

MINUTES

MEETING OF THE BOARD OF DIRECTORS

METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY

November 5, 2015

The Board of Directors of the Metropolitan Atlanta Rapid Transit Authority held a meeting on November 5, 2015 at 1:31 p.m. in the Board Room on the 6th Floor of the MARTA Headquarters Building, 2424 Piedmont Road, Atlanta, Georgia.

Board Members Present

Roberta Abdul-Salaam
Juanita Jones Abernathy
Robert L. Ashe III
Harold Buckley, Sr.
Robert F. Dallas
Frederick L. Daniels, Jr.
Jim Durrett
Noni Ellison-Southall
Jerry Griffin
Freda B. Hardage
Barbara Babbit Kaufman
Christopher Tomlinson

MARTA officials in attendance were: General Manager/CEO Keith T. Parker, AICP; C-Suite Team Members – Chief Operating Officer Richard A. Krisak, Chief of Staff Rukiya S. Thomas, Chief Administrative Officer Edward Johnson, Chief Financial Officer Gordon Hutchinson, Chief Legal Counsel Elizabeth O'Neill; AGMs Elayne Berry (Acting), Wanda Dunham, Robin Henry, Ming Hsi, Ryland McClendon and Donald Williams (Acting); Senior Directors Rhonda Briggins, Joseph Erves, Kevin Hurley and Amanda Rhein; Directors Farouk Baksh, James Biscoe (Acting), Lyle Harris, Jonathan Hunt, John Murdock (Acting) and Paula Nash; Managers James Biscoe, Ed Bishop, Donna DeJesus, Jacqueline Holland (Acting), Alisa Jackson, Chris Pitts and Sherma Sobers; Sr. Executive Administrator to MARTA Board Kellee McDaniel; Finance Administrative Analyst Tracy Kincaid; Sr. Executive Administrator Brenda L. Williams. Others in attendance Davis Allen, Autumn Bynum, Calisha Davis, Patrick Frazier, Nicholas Gowens, Khalid Kamom, Courtne Middlebrooks, Paula Nash, Srinath Remala, Toni Thornton and Dansby Wade.

Also in attendance were Charles Pursley, Jr. of Pursley Friese Torgrimson, LLP; Pamela Alexander of LTK Engineering; Jack Buckingham of MATC; Peter Bruno and Anna Perry of TRN; Larry Biggers, Gary Coles, Carole Dortch, Thomas Dortch, Nikki Frenney, Kevin Klika, Feysan Lodde, Warren Montague of MV; Ashley Cole; Ashley Dorsey, Britt

Dunams, Corrine Dunson, Pat Giles, LaShun Goldware, Twyla Griffith, Angela Hanley, Kelvin Harris, Curtis Howard, Jack Jackson, Sandra Jordan, Lisa Lane Saddler, Stanley Smalls, David Ward of ATU Local 732; Andre Bakly, Adrienne McCauley, Yolanda Clater, Ebony Oliver, Sonia Orr, Miko Reese, Carrie Romans, Vantricia Sims, Ted Terry, Sheterrri Williams of Mobility; Tacuma Satchell of Bus; Todd Nevill of Cubic; Georgia Lord; Herman Stukes-MARTA Retiree; Keith Whaler of First; Kenneth Howell of Georgia Community Coalition; Synge Tyson; Paul McLennan of Disability Link; Anna Simonson of *Atlanta Progressive News*; Bill Tengelsen of Parsons Brinckerhoff; Caloine Sims-MARTA Retiree; Chioke Perry; Joe Steme of WABTEC; Cynthia Jones Park of Jones Worley; Felker Ward of Pinnacle Investment Advisors; Stefan L. Gresham of Gresham Transportation Services, LLC; John Lowry of MFL; John Murdock; Zagone Jacobs; Lafayette Woods; Sonya Neal of CVI; Andria Simmons of *The AJC*; Jean Segtunis of HNTB; Alvatina Lee; Senator Vincent Fort; Donald Hunter; Lethando Toll; Georgia State Representative Dewey McClain; Mayor Ted Terry of Clarkston, GA; Mauricin Clavijo and Floyd Taylor of Peachtree Hills Civic Association; Andalu Curd-MARTA Retiree; Joseph McMichaels; Steve Main of IUPAT-DC77; Jozette Dowdell, Greg Fann, Lyle Grimes, Hank Hollis of AFSCME L 1644; Janine Brown-MARTA Customer.

