



**MEETING OF THE
BOARD OF COMMISSIONERS OF
CAPITAL AREA TRANSIT SYSTEM
AND
PUBLIC TRANSPORTATION COMMISSION
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AND
PUBLIC TRANSPORTATION COMMISSION
MAY 17, 2016
4:30 p.m.
BREC Administration Building
6201 Florida Boulevard
Baton Rouge, LA 70806**

MINUTES

I. CALL TO ORDER: Mr. Jim Brandt

Mr. Brandt called the meeting to order.

II. ROLL CALL

All members were present, namely Messrs. Brandt, Breaux, Cutrera, O’Gorman, Perret, and Mss. Barrett, Collins-Lewis, Pierre, and Perkins. Also present were Mr. Bill Deville, Interim CEO; Mr. Conner Burns, CFO; Mr. Don Palmer, COO; other CATS staff; Wendell Lindsay and Creighton Abadie of Lindsay & Abadie, A.P.L.C., CATS attorneys; and members of the public.

III. INVOCATION

Ms. Perkins gave the invocation.

IV. APPROVAL OF MINUTES OF APRIL 18, 2016 AND APRIL 19, 2016, MEETINGS

Ms. Collins-Lewis moved to approve the minutes of the April 18, 2016, and April 19, 2016, board meetings and Ms. Barret seconded. The motion was unanimously approved.

V. ADMINISTRATIVE MATTERS:

1. CEO Report: Mr. Bill Deville

Mr. Deville mentioned the highlights of his written report contained in the members' packets. He noted CATS made the following departmental hires in April: Administration – 1, Customer Care – 1, Security – 1 Police Officer, Operations – 7 Operators, 2 Supervisors, and 1 Dispatcher; CATS has secured Medicaid reimbursement at \$20 per ride and DHH will retroactively pay all manifests dating back to December 1, 2015, the FTA Triennial Review visit is scheduled for May 25th and 26th; CATS is working on the following grant applications: LO-NO Emission Program Grant, Bus and Bus Facilities, Gillig Hybrid Buses, and Asset and Asset Replacement; RouteMatch is onsite this week working to implement and test various updates that will allow customers to create profiles and select routes for which they want to receive updates, and new software features that will enhance the ability to monitor vehicles on a route; Schedule Committee has been created to review the current run cut for inefficiencies, and there have been several meetings; the next run cut is tentatively planned for early July 2016, and we are looking to make enhancements to schedules and running times; CATS is working on the development of new service standards to focus on unproductive routes; we have implemented the following maintenance measures and campaigns: running multiple bus campaigns to identify and fix commonly reported problems, working with Maintenance Managers and communicating with the ATU and looking at changing back to two work shifts; we are investigating a bus replacement strategy; Operational Safety and Review Committee was created and the first meeting will be held May 16th; a decision was made to go forward with Cortana Mall adjacent to Virginia College transfer hub location, rather than the old Dillard's auto repair building; LSU has reconsidered their position and may be willing to sell the land near the LSU Urgent Care that CATS may be able to use as the transfer hub for North Baton Rouge; there were talks between Mr. Deville and John Fregonese to continue to seek a permanent downtown transit hub, and the relocation of the current temporary downtown hub located adjacent to the Old State Capitol to the Terminal due to scheduled construction for the downtown project may be further delayed to the end of 2016.

In the Measures of Success, the following updates were provided: #1: On-Time Performance – 77% for the month; #2: Shelter Completion – 17 complete shelters and 3 on hold; #3: Transit Hubs – goal is two to build by the end of the year; #4: Fleet Upgrade – four delivered in mid-October and eight delivered in mid-December; and #5: Route Productivity Measures (service standards) – staff has prepared a draft of service standards that are being finalized.

