

**REGULAR BOARD MEETING - BLOOMINGTON PUBLIC TRANSPORTATION CORPORATION (BPTC) MARCH 16, 2021, 5:30 P.M.  
MINUTES**

Chair Obermeyer convened the regular meeting of the Board of Directors of the Bloomington Public Transportation Corporation. The meeting was held electronically using a Zoom meeting accessed at:

<http://us02web.zoom.us/j/81233784077?pwd=emVid2NkZ1ZEYm5KdURZQINBTWhVUT09>

Meeting ID: 812 3378 4077  
Password: 029658

The Zoom meeting was also accessible at the following phone numbers:

(312) 626-6799

Meeting ID: 812 3378 4077  
Password: 029658

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**ROLL CALL**

Board Members and staff present: Chair Nancy Obermeyer, Vice Chair Kent McDaniel, Marilyn Hartman, Secretary James McLary and Board Member Doug Horn. Also present were Lewis May, General Manager, Christa Browning, Controller, Brenda Underwood, Director of Human Resources and Marketing, Zac Huneck, Planning and Special Projects Manager and Eli McCormick, Customer Service Manager/BT Access Manager.

Members of the Public: Brian Jones, INDOT, Dave Askins, B Square Beacon and Wendy Hall, SIHO

**PETITIONS AND COMMUNICATIONS ON NON-ACTION ITEMS**

Dave Askins, B Square Beacon, said that the governor or possibly the State Legislature could make meetings over zoom for public bodies no longer an option. The Monroe County Government is making plans to make arrangements so there will be a hybrid zoom portal available to the public to attend and possibly participate. He wanted to weigh in on that as he is in favor of access to meetings such as this via zoom even though the meeting itself might be taking place in person. It would allow him to attend two meetings at one time.

**MESSAGES FROM BOARD MEMBERS**

There was no comment from Board Members.

**MESSAGES FROM THE MANAGER**

Mr. May began the meeting with recognition of Al Cartwright for his years of service on the Board. Al served on the Board from 2004 to 2020 for 16 years of service that Al contributed to the organization and the community. We asked Al to attend tonight so that we can honor him for his service to the Bloomington Transit Board. The Board and staff honored Al and thanked him for his service to the Board. Al displayed the plaque that he was presented in honor of his service to the community. He thanked the Board and staff for the comments and the opportunity to be a part of a great organization.

Next, Mr. May noted that the average weekday ridership per month since the pandemic began is shown in the table below. Mr. May noted that we carried about 19.7 percent of what we carried in February 2020 on an average weekday as shown in the data that was included in the Board packet.

<b>MONTH</b>	<b>2020/2021 Average Weekday Ridership</b>	<b>2019 Average Weekday Ridership</b>
January	12,487	12,183
February	16,922	14,740
March (thru spring break)	10,736	9,618
March (post spring break)	1,503	14,746
April	1,266	14,081
May	1,399	5,651
June	1,913	5,051
July	1,990	4,779
August	2,630	8,213
September	3,627	17,028
October	3,562	16,672
November	3,039	14,494
December	2,147	11,656
January 2021	2,298	12,487
February 2021	3,330	16,922

Mr. May noted in President Biden’s speech to the nation on March 11 he directed states to make the vaccine available to all eligible adults by May 1, 2021. He also suggested the possibility that friends and families may be able to gather together by as early as July the 4<sup>th</sup>. Mr. May suggested a target date for resuming normalcy at Bloomington Transit could be somewhere around July the 1<sup>st</sup>. Mr. May solicited questions or comments from the Board on the possible target date. Vice Chairman McDaniel said he liked our approach looking at it month by month. Mr. McDaniel added, it is okay to have a target date but until we really understand the impact of the COVID-19 variants things could change and we just need to really be careful.

Mr. May said from a staff perspective we need 6 weeks advance notice. That gives us time to make announcements to the public, begin selling passes to the public, and resume normalcy. So, six weeks' notice from July 1 would be the May Board Meeting. We are potentially two months away from making a decision.

Secretary McLary asked what the thought is on the Route Optimization implementation. Mr. May said that we needed to know when IU was planning on returning to in-person classes. IU is tentatively targeting returning to in-person classes for the start of the fall semester which is in late August. Secondly, we needed to know when the new hospital was opening. It appears that they are on target to opening in November. Under the service changes we have a route that would be implemented that would provide service to the new hospital. Then the third thing is how many additional drivers are going to be needed to be able to implement the service changes and bring us up to a full level of service. We could do it with 10 additional part-time drivers and that would get us to our normal full service levels in the fall. If we also want to implement the service changes it would require an additional 1,500 hours which is the equivalent of an additional part-time driver. We would need about 11 part-time drivers in order to implement the service changes. We have not had much success in our recruiting efforts but in talking with staff we would like to push forward for another 30 days and see what the labor market brings to us. April is probably our drop dead date for making a decision whether we can go forward or not with the service changes. We are going to continue our efforts and report back to the Board in April as to how much success that we have had in hiring.

