

**BEN FRANKLIN TRANSIT
BOARD OF DIRECTORS REGULAR MEETING MINUTES
Thursday, September 13, 2018 at 7:00 p.m.
1000 Columbia Park Trail, Richland WA**

1. CHAIRMAN WATKINS called the meeting to order at 7:00 p.m.

2. Roll Call: MATT WATKINS (Chairman), BOB KOCH (Vice-Chairman), RICHARD BLOOM, JOHN TRUMBO and STEVE BECKEN

SHON SMALL, BOB THOMPSON, LISA STADE, RICK MILLER, and NORMA NELSON (Non-Voting Union Representative) excused

Staff:

Gloria Boyce, Pat Roach – Legal Counsel, Jerry Otto, Matthew Branson, Wendi Warner, Bill Barlow, Amanda Para, Tom Turner, Rob Orvis

3. **Pledge of Allegiance**

CHAIRMAN WATKINS invited all in attendance in the Pledge of Allegiance.

4. **Citizen’s Public Comment/Introduction of Visitors**

CHAIRMAN WATKINS acknowledged a full room of guests and called for public comment on any item not further down on the agenda.

Teresa, of Richland, shared concerns of Night Service changes restricting availability and mobility for those without freedom to participate in community events due to ride caps. Eliminating the cab company from options, reduces independence.

Greg Bird, participates in Monday Night football events at a local venue. He called in night service to request a ride for 9pm and was forced to wait nearly 3 hours. He charged the Board and those in attendance to “stop wherever you are at the end of service time and stick around for 3 hours waiting, before you return home.”

Phronsie Carr of Pasco, and Chucky Maugh use night service the Arc and DAR. Last year, she “quit using night service, due to excessive phone hold times. Then this year, the Arc stated that BFT has required the stoppage of all vehicle use by 8pm. We have used the Arc vehicles for social events for 25 years, can you please look into this? We need your help to get to these events.”

Brenda Ellingsworth representing her brother Greg Shear who is a volunteer with the Arc for 27 years. In all that time they have had Adult rec. “I was informed there will be a cap at 8pm that the vehicles will not be permitted to operate. Many of these people have no additional support to assist them in getting to games, dances, and other events. This would eliminate their entertainment. We have the freedom and luxury to get in our cars and do what we want, but they don’t. This isn’t fair, it’s not a good thing for our community. We pay for a lot of things in our community, and this is something that is so important. We need to help them.”

Arlene Lenavich and sister Linda that she assists in caring for. She inquired why there is a cap at 8pm, if vanpool has to end at 8pm and if the Arc pulls vehicles into the BFT campus, perhaps they need to ask for permission for exceptions? CHAIRMAN WATKINS asked her to state her concerns. She continued to ask for clarification on the changes and urged the Board to reconsider the time change.

Tina Collins has an adult family home in Finley. “You used to be able to get a ride home within a half hour, but now you’re stuck on hold, or there are no rides available. There have been times when they have been stranded. I understand that the funding changed for night service last year. But service is running later, and more people are using the system. There is a budget there that should be used. She reiterated stopping privileges at 8pm until 8am and what that would do to the general public. By reducing this service, were forcing them to not have a life. I would like to see the night service get more funding or more time. These events are very important in their lives, just as they’re important in your lives.”

CHAIRMAN WATKINS followed up on the comments and summarized the broad concerns as follows: night service in general, caps on Arc services, ride delays, feeder services, allowing this community to enjoy social evening events with service. He invited Gloria Boyce, General Manager to comment.

Gloria Boyce thanked all in attendance for coming and stated that staff are working through changes in night service changes as a result of a new contract. This month’s night activities were due to a faux pas. Staff continue to address glitches in the system and meet with both Tri City Taxi and the Arc to reach a solution for night recreation and later service needs.

CHAIRMAN WATKINS stated from a Board perspective that Staff present a budget based off what is sustainable. Surely, it would be nice to run all the buses all the time, but we must work within our available resources. It is a deliberative process.

RICHARD BLOOM inquired on the 6am-8pm requirement, asking if that was a new change from the previous contract?

Ms. Boyce stated that in reviewing the previous contract, and in order to be compliant within the rest of the system, those times were defined. Staff is reviewing alternative solutions to ensure transportation for night recreation events. It is staff’s understanding that there are 10-15 folks who cannot use night service, and efforts are being made to remedy that.