Presentation – MARTA Mobility Operations and Maintenance Service, RFP P34324

In 1990, the American with Disabilities Act mandated public entities offering public transportation must ensure access to their services by the disabled. In 2002 Federal District Court Order granted an injunction against MARTA for fixed route and Mobility services. In May 2015 a motion was issued seeking to hold MARTA in Contempt of Court Order based on failure to achieve 100% On-Time Performance (OTP). MARTA acknowledged a struggle with OTP. MARTA requested proposals encompassing all Operations and Maintenance functions excluding paratransit eligibility and reservations. The proposed vendor will operate and maintain MARTA Mobility fleet; operate from the Brady garage facility and use MARTA's radio system. MARTA customers will realize significant improvements in service delivery. There will be a contract requirement of not less than 90% OTP. The Executive Steering Committee of the MARTA Transformation Initiative (MTI) has recommended that the MARTA Board of Directors accept the Mobility Operations & Maintenance Services proposal from MV Transportation. Service is expected to begin March 16, 2016.

Recently celebrating its 40th anniversary, MV Transportation is the largest provider of paratransit services in the country. MV Transportation founder Mrs. Lodde, and other MV Transportation officials were introduced. Ninety-five percent (95%) of the contracts are partnered with Unions. MV officials said they would meet with ATU Local 732 and bring on board as many Union employees as possible. Mrs. Lodde thanked MARTA for the opportunity to serve.

Public Comment

State House Representative Dewey McClain. MARTA is using taxpayer dollars to privatize. Instead of outsourcing Mobility services, MARTA should keep the service in-house.

Senator Vincent Fort. Stated that he has not been briefed on MARTA outsourcing Mobility. He asked the MARTA Board not to move forward with a vote on outsourcing. He asked the Board to meet with the disabled and the Union.

Mayor Ted Terry. Mayor Terry referenced a constituent that he sat with over an hour waiting for MARTA Mobility. He said it appears that she will have to wait longer with the new setup. He asked the Board to delay the vote.

ATU Local 732 President Curtis Howard. The workers presented MARTA with key ideas. It turns out it was about attendance. The Union employees do not feel valued. MARTA is accountable to the Union, not just MV Transportation. He asked MV Transportation if they will pay healthcare and pension benefits. When Human Resources came in front of the Board, it wasn't outsourced. He stated that MARTA workers and the community are being left out. He asked that the Board not move forward with a vote. He asked Chairman Ashe, Mr. Parker and team to meet with Union officials.

Georgia Lord. Serves as a court appointed monitor to monitor compliance with the injunction entered in Martin vs. MARTA which requires MARTA to comply with the American With Disability Act as it relates to riders with disabilities. Even after filing suit, MARTA did not come into compliance. Paratransit passengers depend heavily on MARTA Mobility. It is MARTA's obligation to see that it is done right.

Patricia Giles. President ATU Local 732 Retiree Chapter. In 1989 MARTA subcontracted Mobility services and it did not work. Service had to be brought back in-house. She asked that MARTA learn from the past and not move forward with a vote to outsource Mobility.

Corrine Dunson. Recording Secretary for ATU Local 732 and bus operator. Asked why Union employees should listen to someone instructing them to do what they (the Union) can already do. It does not make sense to outsource. MARTA should talk to the customers and workers.

Carrie Romans. Under 13(c), the Federal Transit Act says an employer that receives Federal funds must protect employees – protecting bargaining rights, assuring jobs,

providing priority of employment and training. She asked the Board to postpone the vote in order to ensure the ATU contract is a part of MV Transit contract.

Thomas Dortch. A bidder with MV Transportation. Discussed the path forward, stating that MV will not reduce wages and will provide medical benefits. He stated that it is important that MV Transportation and MARTA work together as a team.

Stanley Smalls. We need to work together. Stated he has a document that shows ATU presented documents. No one talked to the drivers or MARTA passengers. It's an insult that we didn't come together and work together. He asked the Board to set aside the vote and talk to the ATU. Drivers are frustrated, but love their passengers. He asked that Board and management hear them out and hear their concerns.

Minutes of the October 1, 2015 Meeting of the MARTA Board of Directors

On motion by Mr. Durrett seconded by Mrs. Ellison-Southall, the minutes were unanimously approved by a vote of 11 to 0, with 11 members present.