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Vice Chairman McDaniel asked if IU approved the service contract. They want to go back to in-person classes but if they don't approve our contract extension then we aren't going to need new drivers. Have there been discussions with IU? Mr. May said we haven't had any recent discussions we last talked with them in January and February about the addendum to our existing contract. The agreement was that we would get back with them in April when hopefully they would have a better idea of what the plan is for in-person classes.

Secretary McLary said his concern is that Mr. May will not be here after September and doing that transition is going to be a major effort. Board Member Horn noted it was interesting to him that he saw a wrap on an IU bus reaching out to the retirement community as a source for employees. Is that market something that you are after? Mr. May said it is and we have been successful reaching that market. We have a number of part-time drivers that have been working for us many years as a second career and also as a source of added income post-retirement. They enjoy the job and especially enjoy driving the routes that serve the students. We have a number of retirees and it is a good market for us and one that we have been successful with. Another question, when we talk about starting back up is every aspect of the adjustment something that will just begin again. Will our ridership change much if we began to work through a fare system again in the short order? Unless it is something that requires extensive changes in the other protocols. I would look for beginning revenue stream as soon as we can. Mr. May said it will not take much for us to resume the normal fare collection process. It is just a matter of taking a few signs down off of buses. We will need to do some preparatory maintenance on our fare collection technology on buses just to be sure it is in good working order since it hasn't been operating for the past year or so. That won't take very long but we need to get the word out to community. I would recommend about six weeks of advanced notice to the public and resuming fare collection at the first of the month. That would allow the public to purchase their passes and

be ready to go. We have had discussions with our driver union on this and we sought their input. The concern is if we resume fare collection we are going to have to do front door boarding again which means the public is going to be in closer contact with our drivers. We asked them if that presents any concerns. Their response was that they recommend we resume fare collection as soon as possible. They have noticed over the past year a marked increase in the homeless population that has been using the bus as a place of refuge. In some cases they have caused some difficulty for us in terms of behavioral and conduct issues. By resuming fare collection that might be a disincentive for people to use transit as a refuge.

Secretary McLary asked if Token Transit ready to go. Mr. May said we are negotiating the final elements and contract language. It is in the hands of our attorney and should be finished soon. Board Member Horn said would there be any other support on the Board this evening with a hard date for the resumption of fare collection regardless of how we might deal with other COVID protocols that we have in place. Secretary McLary noted he doesn't have any problems with it but Lew needs to give us the guidance when it is the time. Mr. May noted the reason he suggested July 1 as the possible target is again May 1 is the goal that the President announced opening up the vaccination up to all adults in the country. If indeed that happened that would give the community 2 months to get fully vaccinated and that offers a layer of protection. Board Member Horn said he is not suggesting we alter our protocols for that just suggesting that we begin to collect fares. Vice Chairman McDaniel noted he is not in any big hurry to start that because the amount of money we would be collecting with our reduced ridership is minimal.

Board Member Horn said his counter to that it would be one less thing we would have to adjust come July 1. We would have begun the fare collection process and that would be one less burdensome adjustment to make on a deadline date. He would just suggest that for consideration and perhaps June 1 that is 30 days ahead of the July 1 piece. Would that give us enough time to educate the public? Mr. May said if that decision is made by the April Board meeting we could make the June 1 date. Board Member Horn suggested that the Board consider it unless there is an objection can we put that on the agenda for April. Vice Chairman McDaniel said it is on the agenda every month. Board Member Horn said the protocols are and he is specifically discussing revenue streams. Secretary McLary asked if our daily ridership around 3,000. Mr. May said on a typical day when we are running full service we bring in about \$1,000 fare revenue on a daily basis. We are running about 20 percent so we are bringing in around \$200 per day. Secretary McLary said it could cost more than we getting in fare revenue. Board Member Horn said is that the history of why we stopped charging a fare. Mr. May said no the reason we have gone fare free coincided with the start of the pandemic. Board Member Horn asked with what goal in mind. Mr. May said goal was to reduce the exposure of the public to the drivers. We have been doing rear door boarding so the passengers aren't passing right next to the driver as they enter and exit the bus. They enter and exit through the rear door. We do make exceptions for people with disabilities and those that can't use the rear door due to the higher step. Mr. Horn noted he feels very reticent every month voting to not collect fares. Secretary McLary said the revenue that we collect is so small and the effort that goes into it just doesn't make sense. Until we get our ridership back up into the 8,000 to 10,000. Board Member Hartman said she thought it was interesting to hear that the drivers wanted to start the fare collection because of the impact on having homeless on the buses. It also impacts those individuals who otherwise would be wanting to ride the bus when your population who is riding may have a significantly large number of individuals who are just there because they are wanting to have a place to sit for a period of time.