Paul Singer, of Kennewick, stated “Katherine Ostrom wanted to be here tonight in support of the statement I am about to read, but unfortunately, her mother passed away last night so... My name is Paul Singer and I am a resident of Kennewick and as some of you know a former 15-year

employee of Ben Franklin Transit. Back in February of this year I reluctantly submitted an involuntary resignation due to the toxic and retaliatory culture that the General Manager has created at this agency. I was certainly not the first employee to point this out and leave the agency reluctantly and unfortunately, I was not the last. As I warned in my resignation letter, this agency has continued to hemorrhage good employees, many of whom left the agency, like myself, before securing employment somewhere else. That just emphasizes how bad the problem is. Prior to my departure from BFT, I initiated a formal complaint of retaliation against the General Manager that was to be heard before the Washington State Office of Administrative Hearings. Unfortunately, due to personal reasons, I was unable to attend that hearing and regretfully I had to let it go. This body has been warned now dozens of times about the conduct of this General Manager and the culture that she has cultivated under the guise of "Covey". This culture of fear and intimidation can be illustrated by the 20 plus non-represented employees that have left this agency voluntarily since this GM started as an interim. It can also be illustrated by the contentious relationship that the GM and Labor Relations Manager has cultivated with the bargaining unit employees that has resulted in voluminous grievances and the formation of a Dispatch bargaining unit, which was started as a direct result of the fear created by the treatment of other non-represented employees. The General Manager disingenuously reports the status of this agency in terms that are favorable to the bottom line of the agency and to her ego and portrays a 'Kum Bay Ya' atmosphere. Meanwhile the culture of fear and distrust remains, and employees continue to be devalued and discouraged by the double standards set by this GM. This body has the responsibility to investigate and look in to things for the sake of the current employees and the constituents of whom BFT serves as these actions threaten BFT's ability to provide reliable service to the community. This investigation should be confidential and should include middle management and key employees in pseudo leadership positions such as trainers, dispatchers, and union stewards. These employees should be able to speak anonymously to an impartial investigator without fear of retaliation. The following issues should be investigated: the amount of and reasoning of non-represented turnover since the GM started as an interim; the unexplained hostility and attitude towards the bargaining units through the implementation of changes without the courtesy of discussion or reasoning; the amount of long-term "temporary" employees that hides true costs of operations; the "temporary" assignments of management staff and the impact of those workloads; the conduct of the GM as it pertains the treatment of employees and double standard for herself with regards to timelines, behavior, and accountability of projects; the hiring and cover-up of the performance and conduct issues of the former Operations Manager John Myers; the circumstances behind the resignations/separation of: Delsa Pospical, Andrew Tillman, Michaela Dimas, Linda Avalos, Angela Sorenson (Welke), Barbara Williams, Debra Hughes, Christine DeVere {Moreland}, Christy Watts, Kurt Workman, Paul Singer, Katherine Ostrom, John Myers, Michele Casey, Richard Sanders, Tony Kalmbach, Kevin Hebdon, Darlene Gonzalez, Kathy McMullen, and Beau Yancey. Thank you.”

CHAIRMAN WATKINS thanked Mr. Singer for sharing his thoughts and stated that this is a case where we are going to share this complaint with our attorneys, and we listened.

Mr. Singer stated, “Hopefully this time something happens.”

CHAIRMAN WATKINS stated the floor is still open for public comments. Hearing none, he continued with the agenda.

5. Approval of Agenda

CHAIRMAN WATKINS called for a motion to approve the agenda as presented.

ACTION: BOB KOCH made, and RICHARD BLOOM seconded a motion to approve the amended agenda. MOTION CARRIED UNANIMOUSLY.

