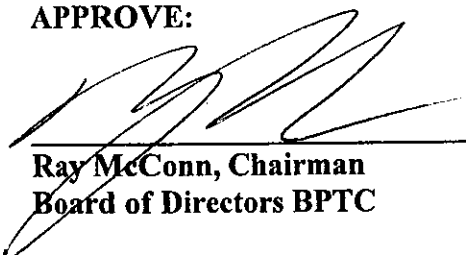
Under New Business Chairman McConn introduced Ordinance 13-01; an ordinance authorizing the Bloomington Public Transportation Corporation to obtain and execute a temporary easement with Forest Ridge Apartments LLC to provide access for transit service.

EXECUTIVE SESSION


An executive session for discussion of strategy with respect to collective bargaining as per Indiana Code 5-14-1.5-6.1(b)(2)(A).

ADJOURNMENT

APPROVE:


01-14-14
Ray McConn, Chairman
Board of Directors BPTC

ATTEST:


01-14-14
Alex B. Cartwright, Secretary
Board of Directors BPTC