

MINUTES OF THE
CAPITAL AREA TRANSPORTATION AUTHORITY
BOARD OF DIRECTORS MEETING via ZOOM

WEDNESDAY, NOVEMBER 18, 2020; 4:00 P.M.

PRESENT: Nathan Triplett, Chair
Dusty Fancher, Vice Chair
Shanna Draheim, Secretary/Treasurer
Dan Opsommer
Mark Grebner
Robin Lewis
Jennie Gies
Jack Schmitt
Doug Lecato
John Prush
Dion'trae Hayes
Derek Melot

CALL TO ORDER:

Nathan Triplett, Chair called meeting to order at 4:01 p.m.

ROLL CALL: All present.

Chair Triplett instructed all participants on the Zoom meeting format in accordance with the authority of Public Act 228, 2020.

CORRESPONDENCE TO THE BOARD AND PUBLIC COMMENTS

Correspondence to the Board

Chair Triplett stated that there were no emails sent to the Board.

Public Comments

Deb Parrish inquired about CATA's safety plan and the public being notified of any operator testing positive to COVID-19.

CHAIR'S COMMENTS:

Chair Triplett recognized all Board members being present.

CHIEF EXECUTIVE OFFICER'S REPORT

Bradley Funkhouser introduced legal counsel, Lindsay Dangl and new Finance Director, Jim Frenndt.

Lindsay Dangl greeted the Board.

Jim Frendt acknowledged working with Dion'trae Hayes as her auditor. He has been at CATA now for over two (2) weeks and is getting ready for CATA's yearly audit. Mr. Frendt looks forward to working at CATA.

Governor's Executive Order

Bradley Funkhouser commented on the Governor's Executive Order and MIOSHA requesting those able to work from home to do so effective Wednesday, November 18, 2020. A tentative agreement with employees has been implemented for those able to work from home. CATA has also met with the Union and buses will continue to operate.

Ingham County Health Department (ICHHD)

The Ingham County Health Department visited CATA last week. Representatives from the ICHD, the Safety Committee and the Union inspected the buses and went over cleaning protocols. There have been new guidelines added to strengthen the check-in and check-out procedures. The ICHD is overwhelmed with contract tracing; therefore, contract tracing will now be entrusted to the employer. CATA will notify employees of any potential exposure to COVID-19. Thus far, CATA has had only one known positive rider which was reported to the ICHD. CATA plans to take the same approach if more cases are discovered. Flyers have been placed in all break rooms to notify the Union and administration employees of CATA's updated COVID-19 policy. CATA has done a remarkable job in keeping operators at a safe distance. Mr. Funkhouser will continue to update the Board as new developments unfold. Communication has been the key and if CATA finds itself in the red, there is a plan; however, we are bound to HIPAA rights and must protect the identity of anyone who tests positive for COVID-19.

New Nova Buses

There will be 15 new Nova buses arriving in coming days.

Diversity Equity & Inclusion (DEI)

Bradley Funkhouser referred to Director of Human Resources, Marshea Brown.

Marshea Brown stated that the DEI met in September to discuss respect, belonging, empowerment and progression. There was a good discussion among the group which provided CATA with vital information on issues that need to be addressed. The DEI task force will work on increasing attendance by developing a promotion campaign through CATA's marketing team and hopes to have a workplace survey completed by the first quarter 2021. This will give CATA an idea of where they stand on DEI issues. In October, Lori Adams Simon, manager of Diversity, Inclusion and Civil Rights at Sparrow Health Systems and owner of Simon Says was the guest speaker. She was very informative and those in attendance gave the committee very positive feedback. At the November meeting, the DEI will look at objectives and strategies for the FY 2021 strategic plan.

Shields on Buses

Operators have requested shields to be installed in all buses. Testing on the shields will continue and they will be installed as soon as possible. The total cost of the shields will be paid through the CARES Act grant.

Doug Lecato inquired about the shield barriers being installed in the buses.

Bradley Funkhouser stated that some of the shields tested were very flimsy; therefore, CATA is continuing to test until the best shield is found. Both large and small buses will be secured with protective shields.

