

## **REGULAR BOARD MEETING - BLOOMINGTON PUBLIC TRANSPORTATION CORPORATION (BPTC) JUNE 3, 2014 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, Secretary Cartwright, Vice Chairman McDaniel, Board Member Obermeyer, and Board Member Hasler. Also present were Lewis May, General Manager, Brenda Underwood, Human Resources/Marketing Administration, Christa Browning, Controller, Ian Patton, Operations Manager, Eli McCormick, Customer Service Manager and members of the public Vicki Bragman, Anne Woods, Abigail Fitzwater, Sam Harrell, Brianna Underhill, Sarah Hunt, and Cyndi Jolliffe.

### **PUBLIC HEARING**

Chairman McConn opened a public hearing to receive public comment on a proposed ordinance regarding a public code of conduct at the downtown transit center and on buses. Vicki Bragman, a member of the public, noted that she was really excited about the public code of conduct concerning behavior and the consequences of behavior. She expressed concern about alarming conduct that has witnessed while on the bus or at the downtown terminal. A member of the public said she rides the bus to and from work and she considers it one of her communities and she knows that there are problems because some people are not socially educated and we have a certain number of homeless people. She added that we do have a lot of people who are trying to get by get to work and get home. She said she worries about someone who may be harmed by a code of conduct and by who is doing the interpretation. For example, she noted that someone may have a problem with diabetes and could look like they are drunk or smell like they are drunk. She said she does not want to see the criminalization of people who may have a simple medical problem. She said having social workers sporadically on the bus or in the terminal would be helpful. She said the other problem is there are a lot of people in this community with gun permits and stated that nobody should be allowed on a bus with a gun due to the obvious dangers. Mr. May said the state law gives the right to people to carry guns and in fact entities such as Bloomington Transit could be liable for damages if we were to prevent a member of the public from legally carrying a firearm on a bus or in our facilities. He said our legal counsel has reviewed the law and concurred that we can't prevent a member of the public from legally bringing a firearm onto a bus or into one of our public facilities. Mr. May added that we don't like the law and that he agrees with commenter but unfortunately we have to comply with the law. The same person asked who is going to enforce the rules. She has seen people fall asleep on the bus and maybe they worked the night shift or were up all night with a baby. Chairman McConn asked Mr. May to respond. Mr. May noted that our downtown staff who staff the downtown transit center will have enforcement responsibilities. Another member of the public stated that she thought the remedial measures proposed were too rigid. For example, a second offense in a two year rolling period means a seven calendar day suspension and she thinks that is too punitive. Another member of the public noted she wanted to make a point of process one suggested that the Board and staff not respond immediately to public comments being made. These same persons asked for some background or introduction as why such a code

of conduct is necessary. Mr. May said we will be opening our new downtown transit center in a few weeks and over the years we have seen a growing problems with behavior and conduct at the downtown terminal and on buses. Mr. May noted that other public and private organizations have dealt with some of the same issues and in some cases have developed formal policies to deal with inappropriate public conduct and behavior. He said we never had a formal written code to deal with these issues we are facing so we are trying to be proactive and come up with something that is fair and reasonable. He said this is something that has put together by staff here at Bloomington Transit based on our experiences over many years. He added that we have talked with the Library the City and the Police Department about it and this is our first attempt to develop a policy. He added the goal is to make using public transportation safe and secure so that people will want to use it. He added that the goal of tonight's hearing is to receive public comment before the Board considers final adoption of the code of conduct ordinance at the next Board meeting on June 17, 2014. He stated that the Board should consider public comment and direct the staff to revise the policy if they feel revisions are necessary before it is considered for final adoption. A member of the public, Brianna Underhill, stated she is a social worker in the community saying she came today because she is mainly concerned about the impact that some of these policies will have on people in poverty. She said that she is having a hard time understanding how a strong odor would be a behavior or a conduct issue. She said a lot of times people in poverty might not have access to resources like water or deodorant things that can help them maintain personal hygiene. She said the public transit system is used by people to get from one place to another and these individuals are using it to get to job interviews and access different services in this community and she thinks that if they are kick off the bus for seven days because they cannot maintain personal hygiene is a concern. She said the other thing is people may be sleeping on the bus for a number of reasons. Mr. May said the way the code was written was to prohibit sleeping for extended periods of time. He said we understand that someone may doze for short periods of time on a bus or in our downtown terminal. He added that we don't want people asleep on the floor on the downtown terminal. He said we do not want the downtown transit center to become a magnet for people who have no intention of using public transportation and instead are using it for shelter. He said the downtown transit center is a place that people can have a comfortable, safe, secure experience while they are waiting for their bus. A member of the public noted she was concerned about the sleeping and also the strong odors. She said she understands making it more desirable method of transportation for everyone but she feels that some of the code of conduct rules target people living in poverty. She added that people with various mental illness issues will display behavior that is not normative and as such could be penalized by this proposed code of conduct. She added that she thought the remedial process was too subjective and too punitive. Chairman McConn said the proposed code of conduct is in the discussion stage and the Board will consider the comments made at today's hearing before considering final adoption. Chairman McConn closed the public hearing accordingly.

### **PETITIONS AND COMMUNICATIONS**

There were no petitions and communications.

### **MESSAGES FROM BOARD MEMBERS**

There were no messages from the Board Members.