6. Recognitions

A. Boys & Girls Club of Benton & Franklin Counties, Music & Arts Center (MAC) Recognition and Check Presentation

CHAIRMAN WATKINS acknowledge Josh Peterson attendance. Gloria Boyce stated “in an effort to bring our fare structure for the annual Art in the Park shuttle service in better alignment with its shorter route and tie to the arts in our community, we opted to offer 15-minute circulators service “by donation” in lieu of a set fare this year. We chose a wonderful community organization with regional emphasis and connections to local students and the arts. The Boys & Girls Clubs of Benton and Franklin Counties Music and Arts Center—or MAC—is a unique educational facility in Kennewick that offers specialized classes in music, art, dance, and technology for youth throughout the Mid-Columbia. I am pleased to report 884 boardings for this year’s Art in the Park shuttle, an increase of about 12% over 2017, and \$716.07 was raised. We can’t know for sure, but it wouldn’t surprise us if the increase in ridership was attributed in part to our community’s desire to support this organization. Tonight, we are happy to present the donation check to MAC Director, Josh Peterson, who will ensure the funds are used to benefit local children’s involvement with the arts.

CHAIRMAN WATKINS inquired what this donation may serve to provide. Josh Peterson, MAC Director stated that this donation will help to allow MAC to continue to provide classes to interested youth across the region like Abstract Art classes, sculpting, breakdancing, 3D printing, photography, videography, marimba, drumline, and so many more opportunities to teach them things they’re not learning in school. We have kindergartners learning how to play piano, and 2nd graders learning how to fly a drone. We’re trying to get specialized art programming to our youth across the region. CHAIRMAN WATKINS inquired on the locations of the clubs. Mr. Peterson stated that currently MAC is in downtown Kennewick with a new facility being built near Park Middle school, with two clubs in Pasco, and one in Prosser, along with several held at schools in the Pasco school district and Richland School district.

7. Citizen’s Advisory Network (CAN) Report – None

8. Board Committee Reports

A. Operations & Maintenance Committee, RICK MILLER, Chair

CHAIRMAN WATKINS stated that the August Operations & Maintenance Committee meeting was held and attended by DIRECTOR RICK MILLER. All notes were included in the Board packet for review.

B. Planning & Marketing Committee, RICHARD BLOOM, Chair

CHAIRMAN WATKINS stated that the Planning & Marketing Committee Meeting was cancelled.

C. Administration & Finance Committee, STEVE BECKEN, Chair

CHAIRMAN WATKINS stated that the Planning & Marketing Committee Meeting was held. STEVE BECKEN reviewed the items discussed, including Authorizing the General Manager to Release Proposals for Cash Vault Services; selecting Madison Sartain as member to the Citizen's Advisory Network (CAN) to serve through December 31, 2020; 4. 2019 Annual Budget Calendar and Kick-Off discussion; BFT's State of Good Repair Policy and BFT's Transit Asset Management (TAM) Plan; the contract with Roach & Bishop, LLP for General Counsel Legal Services and the standard sales tax report. CHAIRMAN WATKINS opened for questions or comments, to which there were none.

9. Consent Agenda (Any item is open for discussion at Board or Public Request)

A. Approval of August 9, 2018 Board Meeting Minutes

B. August Voucher Summary

August 2018 vouchers audited and certified by Ben Franklin Transit's auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing which has been emailed to the Board members September 7, 2018.

Payroll

Check Register Number	Check Number/ Number		Date of Issue	In the Amount	
516-18	79894	79916	8/3/2018	\$461,729.71	Payroll
517-18	79917	79938	8/17/2018	\$433,092.52	Payroll
518-18	79939	79959	8/31/2018	\$500,497.34	Payroll

Total \$1,395,319.57

Non-Payroll Vouchers

Check Register Number	Check Number/ Number		Date of Issue	In the Amount	
179-18	68776	68838	8/3/2018	\$644,853.51	MDSE
180-18	ACH TRANS		8/9/2018	\$477,798.96	ACH TRANS
181-18	68839	68906	8/10/2018	\$732,531.48	MDSE
182-18	68907	68693	8/17/2018	\$526,995.74	MDSE

183-18	ACH TRANS		8/17/2018	\$438,047.57	ACH TRANS
184-18	VOID	68964	8/24/2018	-	VOID
185-18	68695	69029	8/24/2018	\$543,308.48	MDSE
186-18	69030	69097	8/31/2018	\$235,441.82	MDSE
187-18	ACH TRANS		8/31/2018	\$191,257.92	ACH TRANS

Total: \$3,790,235.48

Check register numbers 516-18 to 518-18 and 179-18 to 187-18;

In the total amount of: \$5,185,555.05

C. Resolution 39-2018: Award Contract for MOA Water Diversion Project Phase 2

D. Resolution 40-2018: Authorization to Release Proposals for Cash Vault Services

E. Resolution 41-2018: Selecting Madison Sartain as member to the Citizen’s Advisory Network (CAN) to serve through December 31, 2020

CHAIRMAN WATKINS read aloud the items on the Consent Agenda. The floor was opened for comments and questions.