Mr. Deville reported there were 221,431 trips in April and 897,149 year-to-date. There were 65 complaints, and the on-time performance was 77%. The complaints break down as follows: courtesy – 8; facilities/maintenance – 12;

passed up – 10; performance –24; safety – 10; IT/website issues – 1. It is important to note that complaints are now received and collected differently than previously and there are 65 complaints from 221,431 trips for the month, a percentage of 0.0293%.

Mr. Brandt shared with that there is a new method for public comments that will help formalize the process. Lauren Greenlee, Customer Care Manager, will be stationed to provide comment cards to anyone wishing to speak at the meetings.

2. Financial Statements: Mr. Conner Burns

Mr. Burns announced that there was a federal pull for grant money in April for \$802,000, and there will be more done in May. He noted that the second half of the year is typically when there are more pulls done. He shared that there was an over-pull of property tax funds in April that was planned; there were three payrolls and some payouts that all came in April.

Mr. Burns described the highlights of the written report contained in the members' packets showing the status of grants. The balance of grant funds remaining was \$5,538,036.

He then discussed the highlights of the financial statements. The 2016 year-to-date property tax monies received was \$16,124,870, and the amount expended from that source was \$6,148,856. April operating revenues were \$195,621, and governmental revenues were \$2,796,517 for a total source of funds of \$2,992,138. The total direct operating expenses were \$2,721,448.

Mr. Burns shared the following comparison of April operating revenues: 2016 - \$195,621; 2015 - \$203,951; 2014 - \$145,000; 2013 - \$171,000; 2012 - \$177,000.

The year-to-date operating expenses break down as follows: Operations – 49%, Maintenance – 22%, ADA – 10%, Administration – 12%, Customer Care/Facility – 4%, Security – 2%, and Project Administration – 1%.

VI. PRESIDENT'S ANNOUNCEMENTS

Mr. Brandt announced that HB958 was in the Appropriations Committee on Monday, and it was voluntarily deferred by Representative C. Denise Marcelle. He thanked all that were in attendance to voice their opposition to the bill, including representatives from the New Orleans and Jefferson Parish transit unions, the International and Local ATUs, and the AFL-CIO. Adam Knapp and Logan Anderson from the Baton Rouge Area Chamber and Mayor Holden sent word of their opposition.

VII. COMMITTEE REPORTS AND ANY ACTION THEREON

1. CEO Search Committee: Mr. Ken Perret

Mr. Perret shared that the notice began running on May 8th and would run until June 20th, the deadline for applications to be submitted. There is coverage both statewide and industry-wide for the notice, and there have been approximately 20 applications to this point. There will be an initial meeting in June once all the applications are received and the committee will begin the process of culling the submissions. Once there are three final candidates remaining, they will be brought to Baton Rouge for an in-person interview.

2. **Finance and Executive: Mr. Brandt**

Mr. Brandt referred the members to the minutes of the committee's May 12th meeting in their packets. He shared the highlights of the meeting and noted action items would be discussed later in the meeting. He let the board know that each of the action items was recommended for approval by the Committee.

3. **Technical, Policies and Practices: Dr. Peter Breaux**

Dr. Breaux noted the committee did not meet.

4. **Audit: Mr. O'Gorman**

Mr. O'Gorman noted the committee did not meet.

5. **Planning: Mr. Perret**

Mr. Perret noted the committee did not meet. He shared that CATS needs to discuss the finalization of the strategic plan and he plans to have a meeting in June.

6. **Community Relations: Ms. Linda Perkins**

Ms. Perkins noted the committee did not meet.

Mr. Morgan Landry, Reliant's Baton Rouge Operations Manager, reported that Reliant provided 7,413 completed rides in April, 95% were on-time, the total hours were 4,646.7 and there were two valid complaints.

VIII. ACTION ITEMS

1. **Approve adding Bill Deville as signatory and removing Bob Mirabito for all Whitney/Hancock Bank accounts**

It was noted that this was procedural and required by the bank to both add Mr. Deville and remove Mr. Mirabito as authorized signatories for checks.

