

REGULAR BOARD MEETING - BLOOMINGTON PUBLIC TRANSPORTATION CORPORATION (BPTC) FEBRUARY 23, 2016, 5:30 P.M.

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

ROLL CALL

Board Members present: Chairman Obermeyer, Vice Chairman McDaniel, Secretary Hasler and Board Member Cartwright. Also present were Lewis May, General Manager, Christa Browning, Controller, Brenda Underwood, Human Resource/Marketing Administrator, and there were no members of the public present.

PETITIONS AND COMMUNICATIONS ON NON-ACTION ITEMS

There were no Petitions and Communications on Non-Action Items.

MESSAGES FROM BOARD MEMBERS

Vice Chairman McDaniel presented a copy of the final report from May 1982 of the Bloomington Coordination Study it was done by ATE and paid for by INDOT, BT, and IU. He said this was the study that was used to justify the creation of the PTC. He said Terre Haute is thinking about creating a PTC and RTA so he gave them a copy.

Vice Chairman McDaniel said SB 128 is in trouble and so is 280. He said they are going to have committee hearings tomorrow and Thursday and then if it doesn't pass out of committee it is dead. He said we are not on the agenda for tomorrow's Ways and Means Committee. He said he asked Mark Stoops what was going on and he is still talking to Tim Brown the Chairman of the Ways and Means Committee but Tim Brown keeps saying he thinks it can be done through the regular local option income taxes. He said apparently Geoff McKim, County Council Member, was correct when he told us there is no blue sky in Monroe County relative to local option income tax. This refers to the ceiling that the County can enact local option taxes for different purposes. He said if you haven't reached your limit, that is the blue sky, and you can raise the tax up to the authorized ceiling. He said that under the current law, local option income taxes can't be used for funding transit services. He said most likely Chairman Tim Brown doesn't want to pass this bill so he is not going to give it a hearing. He said Mark Palmer is working on another bill House Bill 1071 trying to see if he can get the law changed so some of that money can be spend on transit. He said he is trying to see Representative Thompson to talk to him about including SB 128 language into Thompson's bill. He noted at this point the prospect don't look very good.

MESSAGES FROM THE MANAGER

Mr. May said after the last Board he Chair Obermeyer and Secretary Hasler had a conversation about the possibility of changing to a monthly Board Meeting instead of bi-weekly. He said it is

his understanding that BT has always had a bi-weekly meeting. He said in casually talking with other PTCs around the state they all meet on a monthly basis. He said a monthly meeting would probably be more convenient. He said we have talked about it internally and we would have to make some internal changes to our processes but we think we can make it work. He said if it is something that the Board is interested in doing the Board can take action to change the frequency of meetings. Mr. May proposed a calendar in which the monthly meetings would begin in April with meetings on the third Tuesday of each month. He said if we would need an additional Board Meeting we could always schedule a special meeting with 48 hours advance notice. He said if the Board is agreeable, included under New Business is a motion to adopt a revised meeting schedule for 2016. Vice Chairman McDaniel said he is fine with the revised schedule and we are the only PTC that meets twice a month. He said some of them do have committee meetings that they do a lot of work in committee meetings and then try to keep the monthly Board meetings short. Chair Obermeyer said she is fine with a monthly meeting. Secretary Hasler noted she is fine with the revised schedule. Mr. May said if the Board will adopt the motion under New Business, we will go ahead and send out this revised schedule to the Herald-Times and of course we will continue to post the notices of the meetings on our website and at the front door of our building.

Mr. May said in August 2009 we had the Atheist law suit against us and at that time revised our advertising policy to make it a non-public forum whereby we only accepted advertisements that represented commercial transactions. He said as part of that policy we had a number of prohibitions that could not be advertised including alcohol, tobacco, firearms, violence, unlawful goods or services, unlawful conduct, profanity, false or deceptive libelous speech, copyright infringement, endorsement by BPTC, obscenity, nudity, sexual activity, disregard for transit safety, political, electoral and religious, social and public issues that obviously did not represent commercial transactions. He said we will issue our RFP for bus advertising on Monday next week. He said the goal of the RFP is we are going to do our very best to maximize the potential revenue. He said he has had some conversation with at least one vendor who has raised some questions about allowed content for specific advertisements such as gambling and wagering in the form of things like the Hoosier Lottery and Powerball. He said under our present policy that would be allowed but the Board needs to consider whether that would be considered by the community as offensive in line with some of the other things like tobacco, alcohol and firearms. He said that is really a decision the Board needs to make. He said the Board needs to consider there could be other things that fall into the realm of gambling such as casino and horse track advertising. He said he does not know if we would get any requests for that kind of advertising but it would be best to address that issue now. He said he discussed with legal counsel and legal counsel came up with several other things the Board may want to consider prohibiting including e-cigarettes, tobacco-related products, and weapons other than firearms. He said a good one he never considered that was suggested by legal counsel would be advertising for transportation services that are in direct competition with BT. Chair Obermeyer said she does not see them in direct competition. He said other things such as tobacco-related products would include items such as pipes, rolling papers or cigars. He said those are things that were raised by a potential vendor that will be proposing on our contract for advertising as well as our legal counsel. He said he does not have a strong opinion on any of them but wanted to have a discussion with the Board to see what their thoughts were. Secretary Hasler asked if the question was raised because other systems are doing that. He said apparently so there are some transit systems who do advertise Hoosier Lottery and Powerball on the sides of buses. Chair Obermeyer said if we are going to prohibit tobacco I would consider other tobacco products and the e-cigarettes in the