Planning and External Relations Committee Report

Mrs. Ellison-Southall reported that the Planning and External Relations Committee met on October 1, 2015 and approved the following briefings:

- a) FY 2015 End of Year Ridership Highlights
- b) Legislative Update
- c) Human Trafficking

Operations & Safety Committee Report

Mr. Durrett reported that the Operations & Safety Committee met on October 29, 2015 and approved the following resolutions:

- a. Resolution Authorizing Award of a Contract for the Procurement of a Switch/Production Tamper, CP B35808
- b. Resolution Authorizing Award of Contracts for Safety Specialist Services, AE35358
- c. Resolution Authorizing Award of Contracts for Systems Engineering Services, AE 35014

d. Resolution Authorizing Award of Contracts for Bus and Rail Vehicle Consulting Services, AE 34733

On motion by Mr. Durrett seconded by Mrs. Hardage, resolution 'a' was unanimously approved by a vote of 11 to 0, with 11 members present. A copy of the resolution, **AS APPROVED, IS ATTACHED TO AND MADE PART OF THE OFFICIAL RECORD COPY OF THESE MINUTES.**

On motion by Mr. Durrett seconded by Mrs. Hardage resolution 'b,c,d' were approved by a vote of 10 to 0, with 11 members present. A copy of the resolutions, **AS APPROVED, ARE ATTACHED TO AND MADE PART OF THE OFFICIAL RECORD COPY OF THESE MINUTES.**

Mr. Daniels abstained.

e. Resolution Authorizing Award of a Contract for MARTA Mobility (Paratransit Operations and Maintenance Services, RFP P34324

Mrs. Abdul-Salaam made a substitute motion to delay the vote on item 'e'.

The motion failed for lack of a second.

Chairman Ashe said given his experience in working with the City of Atlanta, how will the Board know what success looks like and how can any mid-stream errors be corrected.

Mr. Erves said just as MARTA has monthly Key Performance Indicators (KPIs) in place, the same will apply to the new vendor. If MV Transportation does not reach the KPIs, there are penalties that will be assessed.

Chairman Ashe asked what MARTA's exit options are if the partnership is not going well.

Mrs. O'Neill said there are term clauses in place – MARTA has the right to terminate the contract.

As a point of clarification, Chairman Ashe said MARTA will maintain an independent ability to assess performance so that MARTA is not relying on the contractor to police themselves.

Mr. Erves concurred. He said MARTA also has the right to audit any information maintained by the vendor.

Chairman Ashe requested that the MARTA Board receive a monthly briefing on the transition; and then a year-by-year comparison analyses of OTP, service-related performance and the cost to MARTA itself. He said this is about improving service. He stated that he is a skeptic, but Mr. Parker and team earned the benefit of the doubt due to their record over the last several years.

Mr. Daniels referenced a conversation that took place in Committee meeting where he asked a question pertaining to the Union and the opportunity they had to put forth on their proposal.

Mr. Erves said his response to that question was that MARTA met with the Union on several occasions and invited them to submit a proposal on the recommendation they would like to see go forward. At the end of the discussions, the proposal and recommendation provided by ATU did not achieve efficiency or cost savings goals.

Ms. Abdul-Salaam said she was the lone vote in April that voted not to privatize; however, she admires the work and history of MV. She said she was quite pleased at the report that came back addressing those concerns and even more pleased with the recommendation of MV Transportation. She said MARTA can learn a lot from them. Given the circumstances, this is something the Authority needs to take advantage of. She repeated her offer to be an active and involved liaison of the MARTA Access Committee (MAC).

On motion by Mr. Durrett seconded by Mrs. Hardage, resolution 'e' was unanimously approved by a vote of 11 to 0, with 11 members present. A copy of the resolution, **AS APPROVED, IS ATTACHED TO AND MADE PART OF THE OFFICIAL RECORD COPY OF THESE MINUTES.**

The Committee received the following briefing:

- a) BodyWorn Body Cam

Business Management Committee Report

Mr. Daniels reported that the Business Management Committee met on August 27, 2015 and approved the following resolutions:

- a. Resolution Authorizing the Solicitation of Proposals for the Lease and Service of Multi-Functional Printers (MFPs) Authority-Wide, RFP P33231
- b. Resolution Authorizing Additional Funding for the Lease and Service for Multi-Functional Peripherals (MFP) Photocopier Contract CPB B22643
- c. Resolution to Enter Into Intergovernmental Agreements With (1) Georgia Piedmont Technical College for Transit Operator Training and (2) University of Georgia's Carl Vincent Institute of Government for Leadership Development and Supervisory Training, P36059
- d. Resolution to Approve Two Ground Lease Agreements for Billboard Signs in Sandy Springs
- e. Approval to Amend the Lease Agreement Between MARTA and Carter & Associates, LLC for Office Facility at Lindbergh City Center Project

