

**REGULAR BOARD MEETING - BLOOMINGTON PUBLIC TRANSPORTATION  
CORPORATION (BPTC) MAY 18, 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/82108632494?pwd=eWlzM2xWazlETUIFY2U5WE15WENrdz09>

Meeting ID: 821 0863 2494  
Password: 162317

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

(312) 626-6799

Meeting ID: 821 0863 2494  
Password: 162317

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**ROLL CALL**

Board Members and staff present: Chair Nancy Obermeyer, 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, Vice Chair Kent McDaniel.

Members of the Public: Barbara McKinney - City Of Bloomington Attorney, Andrew Coomer, J.Bailey, and Dave Askins

**PUBLIC HEARINGS**

A public hearing was held to receive public comment on the 2021 Proposed Program of Projects to be funded under 49 U.S.C. Section 5307, 5310, and 5339.

A public hearing was held to receive public comment on ordinance 21-01 which is an ordinance amending salary and wage rates of appointed officers and employees of the Bloomington Public Transportation Corporation, Monroe County, Indiana, for the year 2021.

Mr. May stated the first public hearing tonight is a routine matter that we do annually. It's a hearing to receive public comment on the 2021 proposed program or projects, which we would be funded by our regular federal funding sources which is section 5307, which is our formula funding, section 5310 which is for service related to persons with disabilities, and section 5339 which is the competitive bus and bus facilities program. It includes five capital projects, and one operating assistance project. He said these are all routine items that you will often see year to year, in our program of projects. The proposed program of projects was advertised in the Herald Times which we are required to do annually. He said we did solicit written comments on it from the public, there haven't been any written comments received on it.

Chair Nancy Obermeyer opened questions to the public. Andrew Coomer asked if there are any plans for chargers of some type. Mr. May stated there are going to be charging stations at the Grimes Lane facility and we will be doing overnight charging of the buses. He noted that the first electric bus has already arrived. The second one should be here tomorrow, charging stations are installed and functional. We are in the process of training maintenance staff on the vehicles and will be training emergency personnel later in the week on the vehicles and then training our operating staff on them. We expect to have the first two buses on the road probably in June or July. Andrew asked about changes to the route. Mr. May stated there are no changes anticipated as of now.

Mr. May stated the second public hearing tonight is to receive public comment on ordinance 2101 which is an ordinance amending salary and wage rates of appointed officers and employees of the Bloomington and Public Transit Corporation Monroe County, Indiana for the year 2021. At last month's meeting the board approved the various hiring initiatives, the employee referral initiative and the COVID-19 vaccination initiative. We are required to incorporate these into our 2021 salary ordinance. And so, and prior to the board approving any salary ordinance, we hold the requisite public hearing on that. The Public Hearing was advertised in the Herald Times 10 days ago. The revision the salary for 2021 would add a new \$3,000 hiring initiative for new employees that would be paid out over time after new employee reach certain milestones following completion of training. We would also increase the employee referral initiative from \$1,000 which is what it presently is to \$3,000 for any employee who refers an employee or applicant to us that we hire, and stays for a least a year. The salary ordinance revision would also include the new COVID-19 vaccinations incentive of \$100 that we would pay to our employees who provide us or submit documentation that they received their full course of vaccination shots.

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

There were no petitions and communication on non-action items.

#### **MESSAGES FROM BOARD MEMBERS**

There was no comment from Board Members.

## MESSAGES FROM THE MANAGER

Mr. May began with a discussion on updates for COVID-19 and where things stand. He noted that the average weekday ridership in April was 3,436. That was considerably above what we carried last April. Last April was the first full month of the pandemic. We are doing better than we were last April, but we're still considerably below what we would have been doing in non-pandemic times. April of last year we carried a little over 14,000 daily so we're only running around 25% of normal weekday ridership. We have seen a fairly steady decline over the last few weeks of positive COVID-19 cases locally in Monroe County. There's been a flurry of directives and rescinding of previous health orders in Monroe County by the County Health Department. Our Mayor has also rescinded his previous executive order which related to restrictions on gathering sizes in the city. The CDC now notes that fully vaccinated persons do not need to wear a mask or socially distance in most instances. The Biden administration has extended the mask order for public transit to continue through September. The Administration has said it still requires for people to wear a mask on transit buses through September. Almost all BT employees, admin and management employees have returned to the office from remote working. We have had no positive cases among BT employees since March. There's been only one case among BT employees from February 1 to the present.