Mr. Brandt invited public comment and there was none. Mr. Cutrera moved that William J. Deville be authorized to sign checks on behalf of CATS for all Whitney/Hancock Bank accounts, that Robert J. Mirabito's authority to sign checks on behalf of CATS for all Whitney/Hancock Bank accounts is hereby

revoked, that William J. Deville is hereby authorized to execute all documents required by Whitney/Hancock Bank to effectuate these changes, and that the "Resolution of a State or Local Government Operating Under Authority of a Board, Council, or Other Type of Governing Body" attached hereto as Exhibit A as redacted is hereby adopted. Ms. Perkins seconded the motion, and it carried unanimously.

2. Approve disposal of 12, 35-foot Gillig buses; 5, 24-foot cutaway vans; and 6 Dodge Caravans

It was noted that all these vehicles have reached and/or exceeded their useful life. Removing these vehicles will also lower the spare ratio to assist in meeting FTA requirements.

Mr. Brandt invited public comment and there was none. Mr. Perret moved to approve the following resolution:

**RESOLUTION OF BOARD OF COMMISSIONERS OF
CAPITAL AREA TRANSIT SYSTEM DECLARING CERTAIN
VEHICLES AS SURPLUS PROPERTY**

BE IT RESOLVED that the following vehicles are declared surplus property and that the Interim CEO of Capital Area Transit System (CATS) is authorized to have the vehicles sold at auction:

DESCRIPTION	SERIAL NUMBER
1997 Gillig Phantom Coach 105	15GCB2111V1088206
1997 Gillig Phantom Coach 108	15GCB2117V1088209
1997 Gillig Phantom Coach 110	15GCB2115V1088211
1997 Gillig Phantom Coach 112	15GCB2110V1088312
1997 Gillig Phantom Coach 113	15GCB2115V1088323
1997 Gillig Phantom Coach 116	15GCB2110V1088326
1997 Gillig Phantom Coach 117	15GCB2112V1088327
1997 Gillig Phantom Coach 118	15GCB2114V1088328
1997 Gillig Phantom Coach 119	15GCB2116V1088329
1998 Gillig Phantom Coach 121	15GCB2114W1088515
1998 Gillig Phantom Coach 123	15GCB2118W1088517
2003 Gillig Low Floor Model #128	15GGB181131073560
2008 GM Champion Challenger ADA #57	1GBE4V1978F415429
2008 GM Champion Chevrolet C4500 #65	1GBE4V19X8F401282
2008 GM Champion Challenger ADA #68	1GBE4V1978F415517
2008 GM Champion Challenger ADA #69	1GBE4V1978F415589
2008 GM Champion Challenger ADA #70	1GBE4V1988F415018
2010 Dodge Entervan/Caravan #71	2D4RN4DE2AR420505
2010 Dodge Entervan/Caravan #72	2D4RN4DE4AR420506
2010 Dodge Entervan/Caravan #73	2D4RN4DE6AR420507
2010 Dodge Entervan/Caravan #74	2D4RN4DE6AR412651
2010 Dodge Entervan/Caravan #76	2D4RN4DEXAR412653

Ms. Barrett seconded the motion, and it carried without objection.

3. Authorize the CEO to execute a new legal services contract with Lindsay & Abadie, APLC

Mr. Deville shared that this has been budgeted and the staff wants to continue the relationship.

Ms. Collins-Lewis moved that the Interim CEO is authorize to enter into a three year contract with Lindsay & Abadie, APLC for legal services, beginning May 18, 2016, that includes the following fees and rates, and that includes other such terms as the Interim CEO deems appropriate:

Lindsay and Abadie Price and Fee Schedule		
Service Description (Contract Period May 18, 2016 to May 17, 2019)	1st & 2nd year Negotiated Rates	3rd year Negotiated Rates
Attorneys with greater than 10 years of experience	\$ 195.00	\$ 200.00
Attorneys with 5 to 10 years of experience	\$ 175.00	Same as 1 st & 2 nd year
Attorneys with 3 to 5 years of experience	\$ 150.00	Same as 1 st & 2 nd year
Attorneys with less than 3 years of experience	\$ 125.00	Same as 1 st & 2 nd year
Hourly Para-Legal rate	\$ 60.00	Same as 1 st & 2 nd year
Law Clerks rate	\$ 40.00	Same as 1 st & 2 nd year
Printed Copies (per page fee)	\$.25	Same as 1 st & 2 nd year
Electronic Research (per minute fee)	\$2.00	Same as 1 st & 2 nd year
Fax /Long Distance Calls	N/A if less than \$5	Same as 1 st & 2 nd year
Out-of-Pocket Direct Expenses (with receipts)	Actual	Same as 1 st & 2 nd year
Retainer Fee (per month fee)*	\$1,400.00	Same as 1 st & 2 nd year
* <i>Retainer Fee - Includes attendance and representation at CATS monthly Board Meetings and Board Committee Meetings (as requested) and general communications such as phone calls, emails, etc., with CATS Staff and Board Members for items that have not ripened to the point of opening a file, irrespective of the amount of time required. The time spent on this type of communication is estimated to be at a minimum of 10 hours per month.</i>		
<i>Note: All proposed rates are under the LA Attorney General approved Maximum Hourly rates for professional services</i>		

Ms. Perkins seconded the motion. Mr. Brandt invited public comment and there was none. The motion then carried unanimously.

4. Approve increase in Public Relations and Related Services contract with Covalent Logic

Mr. Brandt noted that this is essentially a change order for the contract that began in September 2015. The efforts of Covalent were redirected by the staff in early 2016, which is the reason for the increase requested.

It was noted that there would be a more thorough contract once this first year is complete. After some discussion, it was clarified that the Board President and the CEO

are the spokespeople for the agency, and there is not a need to have a firm speak for the agency. Mr. Brandt invited public comment and there was none. Ms. Barrett moved the approval of the following resolution. The motion was seconded by Mr. Perret:

**RESOLUTION INCREASING COMPENSATION
TO COVALENT LOGIC**

BE IT RESOLVED by the Board of Commissioners of Capital Area Transit System that the Interim CEO is authorized to enter into a change order with Covalent Logic to amend the original contract between CATS and Covalent Logic to increase the total compensation that may be paid to Covalent Logic under the contract by \$16,000.

The motion carried unanimously.

5. Approve amendment to the Settlement and Judgment Payment Policy adopted by the Board of Commissioners with respect to the payment of property damage claims.

Mr. Abadie shared that the current amount is \$10,000; this means that any property damage claims under \$10,000 are paid in full at one time, and any claims over \$10,000 will be paid quarterly until they are completed. The recommendation is to raise the ceiling to \$50,000, and this is based on the research done by both legal counsel and Brown Claims. This would cover claims that are currently pending but would not be retroactive to past claims. It was stressed that this covers property damage claims only and does not impact the bodily damage claims. Mr. Abadie let the board know that the policy was created in 2005 and has not been amended in the eleven years since its creation.

Mr. Brandt invited public comment and there was none. Ms. Perkins moved to approve the following resolution and Ms. Pierre seconded:

**RESOLUTION OF CATS BOARD OF COMMISSIONERS AMENDING
THE EARLIER-ADOPTED PROCEDURE FOR PAYING
SETTLEMENTS AND JUDGMENTS**

BE IT RESOLVED by the Board of Commissioners of Capital Area Transit System that it hereby amends the resolution it originally adopted on July 20, 2004, as amended, providing a procedure for paying settlements and judgments by amending the language appearing under the heading of "TYPE OF CLAIMS COVERED BY THIS POLICY" to read as follows:

TYPE OF CLAIMS COVERED BY THIS POLICY

This policy and procedure applies to personal injury and property damage tort claims, including general liability, vehicle liability, and general tort liability. Claims for workers' compensation benefits are excluded.