On motion by Mr. Daniels seconded by Mrs. Kaufman, the resolutions were unanimously approved by a vote of 10 to 0, with 10 members present. A copy of the resolutions, **AS APPROVED, ARE ATTACHED TO AND MADE PART OF THE OFFICIAL RECORD COPY OF THESE MINUTES.**

Mr. Griffin requested a correction to the Business Management Committee's Chairman's Report, Item 'c':

Resolution to Enter Into Intergovernmental Agreements ... University of Georgia's Carl Institute of Government ...

Should read:

Resolution to Enter Into Intergovernmental Agreements ... *University of Georgia's Carl Vincent Institute of Government* ...

The Committee received the following briefing:

- a) FY 2016 August Budget Variance Analysis and Performance Indicators

Resolution Authorizing the Modification of the General Counsel Services Contract P5227

On motion by Mrs. Hardage seconded by Mrs. Abernathy, the resolution was unanimously approved by a vote of 10 to 0, with 10 members present. A copy of the resolutions, **AS APPROVED, ARE ATTACHED TO AND MADE PART OF THE OFFICIAL RECORD COPY OF THESE MINUTES.**

Resolution Appointing MARTA's Customer Code of Conduct Hearing Officers

The Board unanimously agreed to an amendment to appoint two Code of Conduct Hearing Officers - June Green and Carmen Alexander.

On motion by Ms. Abdul-Salaam seconded by Mrs. Kaufman, the resolution was unanimously approved by a vote of 10 to 0, with 10 members present. A copy of the resolution, **AS APPROVED, IS ATTACHED TO AND MADE PART OF THE OFFICIAL RECORD COPY OF THESE MINUTES.**

2016 Nominating Committee

Nominees for the 2016 Nominating Committee members were:

- Barbara Babbit Kaufman
- Roberta Abdul-Salaam
- Robert F. Dallas

On motion by Mrs. Ellison-Southall seconded by Mrs. Hardage, the nominees were unanimously approved by a vote of 10 to 0, with 10 members present.

Resolution Authorizing the Issuance, Sale, Execution and Delivery of Series 2015B and Series 2015C Bonds

On motion by Mr. Daniels seconded by Mr. Griffin, the resolution was unanimously approved by a vote of 11 to 0, with 11 members present. A copy of the resolution, **AS APPROVED, IS ATTACHED TO AND MADE PART OF THE OFFICIAL RECORD COPY OF THESE MINUTES.**

Public Comment (continued)

Synge Tyson. Since 1996, MARTA Mobility services have declined. She said as a citizen and taxpayer she is expecting something different from MARTA: specifically, to be

In compliance with the ADA Disability law. It comes down to communicating with transparency and accountability; that disabled individual's lives matter and respect for people and their life values. MAC/MARTA must change to meet expectations.

Heather Stubbs. Stated that she has been a rider since June 1990. Services have declined. MARTA does not listen to its customers. Dispatch has too much power to tell someone they cannot take a break. Signage is not good. The blind are not represented.

Alvatina Lee. Utilizes MARTA bus service provided to Clayton County. The vote taken today on Mobility scares me. In 2007, MARTA took on new branding effort. The Consent Order came because of outsourcing. MARTA is still not in compliance. She asked that MARTA do right by its workers; asking that MARTA keep workers as whole as possible. She stated she is afraid of the cuts MV Transportation proposes.

Floyd Taylor. Stated he is tired of his luggage being stained with urine in the elevators. He has a home in Peachtree Hills and he asked that service be restored to this community.

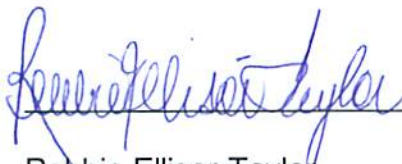
Khalid Kamas. MARTA Mobility driver. He asked if it is wise to allow MV Transportation to collect On-Time Performance (OTP) data when a requirement of the contract calls for 90% OTP.

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Adjournment

The meeting of the MARTA Board of Directors adjourned at 3:24 p.m.

Respectfully submitted,



Rebbie Ellisor-Taylor
Assistant Secretary to the Board