Mr. May stated that 48% of employees have submitted for the vaccination incentive so far since you approved it at the last Board meeting. This is a very positive trend. Mr. May noted we have made it clear to our employees that the vaccinations are voluntary and not required to get it. Board Member Horn questioned if we can enforce mask wearing on public transit. Mr. May noted that now we are required to enforce mask wearing and we are enforcing it. The driver will ask the passenger to wear their mask or they have to get off the bus. If the passenger refuses we'll send a supervisor to attempt to persuade the passenger to get off. If that doesn't work we will call the police. Secretary McLary asked which takes precedent now, if the Governor has basically said mask are not required, and the Feds are saying that we must wear them on public transportation. Mr. May stated that Federal directives will always take precedence over state and local orders. Given that we're federally funded, we are required to abide by the administration's directive to enforce mask adherence on all public transit service.

Mr. May noted that tonight staff is seeking, in light of everything that has transpired especially in the recent weeks and months here, we're seeking direction from the board as to what additional information or data you would like or need to help you in making any decisions with respect to resumption of fare collection and front-door boarding, and re-opening of our downtown and Grimes Lane facilities. Mr. May added that staff has suggested a possible target date of July 1<sup>st</sup> for the resumption affairs and the opening of the facilities there. He said we would like to have 6 weeks advance notice so that we can publicize this to the public, begin selling passes, and prepare accordingly.

Vice Chair, Kent McDaniel questioned what the union's thoughts were with respect fare collection, front door boarding and opening the downtown transit center? Mr. May noted they have told us that their preferences to resume fare collection as soon as possible. Board Member Horn asked if Mr. May could review for them, what's happening across the state with these issues. Mr. May noted that most if not all urban transit systems across the state have resumed fare collection and opening up their facilities except for Columbus. He is not sure if they have

reinstated fare collection or not. All other urban systems that include places like Indianapolis, Lafayette, South Bend, Fort Wayne and Terre Haute have. Mr. May stated another thing staff recommends effective June 1<sup>st</sup> that we return all our designated admin and management staff to the office on a regular daily basis. Secretary McLary stated he is supportive of July 1<sup>st</sup> for the resumption of fare collection and front boarding. Chair Obermeyer stated she is good with it as well. The Board also expressed support for bringing the admin and management back to the office June 1<sup>st</sup>.

Mr. May noted we did hold a job fair recently and Brenda Underwood, Director of Human Resources and Marketing will share with you the results of the event. Brenda stated that we had a job fair on May 12<sup>th</sup> and 13<sup>th</sup>. She said we started at 9 and we ended at 6 on both days. She said we advertised on the radio, newspaper, television, social media outlets such as Facebook, Twitter and our website as well. Through all those efforts we received 20 applications. Nine (9) of those applications showed some potential for possible hiring. To date, we've begun normal screening for 3 of the applicants and will continue discussions with the other applicants. Brenda also noted that last week, the State issued an order reinstating requirements that Hoosiers receiving unemployment benefits must actively seek full time work, starting June 1. The governor also announced, starting June 19<sup>th</sup> Indiana will end its participation in all federally funded pandemic unemployment insurance program. After June 19<sup>th</sup> we will hold another job fair, but it will be scaled down somewhat.

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Brenda also reached out to a couple of personnel agencies, and both of them recommended a direct hire agreement, where they find us applicants and we hire them directly in exchange for a percentage of their estimated first year wages. She spoke to Apple Tree Staffing and theirs is 14%, Express Employment Professionals was 25%. On top of that we would pay out that \$3,000 sign on hiring incentive. She is hoping with the new unemployment changes coming, it will open up a lot more potential in getting applicants. Mr. May stated our goal was to hire 10. The reality is we would probably hire 20, if we had 20 good applicants. He noted that Lafayette recently was trying to hire 30 drivers and they managed to hire only 8. So it's challenging everywhere you go now. We wanted to update the Board on our progress from a month ago, we did make some progress we got nine applications that may or may not work out. We will have to do background checks, drug testing and driving record checks. We're hopeful the recent Governor directives will increase the number of applicants in the near future.