Management in its discretion shall have the authority to pay in a lump sum any one claimant's property damage expenses, including expenses for rental vehicles, up to

\$50,000 and the payment of such expenses shall not be subject to or included in the settlement payment procedure described below. Payment of any such expenses in excess of \$50,000 shall be paid over time subject to the settlement payment procedure described below, including the requirement of Paragraph 6 of such procedure relating to approval by the CATS Board of Commissioners.

The motion carried without objection.

IX. PUBLIC COMMENTS

There were no public comments.

X. ADJOURN

Ms. Perkins moved to adjourn the meeting. Ms. Collins-Lewis seconded, and the motion carried unanimously.

RESOLUTION OF A STATE OR LOCAL GOVERNMENT OPERATING UNDER AUTHORITY OF A BOARD, COUNCIL OR OTHER TYPE GOVERNING BODY

Whitney Bank

Branch Name: IL08 921

Name/User ID: JKees

Capital Area Transit System

Name

2250 Florida Blvd

Address

Baton Rouge, LA 70802

City, State, and Zip Code

A. We, the undersigned, certify that: we are the President and Secretary/Clerk of the above-named State or Local Government (hereinafter referred to as the Governing Authority) duly created, organized, and operating under the Constitution and Laws of the State of LA, Federal Employer ID Number 72-0755868, and; that the following is a true, correct, and certified copy of a resolution adopted at a meeting of the Governing Authority, properly called and duly held on _____ and; that this resolution has been properly entered into the minutes of the Governing Authority, having not been modified or rescinded.

B. To be resolved that:

- (1) The Financial Institution named above is designated as a depository for the funds of this Governing Authority;
- (2) This resolution shall continue to have effect until express written notice of its recession, modification, or cancellation has been received and recorded by this Financial Institution;
- (3) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Governing Authority with this Financial Institution prior to the adoption of this resolution are hereby ratified, approved and confirmed;
- (4) Any of the persons named below, so long as they are acting in a representative capacity as agents of the Governing Authority, are authorized to ~~waive any and all contracts, agreements, stipulations and orders which they may deem advisable and necessary to open an Account(s) with the Financial Institution and for the effective exercise of powers over said account(s) for the transacting of all business concerning funds deposited in, moneys borrowed from, or other business transacted by and between this Governing Authority and said Financial Institution and;~~ to endorse checks and orders for the payment of moneys and withdrawal of funds on deposit with this Financial Institution, subject to any restriction(s) stated below. The Governing Authority agrees to, shall be bound by, and otherwise be liable for, the terms and conditions of all such contracts, agreements, stipulations and orders. It shall be the responsibility of the Governing Authority to provide written notice to this Financial Institution should the authority of any of the agents it has so authorized to transact business on its behalf has been terminated. This Financial Institution shall incur no liability for acting in good faith upon the representations of said agents until such notice is properly given;
- (5) Any and all prior resolutions adopted by this governing authority and certified to this Financial Institution as governing the operation of the Governing Authority's account(s), are in full force and effect, unless supplemented or modified by this authorization;
- (6) The Governing Authority agrees to the terms and conditions of any account agreement, properly opened by any authorized representative of the Governing Authority and authorizes the Financial Institution named above, at any time, to charge the Governing Authority for all checks, drafts, or other orders, for the payment of moneys, drawn on the Financial Institution;

C. Print the name(s) and title(s) of any person who is authorized to exercise the powers listed below:

Jeanette Eckert

Donald J Palmer

F Conner Burns, Jr

William J Deville

D. I further certify that the Governing Authority has, and at the time of adoption of this resolution did have, full power and lawful authority to adopt the foregoing resolution(s) and to confer the powers granted to the person(s) named herein;

IN WITNESS WHEREOF, we have hereunto affixed our signatures as of _____ (date).

President

Secretary/Clerk

Printed Name

Printed Name