same category. Vice Chairman McDaniel said he does not think it is going to have much of an impact on our income because we are not doing it now and we don't make that much anyway. He said it doesn't offend him but it will certainly offend someone and our image is pretty important. Mr. May said he is not looking for any action from the Board tonight. He said if indeed the Board wanted to include some of these prohibited what he would do is actually revise the policy to include whatever the Board prefers and then come back to the Board at a future Board Meeting for adoption of a revised policy. He said he thought it would be timely for us if we are going to the advertising policy we probably ought to do it now because proposers are going to be required to submit a minimum annual revenue guarantee as part of their proposal. and if we change the rules of the game after they have already submitted that then they could Secretary Hasler noted she does not have a problem with any of these but she thinks we should be careful about how far we go in limiting things. Chair Obermeyer noted she was less concerned with direct competition because they operate on a different basis. Mr. May summarized the Board's guidance to include in a draft policy for Board consideration in the future, e-cigarettes, tobacco-related products and weapons other than firearms. He said at a future Board meeting he will bring a policy amendment to the policy to include those things we just mentioned. He said we will allow gambling and wagering and transportation services in competition with BT.

Mr. May noted recently we installed four new large screen kiosks outside at our Downtown Transit Center that display a map of our routes and the real-time locations of our buses on the map. He said this is the final piece to our contract with DoubleMap to provide real-time information. Vice Chairman McDaniel asked if these kiosks are on all the time or do they shut down when we are not in service. Mr. May said that is a good question he will have to ask DoubleMap.

Mr. May noted last on the agenda is a repeat of an item that was on the agenda last year it is a conflict of interest disclosure that Jim McLary wishes to make to the Board. He said last year this same disclosure was made. He said in the Board packet is a copy of the form signed by Jim McLary and the Mayor who is the appointing body for his board seat. He said it is disclosing that he has contract with Area 10 which is funded by the New Freedom Grant that Bloomington Transit has for the taxi voucher program that is provided under BT's New Freedom Grant. He added that BT has a contract with Area 10 to provide to administer and run the taxi voucher program. He said Jim explained last year whenever there is an action item that deals with that project at the Board level he abstains on that vote. He said under New Business there is an action item for the Board to accept that Conflict of Interest Disclosure Statement from Jim McLary.

MESSAGES FROM THE CONTROLLER

Controller Browning gave an overview of the 2015 unaudited Financial Report. She also provided a summary of the February financial report noting that operating expenses for February were \$563,294 and through the month BT had spent about 13 percent of the annual operating budget.

Controller Browning noted there were two proposals received for our Transit Management Services and the committee is currently in the process of reviewing the proposals.

PUBLIC COMMENT – ACTION ITEMS

There were no comments from the public.

NEW BUSINESS – ACTION ITEMS

Under New Business, Board Member Cartwright moved to approve the unaudited 2015 Financial Report. The motion was seconded by Vice Chairman McDaniel. The motion was approved unanimously.

Also under New Business, Secretary Hasler moved to approve a revised Board meeting schedule for the remainder of 2016. The motion was seconded by Vice Chairman McDaniel. The motion was approved unanimously.

Under New Business, Vice Chairman McDaniel moved to accept the uniform conflict of interest disclosure statement from James McLary dated January 7, 2016. The motion was seconded by Board Member Cartwright. The motion was approved unanimously.

OLD BUSINESS

There was no Old Business.

MINUTES

The minutes for February 9, 2016 were presented for approval by Secretary Hasler and seconded by Board Member Cartwright. The minutes were approved unanimously.

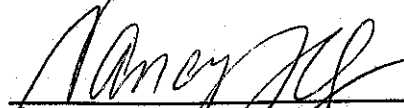
CLAIMS

The claims for February 23, 2016 were presented for approval by Secretary Hasler and seconded by Board Member Cartwright. The claims were approved unanimously.

ADJOURNMENT

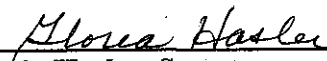
APPROVE:

ATTEST:



Nancy Obermeyer, Chair
Board of Directors BPTC

03-08-16



Gloria Hasler, Secretary
Board of Directors BPTC

03-08-16