Doug Lecato mentioned virus protected shelters.

Bradley Funkhouser stated he will look into virus protected shelters.

Dion'trae Hayes welcomed new Finance Director, Jim Fendt and congratulated him on his new position at CATA. She also appreciated the steps that CATA has taken with the ICHD to ensure everyone's safety during the COVID-19 pandemic. Ms. Hayes would like to know more about the DEI's future objectives.

Marshea Brown replied that the committee is in the process of creating a survey to gather vital information and form a baseline of what issues CATA needs to address. Some of the requests from employees have been mentorships in various departments, progression within a department and more minorities and women in leadership roles.

Dion'trae Hayes expressed her enthusiasm for the DEI's progress and looks forward to hearing more.

Shanna Draheim inquired about the shields being permanent.

Bradley Funkhouser replied that shield barriers being installed are a permanent fixture and will be included in all future bus orders.

PROPOSED CONSENT AGENDA

- A. APPROVAL OF MINUTES OF OCTOBER 21, 2020, BOARD MEETING
- B. APPROVAL OF TREASURER'S REPORT FOR SEPTEMBER 2020
 - 1. Interim Income Statement
 - 2. Cash Summary
 - 3. Investments
 - 4. Fifth Third Investment Account Reconciliation

C. CATA SERVICE MONITORING REPORT – FY 2020

PROPOSED MOTION: The CATA Board of Directors is aware of its Title VI responsibility to monitor and report on service and has considered and approves the CATA Service Monitoring Report-FY 2020 and authorizes staff to submit this Report with CATA's FY 2020 Title VI Program Update.

D. PUBLIC TRANSPORTATION AGENCY SAFETY PLAN (PTASP)

PROPOSED MOTION: That CATA Board of Directors approves the Public Transportation Agency Safety Plan to meet compliance with the FTA by December 31, 2020.

E. INSURANCE RENEWALS

PROPOSED MOTION: That the Board of Directors approves CATA's purchase of insurance policies at quoted contract rates with the indicated premiums set forth below and authorizes the Chief Executive Officer, Bradley T. Funkhouser, or his designee to execute such applications, contracts, and other documents as are necessary and appropriate in the judgment of the Chief Executive Officer, to bind and perfect such insurance coverage and services for the period from December 1, 2020 through and including November 30, 2021.

F. LEASE, LICENSE AND TICKETING AGREEMENTS FOR INDIAN TRAILS

PROPOSED MOTION: That the CATA Board of Directors authorizes Board Chair Nathan Triplett and Chief Executive Officer Bradley T. Funkhouser to execute lease, license and ticketing agreements between CATA and Indian Trails, as outlined above, on such other terms and conditions as the Board Chair and Chief Executive Officer deem necessary.

MOTION:

Doug Lecato motioned to have the Consent Agenda approved and Jennie Gies supported the motion.

DISCUSSION:

Doug Lecato inquired about the raise in insurance renewal fees.

Bradley Funkhouser stated that the hike in insurance premiums has been the result of CATA's insurance claims.

Pat Lemon, Compliance Officer concurred and stated that CATA had two (2) significant accident claims; one (1) in August 2019 and one (1) in September 2019 which potentially could cost millions.

ROLL CALL VOTE: The motion carried unanimously.

DISCUSSION AGENDA

- A. POLICY NO. 205 – DISPLAY OF ITEMS ON CATA PROPERTY AND VEHICLES – SECOND READING

PROPOSED MOTION: That the Board of Directors approves the Policy Committee’s recommended amendments to Policy No. 205, regarding the display of items on CATA Property and Vehicles to allow for transit advertising and advertising revenue to help fund the operation of the system, and authorizes Chief Executive Officer, Bradley T. Funkhouser, to implement this program on such other terms and conditions that he deems appropriate.

MOTION:

Dusty Fancher motioned to approve Discussion Agenda A, POLICY NO. 205 – DISPLAY OF ITEMS ON CATA PROPERTY AND VEHICLES – SECOND READING and Dan Opsommer supported the motion.

