



**MEETING OF THE
BOARD OF COMMISSIONERS OF
CAPITAL AREA TRANSIT SYSTEM
AND
PUBLIC TRANSPORTATION COMMISSION
MAY 21, 2019
4:30 p.m.
BREC Administration Building
6201 Florida Boulevard
Baton Rouge, LA 70806**

MINUTES

I. CALL TO ORDER: Ms. Erika Green

Ms. Green called the meeting to order.

II. ROLL CALL

Present at the meeting were members Messrs. Brandt, Breaux, and Lambert and Mss. Green, Perkins and Pierre. Also present were Mr. Bill Deville, CEO; Mr. Darrell Brown, CAO; other CATS staff; Creighton Abadie, CATS attorney; and members of the public.

III. APPROVAL OF MINUTES OF APRIL 16, 2019 MEETING

Mr. Brandt moved to approve the minutes of the April 16, 2019, meeting and Ms. Perkins seconded the motion. Ms. Green invited public comment and there was none. The motion passed unanimously with no abstentions.

IV. PRESIDENT'S ANNOUNCEMENTS

Ms. Green noted there were no announcements.

V. SAFETY MOMENT

Ms. Simpson shared a safety moment centered on computer eye strain prevention.

VI. ADMINISTRATIVE MATTERS

1. Executive and Financial Report: Mr. Bill Deville and Executive Staff

Mr. Jim Fight shared that the agency organized a roundtable with community workforce stakeholders that is part of the broader initiative to create a pipeline for local talent. There were representatives from various workforce agencies, BRCC, and several youth outreach programs. Also in attendance were CATS Board members Antoinette Pierre and Linda Perkins.

CATS is planning a job fair to recruit for maintenance and operations positions. The fair, Behind the Wheel, will be held at the Automotive Campus of BRCC on Tuesday, June 4th from 12:00 until 6:00 p.m. The agency will have CATS staff on hand to conduct on-the-spot interviews with the hope of hiring operators and mechanics as quickly as possible. Human Resources and Communications are working together to produce materials to distribute prior to the event, and there will be radio spots promoting the job fair as well.

Ms. Dwana Williams shared that, in Operations, there are currently 134 active operators. There are 13 inactive operators due to workers' compensation, light duty, and FMLA.

Ms. Williams noted that CATS had 201,647 passenger trips in April. There were 1.4 preventable accidents per 100,000 miles, and 827 trips cancelled of the approximately 33,000 trips for the month. The percentage of on-time trips was 64.49%, there were 42.2 complaints per 100,000 miles, and there were 7,583 mean miles between road calls for the month.

Mr. Deville reported that CATS was invited to attend the May 8th Baton Rouge North Economic Development District "Transportation Drives Economic Development" luncheon panel discussion. The event was part of the BRNEDD's week of events highlighting the North Baton Rouge area. CATS Board Vice-President Erika Green was the moderator for the panel discussion. CATS Board Treasurer Kahli Cohran and Bill Deville joined Dr. Shawn Wilson, Secretary of LaDOTD; Mike Edwards, Director of Aviation/BTR; Bryan Jones of HNTB; and Kelvin Hill, East Baton Rouge Parish Assistant CAO as panelists for the discussion.

CATS was invited to participate in the stakeholder group meeting regarding the Baton Rouge Zoo and Greenwood Community Park

Master Plans that involved various scenarios for transportation to and from both venues.

The agency was also invited to attend and present a CATS status report to the members of the Mid-City AARP Group that is represented by members from across Baton Rouge. The meeting was well attended, enthusiastic, and they had lots of questions.

Mr. Rose let the board know that Planning has submitted its Five Year Program of Projects for inclusion in the June 2019 TIP/STIP.

The Planning and Grants staff met with Pierlott & Associates to review information requested by the FTA for the Triennial Review that is scheduled for August 7-8th in Baton Rouge.

The Planning staff is scheduled to meet with Our Lady of the Lake staff to discuss CATS service to the new hospital campus.

Planning continues to refine the FTA FY2019 grant award applications.

Mr. Deville let the board know that, regarding the Cortana-Walmart Transit Center, Operations has successfully and safely relocated its service stops and shelters from the Walmart side to the Mall side of Cortana Place. Kelly Construction continues to work with DPW to resolve traffic and safety issues. Demolition of the site is underway. Safety fencing and debris controls are in place, along with construction equipment and a construction trailer. Further demolition of the Oak Villa Street side is pending approval of the traffic and safety plan.