ACTION: RICHARD BLOOM made STEVE BECKEN seconded a motion to approve the Consent Agenda as presented. MOTION CARRIED UNANIMOUSLY.

(BFT Board Committees Recommended Approval of Consent Items to the Full Board of Directors)

10. Action Items

A. Resolution 44 - 2018 – Authorizing the General Manager to enter a Sole Source Contract with Roach & Bishop, LLP for General Counsel Legal Services

Gloria Boyce, General Manager, stated Roach & Bishop, LLP has provided General Counsel Legal Services to Ben Franklin Transit (BFT) for thirty-eight years. The current contract has been in place for 5 years. On Thursday, May 10, 2018 at the regular Board meeting, The Board of Directors adopted Resolution 16-2018 authorizing the General Manager to extend Contract #909 with Roach & Bishop, LLP for General Counsel Legal Service for three additional months, until September 13, 2018. This extension allowed staff time to review the current contract terms and to evaluate services provided.

A brief 7-question survey was provided to staff members who interact directly with Roach & Bishop, LLP. Questions evaluated general legal counsel services based on standards expected to be met for the type of work performed under Contract #909 during the 5-year period of performance; June 2013 to June 2018. The overall outcome of the survey was a satisfactory rating for general legal counsel services rendered.

A few areas of opportunities surfaced during the survey and a letter was sent from BFT to Roach & Bishop, LLP asking for a response on how they anticipate addressing these areas of opportunity. BFT staff is pleased with the responses received from Roach & Bishop, LLP. Contract language

has been modified to include: Section 6: Clarity of reporting responsibility of the general counsel per RCW 36.57A; Section 9: Confidentiality provisions; and responsiveness and notifications.

With a satisfactory rating of 3.33 out of a possibility of 5.00 from the survey, the proven track record, vast institutional knowledge, the longevity of the relationship with Roach & Bishop, LLP, and favorable responses received to the letter mentioned above, it is staff's recommendation to enter a sole source contract with Roach & Bishop, LLP for three years with two 1-year options for contract extension for a possible 5-year contract.

CHAIRMAN WATKINS called for a motion.

ACTION: BOB KOCH made, and STEVE BECKEN seconded a motion to approve Resolution 44 – 2018: Authorizing the General Manager to enter a Sole Source Contract with Roach & Bishop, LLP for General Counsel Legal Services MOTION CARRIED UNANIMOUSLY.

- B. Resolution 42-2018: Adopting BFT's State of Good Repair Policy
- C. Resolution 43-2018: Approving BFT's Transit Asset Management Plan and Authorizing the General Manager to submit the plan to the local Metropolitan Planning Organization, BFCOG

Matthew Branson, Interim Director of Admin Services stated in July 2016, as a requirement of section 20019 of Surface Transportation Bill, MAP-21, the Federal Transit Administration (FTA) published a Final Rule requiring FTA Chapter 53 recipients to develop and maintain a Transit Asset Management (TAM) Plan for their public transportation capital assets valued above \$50,000. The Final Rule has been incorporated as Chapter VI of Title 49, Code of Federal Regulations (CFR), Sections 625: Transit Asset Management and 630: National Transit Database.

TAM is the strategic and systematic practice of procuring, inspecting, operating, maintaining, and replacing transit capital assets to manage their performance, risk, and costs over their life cycles for the purpose of providing efficient, reliable, and safe service. TAM uses transit asset condition to advise on how to manage assets and funding to improve or maintain assets in a State of Good Repair (SGR).

BFT has established a State of Good Repair Policy to determine whether or not a capital asset is in a state of good repair if it is in a condition sufficient for the asset to operate at a full level of performance when each of the following objective standards are met:

- a. An asset is able to perform its manufactured design function;
- b. An asset not pose an unacceptable identified safety risk; and
- c. The life-cycle investment needs of the asset be met.