Mr. May noted we are proposing to introduce and adopt ordinance 21-01 tonight, which will revise the existing 2021 salary ordinance to add the \$3,000 hiring incentive, increase the employee referral from \$1,000 to \$3,000 and also add the new Covid-19 vaccination incentive of \$100. A copy of the Revised Salary Ordinance is included in your packet for consideration.

Mr. May noted that the 2021 proposed Program of Projects includes capital projects for replacement battery electric busses, charging stations and the installation of those charging stations. Other capital projects included are routine projects that are often included in programs of projects including capitalizing tires, engines and transmission rebuilds and major hybrid bus component replacement. We are able to capitalize those items at 80% using federal funding for those. You can see the amount we have included in the program or projects for that, about \$212,000 in 2021. We also have two replacement BT Access buses included as we were successful in winning a 5310 grant for this, which is 100% funding this year due to the

pandemic, so there is no local match required. We have \$149,000 for this project. About a year ago we won a 5339 competitive grant for replacement of our fare collection equipment, the Federal amount is \$1.125 million with a total of \$1.5 million including local match. This is a vitally needed capital project for us because the existing fare collection equipment is no longer made or supported by the manufacturer, we're beginning to have difficulty getting spare parts for it. We are going to need to replace that equipment soon. A summary of the proposed program of projects was included in the Board packet as shown:

<b>Capital Projects</b>	<b>Federal</b>	<b>Local</b>	<b>Total</b>
Four (4) Replacement Battery Electric Buses, Charging Stations and Installation of Charging Stations (section 5339)	\$3,200,000	\$800,000	\$4,000,000
Tires/Engine & Transmission Rebuilds & Hybrid Bus Components Replacement (section 5339)	\$170,331	\$42,583	\$212,914
Two (2) Replacement BT Access Vans (section 5310)	\$149,000	\$0	\$149,000
Replace Fare Collection Equipment (section 5339)	\$1,125,000	\$375,000	\$1,500,000
Grimes Lane Operations Facility Maintenance (section 5307)	\$40,800	\$10,200	\$51,000
<b>Subtotal Capital</b>	\$4,685,131	\$1,227,783	\$5,912,914
<b>Operating Projects</b>	<b>Federal</b>	<b>Local</b>	<b>Total</b>
Operating Assistance (section 5307)	\$2,388,809	\$2,388,809	\$4,777,618
<b>Total Capital &amp; Operating Projects</b>	<b>\$7,073,940</b>	<b>\$3,616,592</b>	<b>\$10,690,532</b>

Planning and Special Projects Manager ,Zac Hunneck has requested information for all fare collection vendors, asking and requesting as much information about fare collection equipment that's out on the market. The plan is to research and gather as much information on fare collection equipment that is on the market. We will use all that to develop the specifications in our procurement document that we will issue later this year.

We've included in the program of projects a facility maintenance project for our Grimes Lane facility. This item has been commonly included in recent program or projects. We have replaced boilers, for example, and we have replaced the roof of this facility with the grant funding. We have about \$51,000 for a capital project in this year program or project. With respect to operating assistance, we use most of our 5307 apportionment for operating assistance. This year's program of projects includes \$2.388 million for operating assistance and that funds 50% of the operating costs for both fixed route and BT access service. The total capital and operating on the federal side is just a little over \$7 million. It's matched with about \$3.6 million, and local funds, and the

total for the program or projects is about \$10.69 million dollars. So we have a resolution under new business for your consideration tonight. Assuming board approval. Controller Browning will insert these items into our grant application that will be submitted to the Federal Transit Administration and hopefully approved and the funding will be obligated so that we can move forward with it here soon.

Mr. May noted that the General Assembly recently adopted HEA 1437 in their regular session. It requires governing bodies to adopt a written policy, establishing procedures applying to board members participation in a board meeting by electronic means of communication. The governor's order or allowing the use of electronic means of communication in meetings expires May 31<sup>st</sup> of this year, which is the end of this month unless it's extended. We have asked our legal counsel Barbara McKinney to develop a draft policy for us. You have a copy in your board packet. Barbara is here to deal with any questions you might have. Mr. May noted the key elements of the policy as follows:

- Participation in meetings using electronic communication must allow participating Board members the ability to simultaneously communicate with each other.
- Participation in meetings using electronic communication must allow the public to simultaneously attend and observe the meeting.
- Board members who attend via electronic communication shall be considered present for purposes of establishing a quorum.