## MESSAGES FROM THE MANAGER

Mr. May noted the public hearing to receive public comment on the proposed Code of Conduct was held earlier. He said the Board is familiar with the ordinance and that some changes were made since the last meeting at the suggestion of our legal counsel that was included in the Board packet. He said the Board has heard the public comment and asked the Board for direction in terms of any revisions. Chairman McConn said the biggest challenge is a few of the terms are subjective and easily misunderstood. For example, he noted the body odor and sleeping language. Mr. May said he would gladly delete the language regarding body odor and sleeping if the Board so desired. The Board concurred with Mr. May's suggestion to eliminate the language on body odor and sleeping. Vice Chairman McDaniel noted that someone mentioned some of the language is subjective and it is. He said what we have to do is give ourselves a tool we can use and then use good judgment to enforce it appropriately. Chairman McConn said he is not pleased that it's come to the point where we have to develop a formal code of conduct. He added, however he does believe that we need a something formal and basic in writing that is enforceable. Board Member Obermeyer said the sleeping could also be considered a public nuisance. Vice Chairman McDaniel said in Section II: Disruptive Behavior change the possession or consumption of alcohol to possession of an open container or consumption of alcohol. Mr. May agreed to make that change to the ordinance. Vice Chair McDaniel also asked for clarification on the cell phone language in the ordinance. Mr. May suggested eliminating that language given the intent has been obviously misunderstood.

Mr. May noted work continues at the downtown transfer facility. He said under the current schedule we are supposed to have possession of the building by the end of the month and possession of the site is about two weeks behind. He said they are painting the underside of the canopies and posts. He said bollards are installed in the north/south alley. He said the first of the landscaping has gone in. He said the upstairs is much further along they are actually putting in furniture. He said the elevator is going in. He said the tile is being installed in the multipurpose room. He added that the rough portion of the terrazzo floor is being installed and the tile on the waiting room wall is in. He said we anticipate opening sometime in mid-July.

Mr. May said we are recommending changing the process for how bus operator uniform items are procured by BPTC. He said in the past we have taken bids on various items and awarded to the low bidder. Instead, he proposed to change that process from a low bid to an RFP process whereby we would use evaluation criteria to evaluate proposals. He noted the reason for this change is that we desire to go to a full service uniform supplier who can supply all items needed rather than using several different vendors for various items. He said this would give each bus/van operator an account number or purchasing card with a PIN number that they can use to place their own orders online or at the uniform store rather than us having to collect and place orders for almost 70 operators. He said this will simplify the process and require less staff time and eliminate potential mistakes made during the ordering process. He noted on the agenda for Board approval is Resolution 14-12 which authorizes the issuance of a Request for Proposal for the purchase of uniform items and once proposals are received and evaluated a contract will be awarded assuming the contract is less than \$25,000 annually.

Mr. May noted IU Campus Bus is soliciting bids on a fixed price fuel contract for the purchase of up to 224,000 gallons of diesel fuel. He said it is hard to predict how long fuel prices will

remain stable as fuel prices have been rising recently we may have an opportunity to lock in a portion of our fuel needs at a fixed price assuming reasonable bid prices are received. He said the bid opening date should be within the next two weeks. He said there is a very small window of about one hour to decide if we want to lock in the lowest responsive and responsible bid price. He said given the volatility of fuel prices and the fact that next year's budget will be tight it is important to lock fuel prices in for a portion of our fuel needs to ensure some budget certainty assuming prices are reasonable. He said on the agenda is Resolution 14-13 for the Board's approval that would authorize the Chairman to commit BPTC to a fixed price fuel contract commitment assuming the price is considered fair and reasonable.

### **MESSAGES FROM THE CONTROLLER**

There were no messages from Controller Browning.

### **MINUTES**

There were no minutes.

### **CLAIMS**

The claims for June 3, 2014 were presented for approval by Vice Chairman McDaniel and seconded by Board Member Obermeyer. The claims were approved unanimously.

### **OLD BUSINESS**

There was no Old Business.

### **NEW BUSINESS**


Under New Business, Board Member Obermeyer introduced Ordinance 14-02 with exceptions discussed in the Board Meeting; an ordinance adopting a public code of conduct at the downtown transit center and on BPTC vehicles. The Board concurred with the introduction of the ordinance with exceptions.

Also under New Business, Secretary Cartwright moved to approve Resolution 14-12; a resolution authorizing the issuance of a Request for Proposals for the purchase of operator uniform items. The motion was seconded by Board Member Hasler. Resolution 14-12 was approved unanimously by all Board Members.

Under New Business, Board Member Hasler moved to approve Resolution 14-13; a resolution approving the participation of BPTC in a joint procurement with IU Campus Bus and authorizing the BPTC Chairman to commit the BPTC to enter into a fixed price contract for the purchase of diesel fuel from the most responsible, responsive, and lowest bidder assuming the fixed price is determined to be fair and reasonable. The motion was seconded by Secretary Cartwright. Resolution 14-12 was approved unanimously by all Board Members.

**ADJOURNMENT**

**APPROVE:**

  
06-17-14  
Ray McConn, Chairman  
Board of Directors BPTC

**ATTEST:**

  
06-17-14  
Alex B. Cartwright, Secretary  
Board of Directors BPTC