This final rule also establishes SGR standards and requires the setting of performance targets. BFT uses performance targets and performance measures to gauge the progress toward achieving its goals. Monitoring the progress toward goals and objectives occur both internally and through integration with reporting requirements. Consistent with FTA/FHWA best practices, BFT applies a holistic approach to the monitoring and evaluation step in project planning by evaluating the following factors:

- a. Safety analysis of incidents that are harmful to people, equipment, vehicles, and facilities.
- b. Service delivery analysis of the efficiency of transportation projects and services to the public.
- c. Environmental impacts analysis of key areas such as; air quality, groundwater, protected species, noise, and traffic.
- d. Economic development analysis of direct and indirect impacts of transportation on the economy.
- e. Social impacts analysis of the effects of transportation on society or population groups.
- f. Security analysis of protection of travelers, vehicles, and facilities.

The Final Rule groups public transit providers into two categories: Tier I and Tier II. Ben Franklin Transit (BFT) is a Tier I agency as it owns, operates, or manages one hundred and one (101) or more vehicles in revenue service during peak regular service across all fixed route modes or in any one non-fixed route mode. As a Tier I agency, BFT must comply with all nine (9) elements of a TAM Plan:

1. Capital asset inventory
2. Condition assessment
3. Estimating capital investment needs
4. Investment prioritization
5. TAM and SGR policy
6. Implementation strategy
7. Key annual planning activities
8. Identified resources to develop and execute TAM
9. Evaluation plan

The deadline for a completed TAM Plan is October 1, 2018. BFT staff believe the presented TAM Plan meets the requirements of 49 CFR § 625. While the approval of the SGR policy and TAM plan do not directly tie funding at this time, they will alter the way BFT prioritizes, funds and programs the replacement, purchase and maintenance of public transportation capital assets. This methodology of prioritization will be incorporated into BFT's annual Capital Improvement Plan (CIP) and Capital Budget Processes.

In support of the FTA ruling 49 CFR § 625, BFT has developed State of Good Repair Policy and a Transit Asset Management Plan. The TAM Plan is a working document that is reviewed and updated as BFT's public transit demands change. BFT will perform a review of the TAM Plan annually as part of the Capital Improvement Program process and update the TAM Plan in its entirety at least every four years as required. Discussion was held on the submission timeline and process.

CHAIRMAN WATKINS called for a motion on each resolution separately.

ACTION: BOB KOCH made, and RICHARD BLOOM seconded a motion to approve Resolution 42-2018: Adopting BFT's State of Good Repair Policy. MOTION CARRIED UNANIMOUSLY.

ACTION: RICHARD BLOOM made, and STEVE BECKEN seconded a motion to approve Resolution 43-2018: Approving BFT's Transit Asset Management Plan and Authorizing the General Manager to submit the plan to the local Metropolitan Planning Organization, BFCOG. MOTION CARRIED UNANIMOUSLY.

11. Discussion/Information Items– None.

12. Staff Reports & Comments

D. Legal Report

Patrick Roach, Legal Counsel, stated there is no new legal report.

E. Financial Report

Matthew Branson, Interim Director of Administrative Services, stated operating revenues through July 31 are on track, operating expenditures are trending under budget. Treasurers' report included June information: deposits are secure, reserve funds are accounted for. Sales Tax report shows the power plant refueling. This impacts our Year over Year comparison. Sales tax revenue decreased 9.5% in August with June receipts as compared to the same period in 2017. But we note a 6.8% increase as compared to a year over year August receipts were \$3.3M. Additional financials were included in the Board packet.

F. General Manager's Report

Gloria Boyce, General Manager, provided the Board with a review of this month's notable topics:

- Government Affairs Update
 - Federal:
 - Congress has reconvened and working toward the FY19 Appropriations.
 - As you will recall, both the House and Senate included additional investments in the Bus and Bus Facility program, but the House number is higher (\$550 million vs. \$400 million). These higher numbers will not only address the needs within the bus transit community, it will also help lay the groundwork for the next re-authorization bill.
 - State
 - No major news at the state level as they close their fiscal year.
 - Operations
 - MOA Fire
 - On Tuesday August 14, a fire ignited in the brush area just north of the maintenance building along the fence line.
 - Thanks to quick action and timely response from staff, as well as both Richland Fire Department and Benton County Fire District, the fleet and facility were protected and there were no injuries.
 - We continue to pursue our neighbors (USACE or Richland) to clear the perimeter from overgrown brush to ensure our campus is better protected.