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- Board members who attend via electronic communication may participate in final action only if the member can be seen and heard.
- All votes taken during a meeting at which at least one member participates by electronic means must be taken by roll call vote.
- A Board member who plans to attend a meeting by electronic means shall notify the BPTC Chair and General Manager within 3 days before the meeting so arrangements can be made.
- At least 50% of the members must be physically present at a Board meeting at which a member will participate by electronic means. Not more than 50% of the members may participate via an electronic means of communication at that same meeting.
- A member may not attend more than 50 percent of the Board meetings in a calendar year by an electronic means unless the member's electronic participation is due to: (1) military service; (2) illness or medical condition; (3) death of a relative; (4) an emergency involving threatened injury to persons or property.
- A member may attend two (2) consecutive meetings by electronic means. A member must attend in person at least one (1) meeting between sets of meetings that the member attends by electronic means unless the member's absence is due to: (1) military service; (2) illness or medical condition; (3) death of a relative; (4) an emergency involving threatened injury to persons or property.
- The memoranda and any minutes prepared for a Board meeting at which a member participates by electronic means must: (1) identify each member was (A) physically present at the meeting; (B) participated in the meeting by electronic means; (C) was absent and (2) identify the electronic means of communication by which (A) members participated in the meeting; and (B) members of the public attended and observed the meeting, if the meeting was not an executive session.

- No member of the Board may participate by electronic means in a meeting if the Board is attempting to take final action to (1) adopt a budget; (2) make a reduction in personnel; (3) initiate a referendum; (4) impose or increase a fee; (5) impose or increase a penalty; (6) use the Board's eminent domain authority; (7) establish, raise or renew a tax.
- In the event In the event the governor declares a disaster emergency under IC 10-14-3-12 or the executive (as defined in IC 36-1-2-5) of a political subdivision declares a local disaster emergency under IC 10-14-3-29, the Board may meet by any means of electronic communication if the following requirements of IC 5-14-1.5-7 are satisfied: (1) At least a quorum of the members of the Board participate in the meeting by means of electronic communication; (2) The public is able to simultaneously attend and observe the Board meeting. However this subdivision does not apply to a Board meeting held in executive session; (3) The memorandum and any minutes prepared for the meeting held under this section must: (a) state the name of each Board member who (i) participated in the Board meeting by electronic means; (ii) was absent, and (b) identify the electronics means of communication by which: (i) members of the Board participated in the Board meeting; (ii) members of the public attended and observed the Board meeting, if the meeting was not an executive session. (4) All votes taken during a meeting must be taken by roll call vote.
- ~~At any meeting of the Board where any member participates by an electronic means of communication, members of the public shall be able to attend, observe, and, subject to the Board's rules for public comment, participate in the meeting via electronic means.~~
- At any meeting of the Board where any member participates in the meeting via electronic means, staff members may also participate in the meeting via electronic means, provided there is no actual need for a staff member to be physically present at a particular meeting. Such need shall be determined at the sole discretion of the Chair of the Board.

Mr. May noted since the Governor may not extend the emergency order beyond May 31<sup>st</sup>, we would need for the board to adopt a policy tonight, so that we have it in place and are prepared for the possibility of having to at least a majority of the board present for the June meeting.

Board Member Horn questioned the public participation and wanted to make sure they would be heard and in order. Is there a priority given to public in person or public. Mr. May noted that we do have public comment policy that the board adopted a number of years ago. It is fairly simple and it governs how public comment is handled.

Mr. May stated the next thing on the agenda, he wants to return to the conflict of interest resolution matter that we talked about at the last board meeting. The context of this is the city has a new deputy mayor, Don Griffin. Mr. Griffin has personal business interests that include Griffin Realty Holdings LLC. The city has asked boards and commissions to adopt the resolution that, in which BT would agree not to engage the services of Griffin Realty Holdings and not to engage Mr. Griffin for any related services at our last board meeting.