CATS and the City-Parish are currently in discussion to review additional cost requests to cover the NEPA (National Environmental Protection Act) study for the Plank Phase One and Plank-Nicholson Phase Two projects. Once additional funding has been approved, CATS and HNTB will prepare support documentation to secure environmental clearance for the Plank and Plank-Nicholson projects. A Categorical Exclusion is anticipated permitting both phases to proceed.

Mr. Deville shared the statement of budgeting versus actual and noted that year-to-date, CATS had \$8,599,860 in total operating expenses. For the current month, there was \$2,149,179 in total operating expenses. There was \$301,227 in CATS generated revenue, \$2,269,150 in non-federal subsidies, and \$2,996,138 in federal subsidies.

VII. COMMITTEE REPORTS AND ANY ACTION THEREON

1. Finance and Executive: Mr. Jim Brandt

Mr. Brandt gave the report for Mr. Bellue and referred the members to the minutes of the committee's May 16th meeting in their packets. He shared the highlights and noted that the action items would be considered later in the meeting.

2. Technical, Policies and Practices: Dr. Peter Breaux

Dr. Breaux noted the committee did not meet.

3. Audit: Mr. Cohran

Ms. McNaylor noted that the committee did not meet but would be meeting in June to receive the audit.

4. Planning: Mr. Kevin O'Gorman

It was noted that the committee did not meet.

5. Community Relations: Ms. Linda Perkins

Ms. Perkins referred the members to the minutes of the committee's May 15th meeting in their packets and shared the highlights of the meeting.

Mr. Bryan Basford of MV Transportation noted that there were 7,785 scheduled trips in April; of those, 572 were cancellations and 366 were no-shows for a total of 6,847 completed trips. There were 12 complaints for the month and the on-time percentage was 87.3%. There were 5 road calls for the month of April.

Mr. Basford shared that MV recently updated its technology packet from One MV to Trapeze; this was done because the demand outgrew the capacity of One MV, and this was done at no additional cost to CATS.

It was noted that CATS is updating its CATS On Demand policy that will reflect a more strict policy surrounding no-shows.

VIII. PENSION SYSTEM UPDATE: Mr. Jim Brandt

Mr. Brandt gave an update on the pension system. He noted that it is governed by a separate board that is comprised of four members: two are selected by the ATU – Mr. Al Weeden and Mr. George Decuir – and two are selected by the agency – Mr. Tom Hanlon and Mr. Brandt.

The pension board oversees the assets and investments and also sets policies and procedures for the administration of the benefits for the pension.

G.S. Curran, Limited is the private contractor to provide administrative staffing for the pension fund and as the actuarial consultant. Edward James is the investment advisor for the pension fund.

The pension board received its annual update last month and the pension is healthy, strong, and well positioned for the future. This system is 105% funded. There are no unfunded accrued liabilities for the system.

A 2% cost of living increase has been unanimously approved for the members of at least one year. This is the first since 2007 and it is fully funded by employee (7%) and employer (8%) contributions.

The ten year average rate of return is 7.8% even though there was a loss in 2018.

There are more than \$14 million in assets and more than 200 active members. Moving forward, the pension board unanimously voted to lower the returned rate of return to 5.75%. This keeps the pension from relying on excessive rates of return.

Mr. Brandt recognized and thanked both Mr. Weeden and Mr. Decuir for all their hard work and noted that he enjoys working with them.

IX. ACTION ITEMS

- 1. Consideration of authorization to award professional services contract to Pierlott & Associates**

Mr. Darrell Brown let the members know that Pierlott & Associates has done work under two separate contracts with CATS for DBE Program assessment and improvements and for FTA compliance review.

CATS is requesting that the board authorize the CEO to enter into a contract with Pierlott & Associates for an estimated amount of \$144,349.

Mr. Brandt moved that the CEO is authorized to enter into a contract with Pierlott & Associates for an amount not to exceed \$144,349 for compliance oversight and Ms. Perkins seconded the motion. Ms. Green invited public comment and there was none. The motion passed unanimously with no abstentions.

Ms. Green moved to amend the agenda to include an action item to award a consultant contract to New Age Industries. She noted the item was discussed at the F&E Committee meeting. The motion was seconded by Ms. Pierre. Ms. Green invited public comment and there was none. Mr. Brandt noted that he did not have an objection to placing the item on the agenda but shared he would be asking to defer the item. The motion unanimously passed with no abstentions.

2. Consideration of award of consultant contract to New Age Industries

Ms. Green noted the item was discussed in the F&E Committee and shared that Mr. Deville has expressed desire to have the services of Mr. Toliver once again as Mr. Deville feels that he has been an invaluable resource to Mr. Deville and the agency. Mr. Toliver is assisting with the placement of a permanent Deputy CEO.