- WSTA Conference and Roadeo
 - August 19-21 BFT served as host agency for the State conference and Roadeo.
 - Of the 44 sessions, BFT participated in or provide more than a quarter of all sessions. (12 total)
 - Staff will bring Roadeo competitors to the Board for recognition next month
 - Congratulations to:
 - Paul Henry 3rd place in Body on Chassis
 - Caleb Suttle 3rd place in 35 ft and
 - Gabe Beliz for placing 1st in the 40 ft category.
 - Maintenance also competed and scored well, which landed BFT in 3rd place for Grand Champion.
- Benton Franklin County Fair (VIDEO SHOWN)
 - August 21-25, BFT provided Fair shuttle service.
 - Thanks to our transit planner, Kevin Sliger for putting that great video together.
 - A HUGE thank you to our staff who put in significant time preparing for and executing a busy summer of seasonal services. The drivers, the supervisors, our planning and operations support staff, maintenance and facilities and all the ambassadors who were out on the platforms and parklet representing BFT with pride.
 - Total Ridership was 23,262, down 11.5% over last year. (LY 27,012)
 - We assume smoke was major contributor to the (11.5%) variance in ridership and fair attendance.
 - New this year was the BFT Parklet
 - Welcomed you with a well-branded bus entrance, thanks to Ali Madison
 - Featured free Wi-Fi and charging stations for mobile devices located next to the main stage in front of Old McDonald's Barn
 - Staff attended the space, and along with strategically placed décor, we promoted our new demonstration route 68D which launched Monday August 27th.
 - Route 68D–
 - As you can see by the map on your desk, Route 68D serves from 22nd Ave. Transit Center in Pasco and uses Sylvester, Road 60, and Court to reach road 84. The route then takes Argent to Columbia Basin College,

where it turns around and goes back to 22nd Ave. Transit Center by way of Court Street.

- This route passes by nine different Pasco schools and is great for students during the school year!
- CAN – We look forward to engaging and presenting the proposed 2019 budget on October 29th
- Upcoming Events: APTA Annual Conference, Nashville TN September 23rd thru 26th – Jerry and Bus Operator, JoAnne Cravens will attend
 - Our very own Jo Ann Cravens has been awarded a \$5,000 APTF Scholarship to complete her degree in Public Safety- we will recognize her next month at the October Board meeting.
 - SPECIAL MEETING- 2019 Budget Retreat
 - October 11, 2018 BFT Board Room - 5:00 PM Dinner will be provided for Staff and Board

Ms. Boyce closed her report opened for questions. Brief discussion was held.

Upcoming Board Calendar

Operations and Maintenance Committee- Cancelled
Planning and Marketing Committee

October 3, 2018
BFT Room 360A – 4:00 PM

Administration and Finance Committee

October 4, 2018
BFT Room 360A – 4:30 PM

Board Meeting (Special and Regular)

October 11, 2018
BFT Board Room – 5:00 PM/7:00PM

Citizen’s Advisory Network (CAN) Meeting

October 29, 2018

13. Board Member Comments

- A. NORMA NELSON – it has been very busy. Thank you to Night service folks who came out to share your concerns. It would be nice to see the 100+ DAR vehicles represented in the Fair Highlight reel and reports.
- B. STEVE BECKEN – Rode transit! San Antonio VIA.
- C. BOB KOCH – It’s a little hard to ride in Connell.
- D. CHAIRMAN MATT WATKINS – rode Fair service. Nice to have back fair entrance. Rode route 65 and noticed a missing audible announcement. Reported it to staff and it was indeed an issue, so happy to have helped remedy that.
- E. RICHARD BLOOM – W. Richland continues to have a couple major construction projects
- F. JOHN TRUMBO – no report

14. Next Meeting:

Special Board Meeting – Thursday, October 11 at 5:00 p.m.
Regular Board Meeting – Thursday, October 11, 2018 at 7:00 p.m.
BFT MOA Board Room, 1000 Columbia Park Trail, Richland WA

15. Executive Session – None needed.

16. Adjournment

CHAIRMAN WATKINS adjourned the BFT Board of Directors meeting at 8:13 p.m.

Meeting recorded by:
Amanda Para, Clerk of the Board
September 13, 2018