Board Member Horn stated since the last meeting he has given this some additional thought. He stated he would like to look into this a little deeper. He said he thinks the board has an obligation to look at the issue from our separated position with the City Of Bloomington and have a little broader understanding and policy on the issue. Mr. May stated it is about perception and the City's intent behind this resolution was it could be perceived that the deputy Mayor could in this case could have a position of authority over BPTC, or perhaps over other boards and commissions. The reality is, the Deputy Mayor really doesn't have that point of authority over BPTC, however to avoid the perception of any impropriety, the City is asking BPTC to consider adopting this resolution. Mr. May shared a page from the BPTC personnel policies and employee handbook which summarized our current policy how conflict of interests are handled for BPTC employees. After further discussion by the Board, it was agreed to continue consideration of Resolution 21-10 until a future board meeting.

Zac Huneck, Planning and Special Projects Manager, noted that fixed route ridership was up 169 percent in April 2021 compared to April 2020. The gradual recovery from the pandemic was the reason for the increase and the fact that we are comparing against one of the worst months (April 2020) of the pandemic. BT Access ridership was up 373 percent in April 2021 compared to April 2020.

#### **MESSAGES FROM THE CONTROLLER**

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Controller Browning gave an overview of the April Financial Report as included in the Board Packet. Controller Browning noted operating expenses of \$586,856 in April bringing our year to date operating expenses to \$2,162,745. She said we had a few capital expenditures in April, we had two transmission rebuilt. We also purchased a new bus shelter. Operating cash at the end of April was \$9,303,480. Our health self-insurance cash balance was \$312,297. Last month we had \$79,000 in medical claims. We had a few big claims but hopefully we'll see health self-insured reserves increase.

Secretary McLary noted that we've issued the RFP with respect to seeking proposal for transit management services and we received three proposals. We have done an initial review, and we're now doing references checks, and hopefully we'll have something back that the board could review at the next meeting.

#### **PUBLIC COMMENT – ACTION ITEMS**

No messages from the public.

#### **NEW BUSINESS – ACTION ITEMS**

Secretary McLary made a motion to continue fare-free service and closures of the downtown transit center and Grimes Lane facilities through June 30, 2021 and approve the resumption of fare collection and front door boarding, and re-opening of the downtown transit center and



Grimes Lane facilities on July 1, 2021. It was seconded by Vice Chair McDaniel. The motion was approved unanimously.

Secretary McLary motioned to discontinue remote working for all administrative and management employees effective June 1, 2021. The motion was seconded by Vice Chair McDaniel. The motion was approved unanimously.

Ordinance 21-01: and ordinance amending salary and wage rates of appointed officers and employees of the Bloomington Public Transportation Corporation (BPTC), Monroe County, Indiana for the year 2021 - Introduction and Adoption. Vice Chair McDaniel made a motion to introduce and adopt Ordinance 21-01 and Board Member Horn seconded it. The motion was approved unanimously.

Resolution 21-14: a resolution adopting the final CY2021 Program of Projects to be funded under 49 U.S.C. Sections 53077, 5310 and 5339, and authorizing the BPTC Chair to file and execute grant assurances and the grant contract. Secretary McLary made a motion to approve the final CY2021 program of projects as proposed by staff and Vice Chair McDaniel seconded it. The motion was approved unanimously.

Resolution 21-15: a resolution establishing the policy by which members of the Bloomington Public Transportation Corporation Board of Directors (BPTC), BPTC staff and members of the public may participate in board meetings by electronic means of communication. Board member Horn made a motion to approve Resolution 21-15. Secretary McLary seconded it. The motion was approved unanimously.

### **OLD BUSINESS**

Resolution 21-10; a resolution relating to potential conflicts of interest related to the City of Bloomington Deputy Mayor. Secretary McLary motioned to continue Resolution 21-10 for discussion at a future board meeting. The motion was seconded by Board member Horn. The motion was approved unanimously.

### **MINUTES**

Secretary McLary made a motion to approve the March 16, 2021 meeting minutes. The motion was seconded by Board Member Horn. The motion was approved unanimously.

### **CLAIMS**

The claims for May 18, 2021 were motioned for approval by Secretary McLary and seconded by Board Member Horn. The claims were approved unanimously.

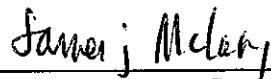
ADJOURNMENT

APPROVE:

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

06-15-21

ATTEST:

  
\_\_\_\_\_  
James J. McLary, Secretary  
Board of Directors BPTC

06-15-21