DISCUSSION:

Chair Triplett explained that at the November Board meeting the Policy Committee recommended that the Board adopt Policy No. 205 with the one (1) revision to section 2.01 a) related to the alcoholic beverages. The motion presented to the Board is the second reading which includes the revision. The Board has two (2) options; one (1), to approve the policy on the second reading and policy will go into effect or two (2), to make more revisions and proceed into the next month for approval.

Bradley Funkhouser thanked legal counsel Lindsay Dangl, Lolo Robison and Board members for their patience.

Lolo Robison stated that the change to policy was requested from the October’s Board meeting.

Doug Lecato inquired about CATA’s federal funding being impacted from potential revenue generated from advertising sales.

Bradley Funkhouser stated the new advertising policy will open opportunities for CATA. He stated that advertising sales will allow CATA to use local funding outside of operating revenue or tax money to match other grants.

Doug Lecato inquired about the legal sales of medical marijuana in comparison to other pharmaceutical sales.

Bradley Funkhouser deferred to legal counsel, Lindsay Dangl.

Lindsay Dangl stated that medical marijuana will be treated like any other marijuana product which falls under the tobacco and marijuana substance provision of the policy which states “legal or otherwise”.

Dusty Fancher elaborated on Doug Lecato’s question regarding the advertising revenue being an operating expense. She stated that, if operating expenses are eligible, then CATA would use state dollars to match grants and not federal dollars. Either way, CATA would need to bring in a lot of revenue from advertising before for any grant money would be affected.

Bradley Funkhouser stated that CATA will look into the possibility of grants being affected by generated revenue.

Jennie Gies inquired about the classification of vaping under tobacco.

Lindsay Dangl replied that vaping is referenced under the tobacco policy.

Derek Melot voiced his concern that the advertising policy is too restrictive and therefore limits CATA’s potential revenue. He stated that he will approve the motion as long as the Board agrees to come back within a year in order to review the collected data.

Mark Grebner inquired about the Board being included on any major advertising decisions including shelter advertising and rebranding routes.

Bradley Funkhouser stated that the advertising policy is a complex process which includes many steps. He will come back to Board as issues develop.

Shanna Draheim inquired about CATA sitting down with city officials in order to discuss advertising opportunities. She stated that she and Jack Schmitt have spoken to the mayor of East Lansing and the city is open to advertising.

Bradley Funkhouser stated there will be more communication between city leaders and CATA. CATA will continue to have direct involvement from the surrounding communities and city leaders.

Doug Lecato referenced Section 3.02 of the advertising policy to help answer Derek Melot’s previous inquiry and inquired about a project manager.

Bradley Funkhouser stated that the project manager will be CATA’s Director of Marketing and Customer Experience, Lolo Robison. He and Lolo will work together with contractors and vendors throughout the advertising process.

Dion’trae Hayes expressed her issue with the word “direct” in the alcohol advertising portion of the policy.

Lindsay Dangl stated that due to the open meeting format that her recommendations

are confidential. The current advertising policy allows for indirect photographs of alcoholic beverages; however, prohibits the direct sales of alcoholic beverages.

Dion'trae Hayes clarified that the policy's language prohibits the direct sales of alcohol yet, does not impact the imagery.

Lindsay Dangl confirmed Dion'trae Hayes's statement.

Robin Lewis stated that she approves the idea of advertising and will watch for more revisions within a year.

Dusty Fancher stated that the Policy Committee will bring the advertising policy back in one (1) year to review the pros and cons.

Mark Grebner stated that he was the first client to buy advertising from CATA years ago.

Derek Melot expressed his views concerning the one (1) year policy review.

Shanna Draheim stated that including a date for review in the motion will ensure that the advertising policy is, in fact, reviewed.

Dusty Fancher clarified that she would like two (2) separate motions.

Mark Grebner inquired about contracts being affected by the review in a year and supported Derek Melot's concerns.