Mr. May said when ridership is at normal levels we budget \$600,000 annually for fare revenue. Vice Chairman McDaniel noted when referring to normal ridership 70 – 75 percent of those people ride on a prepaid basis. The amount of money that goes in the fare box is minimal. Board Member Horn said that he understands but our service has value. If we are quote unquote not making money at least we are allowing the public to realize that this does have a value.

With respect to COVID-19 related actions, staff recommends the Board to pass a motion to the following actions between now and the April 20, 2021 board meeting:

- Continue operating both fixed route and BT Access service fare-free for the near term and re-evaluate on a monthly basis as local conditions change relative to the pandemic. Also, continue operating with rear-door boarding and alighting for ambulatory passengers so as to provide as much space as possible between the driver and customers. Non-ambulatory persons would be allowed to use the front doors for boarding and alighting.
  - Continue the closure of the Downtown Transit Center indoor passenger waiting area and restrooms to the public. We would continue to provide outdoor portable restrooms for the public at the Downtown Transit Center.
  - Continue with the closure of the Grimes Lane facility to the public.
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- Continue remote working for designated administrative and management employees.

Under New Business, Mr. May recommended that the Board consider approval of a motion to continue the current operating actions being followed in response to the continuing pandemic.

Next, Mr. May noted at the last board meeting the Board authorized us to negotiate an agreement for general legal services with the Rothberg law firm and we have done that over the last couple of weeks. In your Board packet you have a draft agreement for your consideration. The agreement includes a scope of work that has some specific topics that are related to transit matters, policy review, and procurement as needed. It outlines the fees for the different counsel or members of the law firm and what the billing rates would be. It is a three year base term with options to renew for up to two additional one year terms. There is language in it that allows termination for convenience with a 30-day's notice. There is also provisions for termination for cause immediately. Then our intent would be to continue using City legal counsel for routine and common matters. The things that are outside the expertise or knowledge base of the City we would refer to the outside legal firm. That would be done at the direction of the Board Chair, General Manager, or the BT Controller.

Board Member Hartman noted that the agreement accurately reflects what the intention of the Board is. It does include provisions for errors and omissions for the firm and sets out the rates. Vice Chairman McDaniel noted he has known Denny Logan of the firm for 30 years and he has represented Fort Wayne for 30 years and he probably knows more about the transit business than any lawyer in the state. Clearly their rates are a lot higher that what we are paying the City but they are about half as much as what some of the big firms in Indianapolis are asking for. He is

comfortable with the agreement. We have made it clear to them we don't anticipate necessarily using them but to have somebody in reserve just in case.

Secretary McLary said the language states "directed by the Board Chair, General Manager, or Controller" that implies that any one of them can call and say that we want legal services. He thinks at least two rather than an individual. Ideally I think we should expect any of those three to consult with the Board before they make a big decision. In the event that something happens and pops up really quick maybe we need that flexibility. Board Member Hartman said if it is something really important she trust the judgement of Controller Browning, Chair Obermeyer, and General Manager May. Secretary McLary noted it is a check and balance that he sees. Board Member Hartman said if things got out of hand we would certainly be made aware of it pretty quickly. It should be something that all three of them have the independent ability to do keeping in mind they each have different areas of responsibility. Board Member Horn asked with respect to the City attorneys as to what their level of expertise in various areas is. If they have any special certifications. If they are indeed "a legal authority" that we can look to for quality and advice. If we are going to make informed decisions about which attorney we are going to use. Should we get to know the attorney base that we have to understand if we are getting the level of help that we need even though we are only paying a quarter of the amount for it. Mr. May said he knows the expertise of the City attorneys but they will tell us very quickly if it's an area where they have expertise or don't. Mr. May noted that in fact he recently spoke with Philippa Guthrie who is the City Attorney and she actually agreed that it was a good move to go ahead and hire outside legal firm for this very reason. A matter could come up that falls outside City legal expertise. It is good to have a firm on hand and ready to go if we need it. Mr. May emphasized that the City attorneys we've used in the past have been great and will tell us if they have the expertise or not to handle it. Board Member Horn said that is helpful and it promotes the level of trust and openness between the three people who have been identified in the contract to be able to engage services. Vice Chairman McDaniel said our job as a Board is not to micromanage things but to hire good people that we trust and let them do their job. He is comfortable with how the contract is written with respect to who can engage the services of the outside legal firm. Mr. May said from a staff perspective we are not going to abuse this. We understand the significance of the cost involved. We are going to be very prudent and responsible before we begin discussions with the outside legal counsel. We realize that at \$375 an hour the cost can add up very quickly. Chair Obermeyer noted she would mostly be responding to issues that staff or Board members would have. Mr. May asked the Board to consider approval of Resolution 21-08 under New Business.