Mr. Brandt noted that there were three board members absent from this meeting – Messrs. Bellue, Cohran, and O’Gorman – and he felt they should be present for the discussion. He shared that he had questions that were raised at the F&E Committee meeting regarding the contract that have not been answered to this point. Those questions included a breakdown of the itemized budget including travel and lodging, the duration of the contract, and a detailed scope of work for what his assignments would be.

Mr. Deville shared that this contract is similar in nature to other contracts he has executed. Mr. Deville noted that Mr. Toliver came to CATS when Rod Goldman left the agency and that his initial charge was to find a replacement COO. Mr. Deville then chose to do a reorganization of the agency and thought it would be wise in his vision to create a Deputy CEO position. Mr. Deville then named Ms. Dwana Williams as the COO and wants her to report to the Deputy CEO. Mr. Toliver was nominated for APTA’s Hall of Fame, he has managed systems throughout the country, and the agency is lucky to have him.

Mr. Deville let the members know that in the past, CATS was able to utilize his services for four and a half months without exceeding \$50,000.

Mr. Brown noted that he was under the impression that the DCEO would mentor the COO to support the CEO's efforts to prepare for upcoming initiatives. Mr. Brown suggested bringing the item to the board in the interest of transparency. Mr. Brown shared that when the previous CFO left the agency and CATS contracted with a consultant for an interim period, there was an initial contract that was amended with the board's approval. This was the precedent for bringing this contract to the board.

Ms. Green inquired whether anything in the original contract would be changing in the new contract and it was noted that neither the contract for New Age Industries nor the scope of work was shared with CATS legal counsel.

There was discussion regarding the practice of contracts being executed and whether they were reviewed by legal counsel before execution.

There was discussion regarding the specifics of the contract and when Mr. Deville would be able to provide that information to the board members. Mr. Deville noted that he would absolutely provide that information, that it is under \$50,000, and as noted in the financials, the agency can afford it. Mr. Deville feels that it is detrimental to the agency to continue to delay the approval of the contract.

Mr. Brandt moved to defer the item.

Ms. Pierre inquired how long it would take to get the information requested by Mr. Brandt to the full board and whether Mr. Brandt would be willing to put his questions in writing so the CEO may answer them. Mr. Deville indicated he could provide the information within 24 hours. Mr. Brandt noted that the information was requested at the F&E Committee meeting and they were informed they would receive it in 24 hours, but, to this point, the information has still not been provided. Given that there was nothing to present, Mr. Brandt recommended the item be deferred. Mr. Brandt reiterated he was seeking the scope of work, detailed budget, length of time Mr. Toliver would be onsite, and the basics of the contract. Ms. Green suggested that the contract be provided to legal counsel so that he may review it and disseminate it to the board members.

There was no second to the motion to defer.

Ms. Perkins inquired why the board was only receiving the information today when it had been on previous agendas. She also inquired as to why it was added and removed from several agendas.

Ms. Perkins moved that the CEO is authorized to enter into a contract with New Age Industries for the services discussed and to serve as an interim Deputy CEO for an amount not to exceed \$50,000. Ms. Green seconded the motion. Ms. Green invited public comment and there was none. Four members voted yes, there were zero nays, and two members abstained. The motion passed.

- 3. Consideration of authorization for the CEO to settle the claims of Arthur Davis, Sr., Arthur Davis, Jr., Artisha Davis, and Carla Davis under the terms of the settlement and judgment payment policy adopted by the Board on July 20, 2004 as amended. (This matter might possibly be discussed in executive session. As required by the Open Meeting Law, notice is hereby given that this claim is pending in the 19th Judicial District Court and is Suit Number 640,054, Sec. 22; and that Arthur Davis, Sr., Arthur Davis, Jr., Artisha Davis, and Carla Davis are the plaintiffs and Capital Area Transit System and Eric Marselis are the defendants.)**

Mr. Brandt moved to enter executive session to discuss the pending litigation. Ms. Pierre seconded the motion. Ms. Green invited public comment and there was none. The motion passed unanimously with no abstentions.

Ms. Green noted that public comments would be taken upon the board's return from executive session.

At this point, the board entered into executive session.

Following the executive session, this item was deferred.

X. PUBLIC COMMENTS

There were no public comments.

XI. ADJOURNMENT

Mr. Brandt moved to adjourn the meeting and Ms. Pierre seconded the motion. The motion passed unanimously with no abstentions.