Dion'trae Hayes stated that she cannot support the advertising policy as currently written. She then referenced an article from the John Hopkin's medical report stating the negative effects that alcohol has on the African-American youth.

Robin Lewis referenced line 2.01 a) and 2.01 b) where "direct sale" is included in alcohol but not in tobacco or marijuana products.

Lindsay Dangl stated that the language written was approved by the Policy Committee.

Robin Lewis inquired about the word "direct" being removed.

Shanna Draheim gave an explanation on behalf of the Policy Committee.

Jennie Gies gave an example of alcohol imagery in an advertising ad.

Lindsay Dangl stated that every ad is based on interpretation.

Mark Grebner voiced his concern for removing the word "direct" in that it would limit too many potential vendors. He also stated that the Board and CEO, Bradley

Funkhouser, have the power to reject any ad and/or can request for an ad to be edited.

Dion'trae Hayes stated that there is a reason for policies and procedures to be in place. It is important for the written advertising policy to reflect those policies.

Chair Triplett echoed Mark Grebner's suggestions to implement a review of the advertising policy within one (1) year.

ROLL CALL VOTE: The motion carried with Shanna Draheim, aye; Dusty Fancher, aye; Jennie Gies, nay; Mark Grebner, aye; Dion'trae Hayes, nay; Doug Lecato, aye; Robin Lewis, aye; Derek Melot, aye; Dan Opsommer, aye; John Prush, abstained; Jack Schmitt, aye and Nathan Triplett, aye.

MOTION:

Dusty Fancher motioned to review the effectiveness of POLICY NO. 205 – DISPLAY OF ITEMS ON CATA PROPERTY AND VEHICLES within one (1) year to the date of adoption and Dan Opsommer supported the motion.

DISCUSSION:

Shanna Draheim inquired about stating a specific date for review.

Lindsay Dangl stated that the motion should read, "within one year."

Robin Lewis suggested, "no later than November."

Chair Triplett stated, "no later than one year of today."

Dusty Fancher agreed with Char Triplett's recommendation.

Doug Lecato mentioned to review the various types of advertising submitted to CATA within a year.

Dusty Fancher stated that the Policy Committee and CATA will continue to track data and collect statistics in order to make the necessary edits at the one (1) year review.

Dion'trae Hayes requested an offline meeting to discuss metrics with Chairman Triplett, Dusty Fancher, Bradley Funkhouser and Lolo Robison.

Robin Lewis requested that the one (1) year review include issues with the advertising policy recorded by demographics. She expressed her concern that the advertising policy be handled correctly within the African-American community.

ROLL CALL VOTE: The motion carried unanimously.

Chair Triplett thanked everyone for enduring the challenges put forth. He looks forward on seeing progress with the advertising policy and the review in one (1) year.

OLD BUSINESS:

None

NEW BUSINESS:

None

PUBLIC COMMENT:

Deb Parrish thanked Bradley Funkhouser on the COVID-19 policy and hopes that the numbers will not increase.

Chair Triplett clarified that due to the ICHD being overwhelmed, they will not perform contact tracing. CATA will do their own contact tracing and will inform employees of potential exposures as cases occur.

Bradley Funkhouser confirmed and stated that CATA will continue to try and ensure everyone's safety.

Doug Lecato thanked everyone for their hard work on the safety plan.

**EXECUTIVE SESSION REGARDING UNION LABOR AGREEMENT
NEGOTIATIONS**

PROPOSED MOTION: That this Board meeting go into closed session, pursuant to MCL 15.268(c), for a strategy session in connection with negotiation of a collective bargaining agreement with the Union, ATU, Division 1039, and that following such closed session, this Board meeting return to open session for completion of the Agenda.

MOTION:

Dusty Fancher motioned to go into closed session and Doug Lecato supported the motion.

ROLL CALL VOTE: The motion carried unanimously.

ADJOURNMENT

There was no further business Chair Triplett adjourned meeting at 5:49 p.m.

Respectfully Submitted,

Shanna Draheim
Secretary/Treasurer

Tina Orlando
Recording Secretary