Next, Mr. May discussed the partially self-funded employee group health insurance plan. Wendy Hall from SIHO who serves as our third party administrator for our plan is with us tonight. Mr. May gave an overview of the group health insurance plan. SIHO has shared with us numbers on our claims experience over the past year as well as renewal costs for reinsurance. As it stands now, we expect to see a modest percentage increase in total expected costs compared to 2020-2021 plan year. This is our first increase in the past 4 years. In the Board packet is a summary of SIHO's various options that they shopped on our behalf. SIHO has made a projection on what our expected cost are for the upcoming plan year and renewal. They are projecting an increase in expected costs of 3.4 percent of the 2021-2022 plan year under the current option that we are using for the reinsurance with the \$40,000 stop loss for each employee. We are providing this information to the Board to see if there are any questions or

concerns. We will be having our monthly labor management meeting with the union and communicating the increase that we anticipate that will flow down to the employee contributions. We also want to continue our conversation with SIHO as we crunch the premium equivalents. We will come back to the Board at our April meeting looking for final action to continuation of group health insurance with the final increases to employee contributions.

Lastly, Mr. Huneck updated the board on the February Operating Statistics. He stated that the February fixed route ridership was down 81.7 percent compared to February 2020 due to the continuing COVID-19 pandemic.

BT Access ridership was down 61 percent in February compared to February 2020. Included in your packet are monthly statistics and performance for fixed route and BT Access service.

### **MESSAGES FROM THE CONTROLLER**

Controller Browning noted on the agenda for the Board's consideration and approval is Resolution 21-07; a resolution authorizing the issuance of a Request for Proposals for the procurement of transit management services and approving the evaluation criteria.

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Controller Browning noted on the agenda for the Board's consideration and approval is Resolution 21-09; a resolution authorizing the BPTC Chair to execute a grant agreement for 2021 with the Indiana Department of Transportation for financial assistance through the Public Mass Transit Fund under I.C. 8-9.5-6-4..

Controller Browning gave an overview of the FY 2020 financial packet. On the agenda is a motion to approve the FY 2020 financial packet.

Controller Browning gave an overview of the February Financial Report as included in the Board Packet.

### **PUBLIC COMMENT – ACTION ITEMS**

There was no comment from the public.

### **NEW BUSINESS – ACTION ITEMS**

Vice Chair McDaniel made a motion to continue operating fixed route and BT Access service fare-free through April 20, 2021; continued closure to the public of the indoor passenger waiting areas of the Downtown Transit Center and the Grimes Lane facility; and continued remote working for designated administrative and management employees. The motion was seconded by Board Member Hartman. The motion was approved unanimously.

Secretary McLary made a motion to approve the FY 2020 financial packet. The motion was seconded by Vice Chairman McDaniel. The motion was approved unanimously.

Secretary McLary made a motion to approve Resolution 21-07; a resolution authorizing the issuance of a Request for Proposals for the procurement of transit management services and approving the evaluation criteria. The motion was seconded by Vice President McDaniel. The motion was approved unanimously.

Board Member Hartman made a motion to approve Resolution 21-08; a resolution approving an agreement with Rothberg Law Firm for general legal services. The motion was seconded by Vice Chairman McDaniel. The motion was approved unanimously.

Vice Chairman McDaniel made a motion to approve Resolution 21-09; a resolution authorizing the BPTC Chair to execute a grant agreement for 2021 with the Indiana Department of Transportation for financial assistance through the Public Mass Transit Fund under I.C. 8-9.5-6-4. The motion was seconded by Secretary McLary. The motion was approved unanimously.

#### OLD BUSINESS

There was no Old Business.

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#### MINUTES

There no minutes for approval.

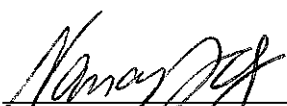
#### CLAIMS

The claims for March 16, 2021 were presented for approval by Vice Chairman McDaniel and seconded by Treasurer Horn. The claims were approved unanimously.

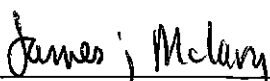
#### ADJOURNMENT

APPROVE:

ATTEST:

  
\_\_\_\_\_  
Nancy Obermeyer, Chair  
Board of Directors BPTC

05-18-21

  
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James J. McLary, Secretary  
Board of Directors BPTC

05-18-21